

GUIDELINES

FOR THE DEVELOPMENT OF COMMUNITY GUIDES TO GOOD PRACTICE FOR HYGIENE OR FOR THE APPLICATION OF THE HACCP PRINCIPLES, IN ACCORDANCE WITH ARTICLE 9 OF REGULATION (EC) NO 852/2004 ON THE HYGIENE OF FOODSTUFFS AND ARTICLE 22 OF REGULATION (EC) NO 183/2005 LAYING DOWN REQUIREMENTS FOR FEED HYGIENE.

Article 9 of Regulation (EC) No 852/2004 on the hygiene of foodstuffs and Article 22 of Regulation (EC) No 183/2005 laying down requirements for feed hygiene provide for the development, assessment, dissemination and periodical review of Community guides to good practice for hygiene or for the application of HACCP principles.

Guides to good practice have the potential to play an important role in supporting effective application of the new EC hygiene regulations and the Commission encourages the EU feed and food business sectors to take the initiative to develop such guides.

Guides to good practice are not legally binding. Where such guides exist, feed and food business operators may use them on a voluntary basis as an aid to compliance with their obligations under the hygiene regulations (Regulations 852/2004, 853/2004, 183/2005 and related implementing measures).

Where a feed or food business is using a Community guide or a National guide established in accordance with Community legislation, the competent authorities should take it into account during enforcement activity (Article 10(2)(d) of Regulation 882/2004).

➤ 1. Consultation of the Committee (SCFCAH)

Article 9(1) of Regulation (EC) No 852/2004 and Article 22(1) of Regulation (EC) No 1831/2003 state that, before Community guides to good practice are developed, the Commission shall consult the Standing Committee on the Food Chain and Animal Health (SCFCAH). The objective of this consultation shall be to consider the case for such guides, their scope and subject matter.

Guideline

- The feed and food business sector is in principle responsible for taking the initiative for developing a Community guide to good practice. For this purpose, a request should be submitted to the Commission (DG SANCO-E.2), accompanied with: an initial proposal where the scope, the sectors and type of businesses to be covered is specified; an overview of the content and structure proposed for the guide; the composition of the working group that will draft the guidelines and procedures adopted to ensure the involvement or consultation of all interested parties; a time table for the development of the draft guidelines and any other relevant information.
- In order to be eligible, the proponent body should demonstrate to be widely representative of the concerned feed or food business sector at EU level.
- The Commission submits the requests to the SCFCAH, together with an explanatory note briefly explaining the nature of the request.
- Based on the information provided by the feed or food business sector, the Commission, in consultation with the SCFCAH, will consider whether the proposal for the development of a Community guide is appropriate and inform the feed or food business sector accordingly. The Commission may request the feed or food business sector to revise a proposal.

➤ 2. Development of Community guides

Article 9(2) of Regulation (EC) No 852/2004 and Article 22(2) and (3) of Regulation (EC) No 183/2005 state that when Community guides are prepared, the Commission shall ensure that they are developed and disseminated:

- by or in consultation with appropriate representatives of European feed and food business sectors, including SMEs, and other interested parties, such as consumer groups;
- in collaboration with parties whose interests may be substantially affected, including competent authorities;
- having regard to relevant codes of practice of the *Codex Alimentarius*;
- when they concern primary production of feed, taking into account the requirements set out in Annex I of Regulation (EC) No 183/2005, and
- when they concern primary production of food and those associated operations listed in Part A of Annex I of Regulation (EC) No 852/2004, having regard to the recommendations set out in Part B of that Annex I.

Guideline

- The Commission will monitor the guide development process and in particular that:
 - the drafting working group conforms to the above mentioned criteria and, specifically, how competent authorities of the Member States, all interested parties, including representatives of SMEs and consumers groups are involved or consulted;
 - the relevant codes of practice of the *Codex Alimentarius* are taken into consideration in the preparation of the guide.
- Consultation with appropriate representatives of European feed and food business sectors, including SMEs, and other interested parties, such as consumer groups could be facilitated by sending the draft guide to the appropriate representatives within the Advisory Group on the Food Chain and Animal and Plant Health. See:

http://ec.europa.eu/comm/food/committees/advisory/index_en.htm

➤ 3. Assessment and recognition of Community guides

Article 9(3) of Regulation (EC) No 852/2004 and Article 22(4) of Regulation (EC) No 183/2005 require the SCFCAH to assess Community guides to ensure:

- a) they have been developed in accordance with the above mentioned criteria;
- b) their contents are practicable for the sector to which they refer throughout the Community;
- c) they are suitable as guides to compliance with Articles 3 (general obligation), 4 (general and specific hygiene requirements) and 5 (HACCP) of Regulation (EC) No 852/2004 in the sectors and for the foodstuffs covered, and
- d) they are suitable as guides to compliance with Articles 4 (general obligations), 5 (specific obligations) and 6 (HACCP) of Regulation (EC) No 183/2005 in the sectors and/or for the feeds concerned.

Guideline

- The SCFCAH is responsible for assessing Community guides to good practice before their recognition by the Commission.
- For that purpose, the draft Community guide prepared by the working group should be sent by the concerned feed or food business sector to the Commission and submitted by the Commission to the SCFCAH;
- For the assessment the SCFCAH will take into account all the criteria indicated above and verify whether relevant hazards have been properly analysed and addressed.
- Where necessary, the draft guides are assessed against national guides covering the same field.
- The SCFCAH may request the Commission to organise a panel of experts for assisting in the guide assessment work. The SCFCAH may also designate a Member State as rapporteur for a preliminary assessment within a mini-group comprising some Member States and the Commission services.
- Based on the results of the SCFCAH assessment, the Commission may request the feed or food business sector to revise the proposal.
- The assessment may also include a period of public consultation. In this case, the Commission will publish the draft proposal in a dedicated page of DG SANCO web-site giving the possibility for any interested party to submit comments.
- Once the assessment is completed, the Commission will inform the feed or food business sector accordingly and, in case of favourable assessment, will proceed to the publication of the title and references of the guide.

➤ 4. Review of Community guides

Article 9(4) of Regulation (EC) No 852/2004 and Article 22(5) of Regulation (EC) No 1831/2003 state that the Commission shall invite the SCFCAH periodically to review any Community guides in cooperation with the interested bodies.

Guideline
<ul style="list-style-type: none">➤ Community guides are subject to periodical review.➤ Where there is a need to review and update a guide, the responsible feed or food business sector will inform the Commission.➤ The Commission, on its own initiative or at the request of the Member States within the SCFCAH, may also request the responsible feed or food business sector to review and update the guide.➤ Assessment procedures remain the responsibility of the SCFCAH.

➤ 5. Publication and dissemination

Article 9(5) of Regulation (EC) No 852/2004 and Article 22(6) of Regulation (EC) No 1831/2003 state that the title and references of Community guides shall be published in the C series of the *Official Journal of the European Union*.

Guideline
<ul style="list-style-type: none">➤ Once a Community Guide is recognised by the Commission, the title and reference will be published in the C series of the Official Journal of the European Union. The Commission will also make the guide publicly available on a dedicated page of DG SANCO web site.➤ The dissemination of the guide is under the main responsibility of the concerned feed or food business sector. However, on request and within the limit of resources available, the Commission may consider the possibility to offer support in order to contribute to dissemination of such guides, in particular, for the translation, for production of a sufficient number of copies (hard copies, CD ROM, etc.), for publicity and distribution.