

# **SUMMARY GUIDANCE ON THE NEW FOOD HYGIENE REGULATIONS FOR BUSINESSES (OTHER THAN RESTAURANTS, CATERERS AND BUSINESSES SELLING FOOD ONLY TO THE FINAL CONSUMER) MAKING OR HANDLING FOODS OF ANIMAL ORIGIN<sup>1</sup>**

## **A NOTE ON THIS GUIDANCE**

**This guidance is intended to help you to understand the most significant requirements of the new hygiene legislation. It is intended to be used with the legislation and with the more comprehensive FSA guidance (see “Details” below).**

## **INTRODUCTION**

1. If you run or intend to start up a business which makes or handles food of animal origin, you must comply with hygiene rules to make sure it has been produced safely. These rules are changed from 1 January 2006. While many of the rules did not change from the previous requirements, there are some differences.
2. The new rules (described at the end of this guide) bring all the hygiene requirements for products of animal origin together, rather than having separate, sector-specific requirements. This guidance outlines what the law requires you to do and gives links to where you can get additional guidance to help you. More detailed guidance on the requirements of the new food hygiene legislation is contained in “FSA guidance on the requirements of food hygiene legislation” (see “Details” below).
3. While this guidance is not legally binding, it does nevertheless represent the considered views of the Agency and is issued for the purpose of providing advice and information to food businesses about the new food hygiene rules. But only the courts can give a definitive view on the law.
4. If you make or handle products of animal origin (other than selling them only to the final consumer) your premises normally have to be approved. These rules are described in “FSA guidance on the requirements of food hygiene legislation” (see “Details” below). You need to put an identification mark on your products, (or a health mark in the case of red meat carcasses - see paragraph 9 with regard to health marks) . You have to comply with the general hygiene requirements and some specific requirements which vary depending on the types of product you make. You also have to put in place food safety management procedures based on the HACCP principles.
5. Some foods which were previously covered by specific requirements for foods of animal origin are now subject only to the more general requirements of the regulations. These are foods containing both products of

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<sup>1</sup> Fresh meat (mechanically separated meat, minced meat, meat products, meat preparations, shellfish, fish and fishery products, milk and dairy products, eggs and egg products, rendered animal products and miscellaneous products including frogs legs and snails. For precise definitions, please see the Regulations.

plant origin and processed products of animal origin. Premises which make such foods do not need to be approved, nor do they need to put an identification mark on those foods. However, the processed products of animal origin used to prepare such food have to comply with the specific requirements described in paragraph 4 above. For example, if you assemble frozen pizzas using tomatoes, ham, cheese and anchovies, your pizza is not a product of animal origin and does not have to comply with those requirements. However, the ham, cheese and anchovies will have had to originate from approved premises which comply<sup>2</sup>. (e.g. if you produce the ham, you must comply with the requirements for meat production and be approved for this activity.)

6. More detailed guidance to help you identify whether your food business needs to comply with requirements for products of animal origin can be found in Annex D of “FSA guidance on the requirements of food hygiene legislation”.

## **APPROVAL OF YOUR PREMISES**

7. Food business establishments that produce food of animal origin must, with some exceptions, be approved by the competent authority. If your establishment needs approval, you do not need to register it as well. New approvals under the new legislation replace previous approvals and meat plant licences. If your establishment is already approved or has a meat plant licence, it will need to be re-assessed for approval under the new Regulations. However you will be able to continue your business until such time as the enforcement authority carries out this reassessment. If you set up a new business, you need to apply to the relevant enforcement authority for approval before you can trade. Details on who to contact are in Annex B of “FSA guidance on the requirements of food hygiene legislation”.

8. If your business is:

- one that only supplies wild game meat for the domestic market; or
- one that cuts meat for supply to other establishments, including caterers, in excess of the “marginal” threshold (see Annex H of “FSA guidance on the requirements of food hygiene legislation” for further details); or
- one that produces minced meat and meat preparations for the domestic market; or
- a cold store for meat that had no licence requirement, or,
- an establishment that grades or packs eggs.

and has previously required only registration, it will now need to be approved, by the FSA in the first two cases and by the food authority in the third, fourth and fifth unless co-located with a slaughterhouse, cutting plant or game handling establishment, in which case it will also be approved by the FSA, rather than the food authority.

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<sup>2</sup> Which could be your premises, should you process foods of animal origin, prior to you making foods containing both processed products of animal origin and of plant origin.

## IDENTIFICATION MARKING

9. Red meat (including farmed game, large wild game carcasses and wholesale cuts) have to bear a health mark, applied under the responsibility of the official veterinarian. In all other cases, products of animal origin had to bear an ID mark, showing the approval number or licence number of the premises. The rules concerning ID marks are contained in Article 5 and Annex II, Section I of Regulation (EC) No 853/2004. A period of transition has been established during which old marks and pre-printed packaging and wrapping can be used up. This is described in more detail in Annex I of “FSA guidance on the requirements of food hygiene legislation”.

## HYGIENE REQUIREMENTS

10. In order to produce food safely, you must ensure that the place and the way it is produced is hygienic. You must make sure that your establishment is kept clean and is properly equipped and maintained. Foods must be hygienically handled. Staff must be appropriately supervised, and be instructed and/or trained in food hygiene matters so that they can carry out their work hygienically. Those responsible for developing and maintaining the procedure referred to in paragraphs 12 and 13 below need to have received adequate training. Annex II of Regulation (EC) No 852/2004 describes in general the requirements you need to meet. Regulation (EC) No 853/2004 sets out particular further requirements for different products, as follows:

Slaughter, dressing and cutting of meat	Annex III	Sections I-IV
Minced meat, Meat preparations etc.	Annex III	Section V
Meat products	Annex III	Section VI
Live bivalve molluscs	Annex III	Section VII
Fishery products	Annex III	Section VIII
Raw milk and dairy products	Annex III	Section IX
Eggs and egg products	Annex III	Section X
Frogs legs and snails	Annex III	Section XI
Rendered animal fats and greaves	Annex III	Section XII
Treated stomachs, bladders and intestines	Annex III	Section XIII

Gelatine	Annex III	Section XIV
Collagen	Annex III	Section XV

11. The FSA publishes a wide range of guidance to help you make food safely. FSA guidance and where to find it is set out in Annex B to “FSA guidance on the requirements of food hygiene legislation” Further information may also be available from your Local Authority or trade associations (if you are a member).

