



Food Safety
AUTHORITY OF IRELAND

CODE OF PRACTICE NO. 1

For the Health Service Executive on the Risk Categorisation of Food Businesses (Revision 1)

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I. INTRODUCTION

The Food Safety Authority of Ireland (FSAI) believes that Codes of Practice and Guidance Notes have a major role to play in helping both the regulators and the food industry achieve a higher degree of compliance with Regulations and with good practice generally. A good, well prepared Code of Practice must, if it is to achieve these objectives, provide regulators and industry alike with clear guidance on the application of the relevant law. While a Code of Practice is not a substitute for the Regulations, the FSAI believes that adherence to it should make compliance easier by providing the basis for a high degree of consistency in application of those Regulations. In other words, the FSAI believes that a good Code of Practice will enhance respect for and compliance with the law and that all parties, especially consumers, stand to gain from this situation.

The FSAI continues to develop Codes of Practice in several areas of direct relevance to the work of the staff in the official agencies. The FSAI decided that the first in the series should address the question of the risk categorisation of food businesses, to determine priority for inspection. A risk categorisation exercise in that area will result in better correlation being established between the efficient deployment of resources and ensuring that those premises posing the higher risks are the subject of more extensive inspections. As several years have passed since this Code of Practice was first published, its revision was necessary to ensure it still reflects the appropriate regulatory framework and other recent changes such as the most recent service contracts with the Health Service Executive (HSE).

2. PURPOSE

The service contract agreed between the HSE and the FSAI requires that the HSE, through their inspection programmes of food businesses, address high-risk businesses as a priority.

The purpose of classifying food businesses according to risk category, is to allow a HSE area to prioritise inspections of food businesses; by targeting those which pose the greatest potential risk to the population, should a food safety control failure occur. A consensus as to which businesses are to be classified as high, medium or low-risk and agreement on the basis for classification of business according to risk, is therefore essential.

This document has been developed by agreement between the FSAI and the HSE.

3. SCOPE

This Code of Practice applies to those food businesses covered under Regulation (EC) 852/2004 [on the hygiene of foodstuffs] and subject to controls carried out under Regulation (EC) 882/2004 [on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare issues] by the Health Service Executive.

4. DEFINITIONS

The following definitions are used for the purpose of this document:

- Food business:** any undertaking, whether for profit or not, and whether public or private, carrying out any of the activities related to any stage of production, processing and distribution of food
- High-risk business:** food business operations dealing with high-risk foods/ production methods and/or where the potential exists to put vulnerable groups (infants, the frail, elderly, pregnant women and the sick) or large numbers of consumers at serious risk
- Medium-risk business:** businesses involving operations with the potential to pose a significant risk to consumers
- Low-risk business:** business where the potential to cause harm to consumers is low.

5. FREQUENCY OF INSPECTION

The frequency of inspection will primarily be based on the risk category into which a particular business falls. FSAI Guidance Note I for Health Boards on the Inspection of a Food Business details the types of inspections carried out at a premises.

Regulation (EC) No. 882/2004 [on Official Controls performed to ensure the verification of compliance with food and feed law, animal health and animal welfare rules] sets out general obligations regarding the organisation of official controls.

Article 3 states:

1. Member States shall ensure that official controls are carried out regularly, on a risk basis and with appropriate frequency, so as to achieve the objectives of this Regulation taking account of:

- (a) identified risks associated with animals, feed or food, feed or food businesses, the use of feed or food or any process, material, substance, activity or operation that may influence feed or food safety, animal health or animal welfare;*
- (b) feed or food business operators' past record as regards compliance with feed or food law or with animal health and animal welfare rules;*
- (c) the reliability of any own checks that have already been carried out; and*
- (d) any information that might indicate non-compliance.*

The identified risks posed by a business would remain the same and would have been considered in determining the risk category the business has been placed in. The frequency of inspection may be reduced or increased to take account of the requirements of Article 3 (b), (c) and (d).

With the increased emphasis on HACCP based systems in food businesses, as required under food hygiene legislation and the FSAI National HACCP Strategy, there should be greater reliability on businesses' own checks and compliance.

Where compliance and checks are satisfactory, the frequency of inspection may be reduced. In so determining, the following criteria must be considered:

- 1. Prerequisites** – Satisfactory or minor infringements only in accordance with Guidance Note No. 1
- 2. Past Record of Compliance** – Satisfactory or minor infringements only in accordance with FSAI Guidance Note No. 1 following the last two inspections
- 3. HACCP** – Compliance with legal requirements
- 4. Training** – Compliance with legal requirements.

