

Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs

CHAPTER I

GENERAL PROVISIONS

Article 1

Scope

1 This Regulation lays down general rules for food business operators on the hygiene of foodstuffs, taking particular account of the following principles:

- a primary responsibility for food safety rests with the food business operator;
- b it is necessary to ensure food safety throughout the food chain, starting with primary production;
- c it is important, for food that cannot be stored safely at ambient temperatures, particularly frozen food, to maintain the cold chain;
- d general implementation of procedures based on the HACCP principles, together with the application of good hygiene practice, should reinforce food business operators' responsibility;
- e guides to good practice are a valuable instrument to aid food business operators at all levels of the food chain with compliance with food hygiene rules and with the application of the HACCP principles;
- f it is necessary to establish microbiological criteria and temperature control requirements based on a scientific risk assessment;
- g it is necessary to ensure that imported foods are of at least the same hygiene standard as food produced in ^{F1}Great Britain], or are of an equivalent standard.

This Regulation shall apply to all stages of production, processing and distribution of food and to exports, and without prejudice to more specific requirements relating to food hygiene.

2 This Regulation shall not apply to:

- a primary production for private domestic use;
- b the domestic preparation, handling or storage of food for private domestic consumption;
- c the direct supply, by the producer, of small quantities of primary products to the final consumer or to local retail establishments directly supplying the final consumer;
- d collection centres and tanneries which fall within the definition of food business only because they handle raw material for the production of gelatine or collagen.

F²³

Textual Amendments

- F1** Words in Art. 1(1)(g) substituted (31.12.2020) by [The General Food Hygiene \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/642\)](#), regs. 1, **3(a)** (as substituted by [S.I. 2020/1504](#), regs. 1(2), **11(2)**); 2020 c. 1, **Sch. 5 para. 1(1)**

Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 852/2004 of the European Parliament and of the Council, CHAPTER I. (See end of Document for details)

F2 Art. 1(3) omitted (31.12.2020) by virtue of The General Food Hygiene (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/642), regs. 1, 3(b); 2020 c. 1, Sch. 5 para. 1(1)

Article 2

Definitions

- 1 For the purposes of this Regulation:
- a ‘food hygiene’, hereinafter called ‘hygiene’, means the measures and conditions necessary to control hazards and to ensure fitness for human consumption of a foodstuff taking into account its intended use;
 - b ‘primary products’ means products of primary production including products of the soil, of stock farming, of hunting and fishing;
 - c ‘establishment’ means any unit of a food business;
 - d ‘competent authority’ means the central authority^{F3} ... competent to ensure compliance with the requirements of this Regulation or any other authority to which that central authority has delegated that competence; it shall also include, where appropriate, the corresponding authority of a third country;
 - e ‘equivalent’ means, in respect of different systems, capable of meeting the same objectives;
 - f ‘contamination’ means the presence or introduction of a hazard;
 - [^{F4}g “potable water” means—
 - i as regards England, water meeting the requirements laid down in the Private Water Supplies (England) Regulations 2016;
 - ii as regards Wales, water meeting the requirements laid down in the Private Water Supplies (Wales) Regulations 2017;
 - iii as regards Scotland, water meeting the requirements laid down in the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017;]
 - h ‘clean seawater’ means natural, artificial or purified seawater or brackish water that does not contain micro-organisms, harmful substances or toxic marine plankton in quantities capable of directly or indirectly affecting the health quality of food;
 - i ‘clean water’ means clean seawater and fresh water of a similar quality;
 - j ‘wrapping’ means the placing of a foodstuff in a wrapper or container in direct contact with the foodstuff concerned, and the wrapper or container itself;
 - k ‘packaging’ means the placing of one or more wrapped foodstuffs in a second container, and the latter container itself;
 - l ‘hermetically sealed container’ means a container that is designed and intended to be secure against the entry of hazards;
 - m ‘processing’ means any action that substantially alters the initial product, including heating, smoking, curing, maturing, drying, marinating, extraction, extrusion or a combination of those processes;
 - n ‘unprocessed products’ means foodstuffs that have not undergone processing, and includes products that have been divided, parted, severed, sliced, boned, minced, skinned, ground, cut, cleaned, trimmed, husked, milled, chilled, frozen, deep-frozen or thawed;
 - o ‘processed products’ means foodstuffs resulting from the processing of unprocessed products. These products may contain ingredients that are necessary for their manufacture or to give them specific characteristics.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 852/2004 of the European Parliament and of the Council, CHAPTER I. (See end of Document for details)

- [^{F5}p “Food Safety Authority” means—
- i as regards England and Wales, the Food Standards Agency;
 - ii as regards Scotland, Food Standards Scotland;
- q “prescribed” means prescribed by regulations;
- r “appropriate authority” means—
- i in relation to England, the Secretary of State;
 - ii in relation to Wales, the Welsh Ministers;
 - iii in relation to Scotland, the Scottish Ministers.]

2 The definitions laid down in Regulation (EC) No 178/2002 shall also apply.

3 In the Annexes to this Regulation the terms ‘where necessary’, ‘where appropriate’, ‘adequate’ and ‘sufficient’ shall mean respectively where necessary, where appropriate, adequate or sufficient to achieve the objectives of this Regulation.

Textual Amendments

- F3** Words in Art. 2(1)(d) omitted (31.12.2020) by virtue of [The General Food Hygiene \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/642), regs. 1, **4(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Art. 2(1)(g) substituted (31.12.2020) by [The General Food Hygiene \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/642), regs. 1, **4(b)** (as amended by S.I. 2020/1504, regs. 1(2), **11(3)(a)**); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Art. 2(1)(p)-(r) inserted (31.12.2020) by [The General Food Hygiene \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/642), regs. 1, **4(c)** (as amended by S.I. 2020/1504, regs. 1(2), **11(3)(b)**); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the Regulation (EC) No 852/2004 of the european parliament and of the council, CHAPTER I.