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COMMISSION STAFF WORKING DOCUMENT

Accompanying document to 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**

**Impact Assessment Summary
(Regulation 852/2004 Food hygiene - Hazard Analysis and
Critical Control Point requirements)**

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Impact Assessment Summary

(Regulation 852/2004 Food hygiene - Hazard Analysis and Critical Control Point requirements)

Executive Summary

The proposal this Impact Assessment accompanies is part of the wide ranging administrative burden reduction exercise. Regulation (EC) No 852/2004 on food hygiene lays down that all food business operators shall put in place, implement and maintain a permanent procedure or procedures based on the HACCP principles. To be applied properly, the obligation to implement HACCP procedures requires a multidisciplinary team of staff that is capable of, for example, identifying hazards and critical control points, and that can establish critical limits and monitoring procedures at the critical points. These requirements may entail significant annual costs at EU-level (estimated to be € 220.000.000). Although for bigger businesses these costs may be less significant as they may represent only a fraction of overall costs, these requirements can be extremely costly and burdensome for smaller businesses (SMEs).

Due to the significant impact on SMEs that a strict application of the HACCP requirements would lead to and the fact that some businesses can provide the same level of hygienic protection by implementing all other requirements of Regulation (EC) No 852/2004, without there being a need to implement fully fledged HACCP procedures and despite a guidance document explaining the extent to which flexibility can be applied with regard to HACCP, there is a need for an exemption for some enterprises from all the HACCP requirements.

The main objective of this initiative is to contribute to the Lisbon strategy for growth and jobs, in particular by reducing the costs of doing business for SMEs in the food sector if the same adequate levels of hygienic protection can be maintained. The operational objective in this case is to ensure that information obligations do not disproportionately affect the day-to-day running of a business and that they are not disproportionately costly. The impact assessment considered three policy options to meet this end:

- Option 1** No-Policy Change
- Option 2** Exempting certain businesses from the HACCP requirements
- Option 3** Abolition of HACCP procedures for all businesses

Option 3 risks not fulfilling the fundamental objective of not lowering standards. Option 1 would not change the status quo, meaning the legal uncertainty regarding the existing guidance would persist and smaller businesses in several Member States would continue to incur unnecessarily high costs. Option 2 seems to offer the best way forward by combining exemptions for some smaller businesses in the food sector that can provide the same level of food hygiene protection by implementing all other requirements of Regulation (EC) No 853/2004 with a significant reduction of the administrative burden. It should be stressed that the available evidence indicates that food hygiene standards would not be lowered and that therefore these estimated cost savings are not offset by other, negative impacts elsewhere.