In determining compliance with points 3 and 4 above, FSAI Guidance Note 11 – Assessment of Compliance with the HACCP based element (Regulation 4.2) of the European Communities (Hygiene of Foodstuffs) Regulations, 2000 (S.I. No. 165 of 2000) (Revision 1) and Guidance Note No. 12 – The Inspection of Food Safety and Training, will provide useful references in this regard.

Where, following inspection, it is determined that the food business poses an increased risk to public health, appropriate action should be taken in accordance with Guidance Note No.1 and the frequency of inspection should be reviewed and increased as necessary.

Table 1: Frequency of Inspection

	Standard Inspection Frequency	Reduced Inspection Frequency
High	1 Full 2 Surveillance	1 Full 1 Surveillance
Medium	1 Full 1 Surveillance	1 Full
Low	1 Full	1 Full/2 years

Table 1 sets out the standard annual frequency of inspection. Where there is a variation in frequency of inspection from the standard inspection frequency, the decision must be agreed with a senior environmental health officer or a principal environmental health officer and the reason and date of decision recorded.

Some activities only operate seasonally, rather than over a full year. In considering the frequency of inspection of such premises, the HSE will ensure, as far as possible, that the scheduling coincides with the period of operation.

6. DETERMINATION OF RISK CATEGORY

In order to establish a national baseline of the risks presented by food businesses across the country, it is necessary to have, as much as possible, a common and agreed understanding of the categorisation of the various business types.

Schedules 1 and 2 divide businesses into the six broad groups as used for the annual inspection returns to the European Commission. Each group has been further sub-divided, but the number of sub-divisions is not exhaustive. The risk associated with the sub-divisions has been agreed nationally.

These categories are to be used as a minimum categorisation framework. It should be possible to identify the risk category of each business in terms of this Code of Practice and all food businesses must be assessed, categorised and documented as falling into the category of high, medium or low-risk.

The risk category selected for new or changed businesses must be documented and dated. Electronic documentation is acceptable.

In order to determine the category into which a new or changed business, or business not described in the schedules falls, the following factors must be considered:

- (a) The definitions of 'high-risk', 'medium-risk' and 'low-risk' business
- (b) The consumer profile of the food business, e.g. vulnerable groups
- (c) Guidance provided in Schedules 1 and 2
- (d) The scale of the operation
- (e) The type of food
- (f) The nature of the handling or processing
- (g) The control systems in place
- (h) The structure, layout and conditions of the premises.

Some food businesses, owing to the mixed nature of activities, could fall into more than one risk category. In such cases, they should be treated on the basis of the highest risk category into which they fall.

The risk categories presented in Schedule 2 establish the classification of a food business to determine frequency of inspection (Table 1). Frequency of inspection can be varied, taking into consideration, matters such as confidence in the ability for the food business operator to manage food safety, the history of compliance and seasonality.

There should be active consideration given to the inspection of all food premises in all risk categories so that:

- no high-risk premises will have greater than 12 months between inspections
- no medium-risk premises will have greater than 24 months between inspections
- no low-risk premises will have greater than 36 months between inspections.

The risk category assigned under Schedule 2 will remain constant even though the frequency of inspection may be altered.

SCHEDULE I. CATEGORIES OF ESTABLISHMENT

For purposes of consistency, businesses are divided into the same broad categories as used for the annual statistical returns to the European Commission. The categories are as follows:

- primary producers
- manufacturers and packers
- distributors and transporters
- retailers (retail trade)
- service sector (restaurants, canteens, caterers and public houses)
- manufacturers selling primarily to the final consumer.

Primary Producers are establishments at the primary production stage producing unprocessed food for human consumption. In essence, these are farms performing primary production activities only, such as fruit and vegetable producers, poultry farmers, vine growers, bee-keepers and cereal producers.

Manufacturers and Packers are all manufacturing/processing and/or packaging establishments. Manufacturing/processing can include the importation of food for processing and the exportation of manufactured or processed products. This category does not include establishments in which only veterinary inspections are conducted.

Distributors and Transporters include pre-retail distribution activities (particularly importation, wholesaling, wholesale storage and multipurpose wholesalers who distribute not only to retailers but also to restaurant owners or consumers). Transport activities are also included.

Retailers (retail trade) include all types of food retail activity (sales to the final consumer), particularly supermarkets, vending machines, mail order activities and market stalls, whether indoors or in the open air (but excluding take-away food stalls).

