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Regulation (EEC) No 684/92	Regulation (EC) No 12/98	This Regulation
Article 16(3)		Article 23(1) amended
Article 16(4)		Article 23(2) amended
Article 16(5)		Article 25
		Article 24(1) new
	Article 11(2)	Article 24(2)
	Article 11(3)	Article 24(2)
	Article 11(4)	-
	Article 12	Article 23, Article 24
	Article 13	-
Article 16a		-
Article 17		-
Article 18		Article 26
Article 19	Article 14	Article 28
-	-	Article 30
Article 21		Article 31
Article 22	Article 15	Article 32
Annex I		Annex I
		Annex II new

Hygiene of foodstuffs ***I

P6_TA(2008)0250

European Parliament legislative resolution of 5 June 2008 on the proposal for a regulation of the European Parliament and of the Council amending Regulation No 11 concerning the abolition of discrimination in transport rates and conditions, in implementation of Article 79(3) of the Treaty establishing the European Economic Community and Regulation (EC) No 852/2004 of the European Parliament and the Council on the hygiene of foodstuffs (COM(2007)0090 — C6-0211/2007 — 2007/0037B(COD))

(2009/C 285 E/20)

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2007)0090),
- having regard to Article 251(2) and Article 152(4)(b) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0211/2007),

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- having regard to the decision of the Conference of Presidents of 5 July 2007 to authorise the Committee on the Environment, Public Health and Food Safety and the Committee on Transport and Tourism to draw up one legislative report each on the basis of the abovementioned Commission proposal,
 - having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
 - having regard to Rule 51 and 35 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety (A6-0143/2008),
1. Approves the Commission proposal, as regards the hygiene of foodstuffs, as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

P6_TC1-COD(2007)0037B**Position of the European Parliament adopted at first reading on 5 June 2008 with a view to the adoption of Regulation (EC) No .../2008 of the European Parliament and of the Council amending Regulation (EC) No 852/2004 on the hygiene of foodstuffs**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 and Article 152(4)(b) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾Having regard to the opinion of the Committee of the Regions ⁽²⁾,Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾,

Whereas:

- (1) Community policies on Better Regulation, in particular the *Communications* from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions entitled 'A strategic review of Better Regulation in the European Union' and 'Action Programme for Reducing Administrative Burdens in the European Union', stress the importance of reducing the administrative burdens imposed on enterprises by existing legislation as a crucial element for improving their competitiveness and for achieving the objectives of the Lisbon agenda.

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- (2) Article 5(1) of Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs ⁽⁴⁾ requires that all food business operators put in place, implement and maintain a procedure based on the Hazard Analysis Critical Control Point (HACCP) principles.

⁽¹⁾ OJ C 175, 27.7.2007, p. 37.

⁽²⁾ OJ C ...

⁽³⁾ Position of the European Parliament of 5 June 2008.

⁽⁴⁾ OJ L 139, 30.4.2004, p. 1; corrected version in OJ L 226, 25.6.2004, p. 3.

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- (3) Experience has shown that in certain food businesses, food hygiene can be ensured by the correct implementation of the food hygiene requirements laid down in Regulation (EC) No 852/2004 without having recourse to the HACCP system. The businesses concerned are in particular small businesses predominantly selling their products directly to the final consumer, such as bakeries, butchers, grocery shops, market stalls, restaurants, and bars, which are micro-enterprises within the meaning of Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises ⁽¹⁾.
- (4) It is appropriate therefore to provide an exemption to those businesses from the requirements of Article 5(1) of Regulation (EC) No 852/2004, it being understood that they must comply with all the other requirements of that Regulation,

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HAVE ADOPTED THIS REGULATION: ■

Article 1

(1) In Regulation (EC) No 852/2004, the following new recital shall be inserted:

'(15a) It is important that the competent authorities allow for the implementation of the flexibility provided for in this Regulation, especially in Article 5(2)(g) and (5), in particular in relation to businesses which are micro-enterprises within the meaning of Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises ().'*

() OJ L 124, 20.5.2003, p. 36.'*

(2) In Article 5(3) of Regulation (EC) No 852/2004, the following sentences shall be added:

'Without prejudice to the other requirements of this Regulation, food business operators may be exempted from the requirement to put in place, implement and maintain a permanent procedure or procedures based on the HACCP principles. This exemption shall apply only to enterprises, particularly micro-enterprises, within the meaning of || Recommendation 2003/361/EC || and the activities of which consist predominantly of the direct sale of food to the final consumer, and provided that the competent authority considers, on the basis of a regular hazard analysis, either that there are no hazards that must be prevented, eliminated or reduced to acceptable levels, or that identified hazards are sufficiently and regularly controlled through the implementation of general and specific food hygiene requirements laid down in Article 4(2) to (6) of this Regulation. In requiring evidence of compliance with the requirements laid down in Article 4(2) to (6), the competent authority shall take due account of the nature and size of the food business operator.'

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at ..., on

For the European Parliament
The President

For the Council
The President

⁽¹⁾ OJ L 124, 20.5.2003, p. 36.