

**COMMISSION OF THE EUROPEAN COMMUNITIES**

COM(93) 219 final - SYN 370

Brussels, 19 May 1993

Re-examined proposal for a

COUNCIL DIRECTIVE

on the Hygiene of Foodstuffs

(presented by the Commission pursuant to Article 149.2(d)  
of the EEC treaty)

Explanatory Memorandum

The proposal regards a horizontal Directive relating to foodstuffs and undertakings which deal with foodstuffs.

The Commission adopted the proposal on 10 January 1992. It was sent to the Council on 14 January 1992.

The Committee on the Environment, Public Health and Consumer Protection delivered its opinion on 25 September 1992, incorporating also the opinion of the Committee on Economic and Monetary Affairs and Industrial Policy, delivered on 15 April 1992.

The opinion of the Economic and Social Committee was voted on 26 May 1992.

The opinion of the European Parliament was adopted on 29 October 1992. The Commission adopted a modified Proposal on 10 December 1992. The Council adopted the Common Position on 17 December 1992.

The European Parliament received the Common Position on 11 February 1993.

At its Plenary Session, on 20 April 1993, the European Parliament voted a recommendation ( document A3-0126/93-PE 204.176 def.) introducing 11 amendments. (14 amendments were tabled, amendments 1 and 2 were rejected and amendment 13 was annuled)

Amendment 3 Proposes to consolidate the specific Community food hygiene rules under this Directive

The Commission did not accept beforehand the idea of consolidation when the study, to which the Commission has committed itself, has not been finished. It therefore rejected the amendment.

Amendment 4 Requires risk-related frequency of inspection for all food businesses

The Commission accepted the principle of risk-related inspections (the first part of the amendment) but rejected the proposed minimum interval of 2 years, which is not meaningful in all situations.

Amendment 5 Control of foodstuffs imported into the Community

The amendment refers to the obligation for the competent authorities to control whether imported foodstuffs comply with the general requirement formulated in article 3.1 of the Directive and not to the more specific requirements of paragraphs 2 and 3, which cannot be controlled. The Commission accepted this amendment.

Amendment 6 Asks Commission to undertake a study on Community-wide standards for education and training of food handlers. Changes the provision in the Annex on training into an article.

The Commission is prepared to undertake a study of current levels of education, training and qualifications on the principles of microbiology and food hygiene and to report to Parliament within 2 years about the results. The Commission is not in favour of Community-wide standards, this being far too detailed and against the principle of the Directive. By leaving this provision in the Annex, additional requirements on training in the various food business sectors may be formulated in the form of guides to good hygiene practice. The Commission rejected the amendment.

Amendment 7 Opens the possibility for the competent authorities to close part of the undertaking.

Commission accepted this amendment: the Article makes it already possible to close the whole of the undertaking.

Amendment 8 Gives the undertaking the right to compensation if, on appeal, it is found that incorrect action has been enforced.

The Commission rejected this amendment, this being a matter for the national law-giver to decide upon. Moreover it can be argued that the hygiene Directive is not the one in which to regulate this.

Amendment 9 Requires as far as reasonably practicable protection against external sources of contamination.

The Commission rejected this amendment because the word "protection" in the text covers sufficiently the meaning of this amendment so that the addition of the words "as far as reasonably practicable" is superfluous.

Amendment 10 Adds to chapter 1 of the Annex the requirement that provisions for washing food must be separate from the hand washing facility.

The Commission accepted this amendment on condition that the words: When necessary are added.

Amendment 11 Requires where appropriate every person working in a food handling area to wear suitable clothing.

Commission accepted the amendment (with editorial changes). The addition of the word "where appropriate" made the amendment acceptable.

Amendment 12 Requires specific storage conditions for packaging materials.

The Commission rejected this amendment. It is unnecessary as adequate rules for packaging materials are mentioned in Chapter V of the Annex.

Amendment 14 Requires that all other linguistic versions of paragraph 2 of chapter IV of the Annex be brought into line with the French version.

The French text is the one the Commission prefers and it therefore accepted the amendment.

Reexamined proposal for a  
Council Directive  
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The Commission did not agree to the proposed change of Article 14. The Commission maintains its proposal thereto and subject to the following amendments, the Commission is in agreement with the common position stated in Council document n° 10883/1/92.

1. Add the following subparagraph to Article 8 paragraph 2 (a)

Member States shall provide that all food premises are inspected at a frequency which has regard to the risk associated with the premises.

2. Change article 8 paragraph 3 as follows.

The competent authorities shall ensure that controls on foodstuffs imported into the Community are carried out in accordance with Directive 89/397EEC for the purpose of ensuring that the relevant provisions of Article 3.1 and, where appropriate, any provisions laid down pursuant to Article 4, are being observed.

3. Change Article 9 paragraph 1 as follows.

If while carrying out the controls referred to in Article 8, the competent authorities ascertain that failure to comply with the provisions of Article 3, or where appropriate, any provisions laid down pursuant to Article 4 might result in risks to the safety or wholesomeness of foodstuffs they shall take appropriate measures, which may extend to the withdrawal and/or the destruction of the foodstuff or to the closure of all or part of the undertaking for an appropriate period of time.

4. Change Chapter I paragraph 4 of the Annex as follows.

Washbasins for cleaning hands must be provided with hot and cold running water, materials for cleaning hands and for hygienic drying. When necessary the provisions for washing food must be separate from the hand washing facility.

5. Change Chapter IV paragraph 2 of the Annex as follows.

Such receptacles in vehicles and/or containers must not be used for transporting anything other than foodstuffs where this may result in contamination of foodstuffs.

Bulk foodstuffs in liquid, granular or powder form must be transported in receptacles and/or containers/tankers reserved for the transport of foodstuffs. Such containers must be marked in a clearly visible and indelible fashion, in one or more Community languages, to show that they are used for the transport of foodstuffs, or must be marked "for foodstuffs only".

6. Change Chapter VIII paragraph 1 of the Annex as follows.

Every person working in a food handling area shall maintain a high degree of personal cleanliness and where appropriate shall wear suitable, clean, protective clothing.

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