Service Sector (restaurants, canteens, caterers and public houses) include all forms of catering, including take-away food stalls and catering facilities in firms, schools, holiday camps and public institutions.

Manufacturers Selling Primarily Direct to the Final Consumer include butchers, bakers, confectioners, ice-cream manufacturers and manufacturing/processing activities on farms with a view to sales direct to the final consumer.

Some food businesses could fall into more than one category. In this case, they should be listed only once, in the category of their main line of business. For example, a supermarket with a bakery department must be listed only once, under “Retailers” and not in the “Manufacturers” category. However, if different persons, e.g. different owners, are legally responsible for the bakery and the supermarket activities, two businesses must be entered, one in each category.

SCHEDULE 2. CLASSIFICATION OF FOOD BUSINESSES

Primary Producers

Business Type	Extra Details	High	Medium	Low
Honey	Production only			✓
Natural Water		✓		
Poultry	Less than 10,000 capacity			✓

Manufacturer

Business Type	Extra Details	High	Medium	Low
Alcoholic Drinks	Include small breweries			✓
Baby Food	Non milk based	✓		
Caterer	Not serving to final consumer	✓		
Cereal Products				✓
Bakery/Confectionery Cat. I	Egg/cream based products	✓		
Bakery/Confectionery Cat. II	Chocolate, sweets, sugar confectionery		✓	
Bakery/Confectionery Cat. III	Bread, cake and similar products			✓
Cook-chill	Production for distribution only	✓		
Snack Products	Including crisp and extruded starch snacks			✓
Delicatessen Foods	Not serving to final consumer	✓		
Food Additives				✓
Fruit and Vegetables Processing Cat. I	Ready-to-eat	✓		
Fruit and Vegetables Processing Cat. II	For further processing		✓	

Manufacturer cont'd

Business Type	Extra Details	High	Medium	Low
Ice-cream		✓		
Jam and Jelly				✓
Meat and Meat Products Cat. I	Cooked meat	✓		
Meat and Meat Products Cat. II	Raw meat only		✓	
Milk Products		✓		
Oils and Fats				✓
Non Alcoholic Drinks Cat. I	Fruit drinks		✓	
Non Alcoholic Drinks Cat. II	Soft drinks			✓

Packers

Business Type	Extra Details	High	Medium	Low
Food Packers	Tea, herbs, spices, nuts, etc			✓

Distributors, Transporters and Wholesalers

Business Type	Extra Details	High	Medium	Low
Alcoholic Drinks				✓
Cash and Carry			✓	
Dry Goods				✓
Bakery/Confectionery Cat. I	Egg/cream products	✓		
Bakery/Confectionery Cat. II	Chocolate, sweets, sugar confectionery		✓	
Bakery/Confectionery Cat. III	Bread, cake and similar products			✓
Frozen and Refrigerated Storage Cat. I	Ready-to-eat including ice-cream		✓	
Frozen and Refrigerated Storage Cat. II	Further processing			✓
Fruit and Vegetables	Fresh			✓
Meat and Meat Products Cat. I	Cooked meat	✓		
Meat and Meat Products Cat. II	Raw meat only		✓	
Milk and Milk Products		✓		
Oils and Fats				✓
Non Alcoholic Drinks				✓
Vehicle Operating Without a Base Cat. I	Raw and cooked meat product	✓		
Vehicle Operating Without a Base Cat. II	Temperature control		✓	
Vehicle Operating without a Base Cat. III	Ambient temperature			✓
Central Distribution Centre	For retailers, hotels, institutions etc.		✓	

Retailers

Business Type	Extra Details	High	Medium	Low
Bakery/Confectionery Cat. I	Egg/cream based products	✓		
Bakery/Confectionery Cat. II	Bread, chocolate, sweets, sugar confectionery			✓
Delicatessen	Portioning and direct sale to consumer	✓		
Fishmonger Cat. I	Raw fish and other unwrapped ready-to-eat food		✓	
Fishmonger Cat. II	Raw fish only			✓
Butcher Cat. I	Raw meat and ready-to-eat food	✓		
Butcher Cat. II	Raw meat only		✓	
Fruit and Vegetables	Raw only			✓
Food Stall Cat. I	Ready-to-eat	✓		
Food Stall Cat. II	Raw meat		✓	
Food Stall Cat. III	Fish		✓	
Food Stall Cat. IV	Fruit and vegetables, sweets etc			✓
Grocery Cat. I	With portioning/open food		✓	
Grocery Cat. II	Prepacked food only			✓
Health Food Shop Cat. I	With portioning/open food		✓	
Health Food Shop Cat. II	Retail only			✓
Newsagents/Sweetshops				✓