## **MANAGING FOOD SAFETY**

12. Producing food safely doesn’t happen by accident. You need to manage the process in order to protect your customers and your reputation and to comply with the law. The hygiene rules require you to have in place food safety management procedures based on the HACCP principles. For some sectors this was already a legal requirement.

13. The procedures you operate will need to demonstrate to your enforcement officer that;

- Hazards to food safety which might be present within your business are identified (“What can go wrong, when and where?”).
- Controls are in place to deal with these hazards. (“What can I do about it and where?”)
- Controls are carried out and checked. If something goes wrong everyone is clear what to do about it and then does it. (“What is acceptable?” “How can I check?” “What can I do about it?”)
- Procedures are kept up to date (“If I change my way of preparing food, do I need to change my food safety controls?”).
- Documents are kept which are necessary to show what the procedures are, (“What documents should I keep to show what my procedures are?”).
- Records necessary to show the procedures are working are kept (“What records should I keep to show my procedures are working and any problems have been put right?”)

The precise requirements can be found in Article 5 of Regulation (EC) No 852/2004. In addition, procedures in slaughterhouses have to comply with Annex II, Section II of Regulation (EC) No 853/2004.

14. General FSA advice on food safety management can be found on the web site at [www.food.gov.uk/foodindustry/hygiene](http://www.food.gov.uk/foodindustry/hygiene), as can further help for

businesses on producing food safely. Guidance for meat plants can be found at: [www.food.gov.uk/foodindustry/meat/draftguidehygienemeat](http://www.food.gov.uk/foodindustry/meat/draftguidehygienemeat).

## **GOOD PRACTICE GUIDES**

15. The food hygiene regulations provide for the development of guides to good practice for hygiene and the application of HACCP principles. Food business operators may use these guides as a voluntary aid to compliance with their obligations under the food hygiene legislation. Enforcement officers must take account of these particular guides when assessing compliance with food law. Further information on good practice guides and their development can be found on the FSA website at [www.food.gov.uk/foodindustry/hygiene/goodpractice](http://www.food.gov.uk/foodindustry/hygiene/goodpractice).

## **DETAILS**

The rules referred to in this guidance are contained in:

- Regulation (EC) No 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs; and
- Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin

In addition, specific requirements for the official control of products of animal origin are laid down in:

- 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.

This legislation was published in the Official Journal of the European Union of 30 April 2004, L139. Corrected versions were published in the Official Journal Of the European Union of 25 June 2004, L226.

In addition, a number of more detailed measures, including implementing and transitional measures have been published. These are:

- Commission Regulation (EC) No. 1688/2005 implementing Regulation (EC) No. 853/2004 of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs;
- Commission Regulation (EC) No. 2073/2005 on microbiological criteria for foodstuffs;
- Commission Regulation (EC) No. 2074/2005 laying down implementing measures for certain products under Regulation (EC) No. 853/2004, for the organisation of official controls under Regulations (EC) Nos. 854/2004 and 882/2004, derogating from Regulation (EC) No. 852/2004 and amending Regulations (EC) Nos. 853/2004 and 854/2004;
- Commission Regulation (EC) No. 2075/2005 laying down specific rules on official controls for *Trichinella* in meat; and
- Commission Regulation (EC) No. 2076/2005 laying down transitional arrangements for the implementation of Regulations (EC) No. 853/2004, (EC) Nos. 854/2004 and 882/2004 of the European Parliament and of the Council and amending Regulations (EC) Nos. 853/2004 and 854/2004.

Regulation 1688/2005 was published in the Official Journal of the European Union of 15 October 2005, L271. Regulations 2073/2005, 2074/2005, 2075/2005 and 2076/2005 were published in the OJ of 22 December 2005, L 338.

Copies of the EC Regulations in pdf format can be accessed from the Food Standards Agency's website at:

[www.food.gov.uk/foodindustry/regulation/europeleg/eufoodhygieneleg/](http://www.food.gov.uk/foodindustry/regulation/europeleg/eufoodhygieneleg/)

Copies of the Official Journal can be accessed from the European Union's website at:

[www.europa.eu.int/eur-lex/lex/JOIndex.do?ihmlang=en](http://www.europa.eu.int/eur-lex/lex/JOIndex.do?ihmlang=en)

This legislation is applied in the UK by:

- The Food Hygiene (England) Regulations 2006 (SI 2006/14)
- The Food Hygiene (Scotland) Regulations 2006 (SSI 2006/3)
- The Food Hygiene (Wales) Regulations 2006 (SI 2006/31 (W.5))
- The Food Hygiene Regulations (Northern Ireland) 2006 (SR 2006/3)

Copies are obtainable from the Office of Public Sector Information. You can access these from the website at:

[www.opsi.gov.uk](http://www.opsi.gov.uk)

Detailed guidance is contained in “FSA guidance on the requirements of food hygiene legislation” which is available on the FSA web site at:

<http://www.food.gov.uk/multimedia/pdfs/fsaguidefoodleg.pdf>