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CAOBISCO comments on the draft EU Regulation on Hygiene

CAOBISCO congratulates the Commission on the efforts undertaken to revise, simplify and consolidate the different pieces of legislation existing on hygiene into one single Regulation.

Nevertheless, after meticulous examination of the draft Regulation, CAOBISCO would like to make a few comments.

Firstly and in general, CAOBISCO has noticed significant differences between the different linguistic versions of the draft text.

In the preamble, a principle of flexibility is set out. It is stated that special treatment could be applied for some traditional products or certain small and medium enterprises. CAOBISCO feels that this type of provision could open the door to a certain abuse. Indeed, in cases of food crisis the size of the company is of little importance. Food safety has to be of absolute priority for all companies of the agri-food sector whatever their size or geographical situation.

Article 2 of the draft Regulation proposes a series of definitions. CAOBISCO believes that it is of primary importance for these definitions to be as clear as possible so as to limit the risks of wrong interpretation.

CAOBISCO would like to point out that our products are composite products and therefore should not be considered as a product from e.g. the dairy sector. Indeed when applying HACCP, all steps in the production of CAOBISCO products are being considered and they may be very different from those in the dairy product.

CAOBISCO would like to stress that the word “hygiene” could be better defined. In fact, a foodstuff for human consumption and a foodstuff meeting the hygiene conditions are two very different products. It seems important to widen the definition set out in the draft. In CAOBISCO’s view, hygiene incorporates the measures and conditions necessary to control the safety and edibility of food, i.e. after verification that a foodstuff is safe to eat and suitable for consumption. A foodstuff is safe if it does not represent any danger to the consumer when its preparation or its consumption have been carried out in accordance with the initial conditions. A foodstuff is wholesome or suitable for consumption if it has been prepared in a clean environment and does not contain any foreign matter such as pieces of insects.

The concept of “food sector company” is also badly defined and can lead to confusion.

The definition of packaging is new. CAOBISCO feels that it would be more appropriate to talk about primary and secondary packaging.

CAOBISCO feels that the definition of “hermetically sealed recipient” is restrictive since some plastic containers used by CAOBISCO’s sectors are microbiologically safe but are not hermetically sealed.

CAOBISCO supports the provision set out in article 5, which foresees the setting up of the HACCP system. However, we feel that point 3 of this article, which stipulates that producers should keep documents for the inspection authorities for the duration of the shelf-life of the product, is not clear. It would be useful to question how the producers whose products have no allotted shelf-life, or which have many years of shelf-life, such as confectionery, could fulfil this requirement.

In addition, the draft does not specify either whether the producers of finished products should keep the documentation for all raw materials and ingredients which they use, or if each one in the chain should be responsible for keeping the documents. CAOBISSCO is in favour of the cascade principle, i.e. each link in the chain is responsible for conservation of the documents.

Also regarding point 3 of art. 5, CAOBISSCO would like the word “control” in the English version to be changed to “audit” or “checking”.

Article 6 provides for the possibility of setting the microbiological criteria and objectives and/or performance standards. CAOBISSCO feels that if such criteria have to be set, it is preferable for them to be set at a European level rather than at national level. Nevertheless, the concept of criteria as mentioned is not clear. This article can refer to several types of criteria, either in relation to the manufacturing process (e.g.: treatment of milk for 20 seconds) or in relation to quality. CAOBISSCO would like the Commission to clarify this point.

CAOBISCO supports the provisions set out in article 7 providing for the recognition of the European Guide of Good Practice. CAOBISSCO would like national guides to be inapplicable once a European guide is introduced which covers the same operations.

CAOBISCO is opposed to article 9 of the draft, which provides for the registration of food sector companies. A lot of information has already been delivered. Such a measure would be of no benefit to the ultimate consumer and would not contribute any value added while resulting in disproportionate costs. CAOBISSCO feels that more appropriate means exist for implementing traceability.

Article 10 concerns the withdrawal of products where there is grave risk to consumer health, CAOBISSCO believes that this type of measure should include reference to the General Food Safety Product directive.

Concerning article 11 on official controls, CAOBISSCO notes that no rule on respecting confidentiality is foreseen. CAOBISSCO would like the Commission to include this concept.

CAOBISCO is firmly opposed to article 12 of the draft, which imposes hygiene measures on foodstuffs imported into the European Community. CAOBISSCO feels that it is impossible to impose this type of measure on countries producing cocoa and other tropical raw materials. Furthermore, such a measure is likely to result in serious disputes in the WTO.

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