Retailers cont'd

Business Type	Extra Details	High	Medium	Low
Off-licence				✓
Ice-cream Sellers	Includes newsagents etc with ice-cream machines		✓	
Supermarket Cat. I	Mixed activities, open food and preparing to order	✓		
Supermarket Cat. II	Pre-packaged food only		✓	
Vending Machine Cat. I	Requiring temperature control		✓	
Vending Machine Cat. II	Ambient temperature			✓

Service Sector

Business Type	Extra Details	High	Medium	Low
Army Barracks		✓		
Bed and Breakfast and Guest House Cat. I	Serving evening meal	✓		
Bed and Breakfast and Guest House Cat. II				✓
Caterers	Selling to final consumer	✓		
Hospital		✓		
Hostel Cat. I	Full meal service	✓		
Hostel Cat. II	Breakfast only			✓
Hotel Cat. I	Mass catering/full meal service	✓		
Hotel Cat. II	Breakfast only		✓	

Service Sector cont'd

Business Type	Extra Details	High	Medium	Low
Meals-on-wheels Cat. I	Preparation	✓		
Meals-on-wheels Cat. II	Portioning, distribution and service		✓	
Nursing Home	Including long-term care facility	✓		
Day Care Cat. I	Production/preparation	✓		
Day Care Cat. II	Regenerating and serving meals		✓	
Day Care Cat. III	Tea, coffee, biscuits only			✓
Residential Care Cat. I	Production/preparation	✓		
Residential Care Cat. II	Regenerating and serving meals		✓	
Residential Care Cat. III	Domestic style			✓
Rail Catering Cat. I	Full meal service	✓		
Rail Catering Cat. II	Trolley service		✓	
Pre-school Cat. I	Preparation	✓		
Pre-school Cat. II	Regenerating and serving meals		✓	
Pre-school Cat. III	Snacks			✓
Prison		✓		
Public House Cat. I	Preparation of food	✓		
Public House Cat. II	Regenerating and serving meals		✓	
Public House Cat. III	Serving drinks only			✓

Service Sector cont'd

Business Type	Extra Details	High	Medium	Low
Restaurant Cat. I (including coffee shops, canteens etc)	Preparation	✓		
Restaurant Cat. II (including coffee shops, canteens etc)	Regenerating and serving meals		✓	
Restaurant Cat. III (including coffee shops, canteens etc)	Tea, coffee, biscuits			✓
Schools Cat. I	Preparation	✓		
Schools Cat. II	Regenerating and serving meals		✓	
Take-away Cat. I	Preparation	✓		
Take-away Cat. II	Service only		✓	
Food Stall Cat. I	Preparation	✓		
Food Stall Cat. II	Service only with temperature control		✓	
Food Stall Cat. III	Service only, no temperature control			✓
Juice Bar			✓	

Manufacturer Selling Primarily Direct to the Final Consumer

Business Type	Extra Details	High	Medium	Low
Bakery Cat. I	Egg/cream	✓		
Bakery Cat. II	Flour products only			✓
Butcher Cat. I	Mixed products	✓		
Butcher Cat. II	Raw meat only		✓	
Delicatessen	Including sandwiches and salads	✓		
Ice-cream		✓		

For the purpose of this document, manufacturers included into this category must carry out some wholesale activity.

BIBLIOGRAPHY

Food Safety Authority of Ireland Act, 1998 (S.I. No. 29 of 1998)

European Communities (Hygiene of Foodstuffs) Regulations, 2000 (S.I. No. 165 of 2000)

Guidelines for Harmonization of the Conditions for Submission of Statistics concerning the Results of the Annual Inspection Programmes of the Member States (article 14 of Directive 89/397/EEC on the Official Control of Foodstuffs) (approved by the Standing Committee for Foodstuffs on 19 December 1995)

Regulation (EC) No. 852/2004 on the hygiene of foodstuffs

Regulation (EC) No. 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules

Food Safety Authority of Ireland (2004) Guidance Note No. 1 – For Health Boards on the Inspection of a Food Business (Revision 1)

Food Safety Authority of Ireland (2002) Guidance Note 11 – Assessment of Compliance with the HACCP based element (Regulation 4.2) of the European Communities (Hygiene of Foodstuffs) Regulations, 2000 (S.I. No. 165 of 2000) (Revision 1)

Food Safety Authority of Ireland (2003) Guidance Note No. 12 – The Inspection of Food Safety and Training

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