

# Consultation on Registration and Approval of Food Businesses

The Department of Health and Children has requested the Food Safety Authority of Ireland to undertake a consultation on the registration and approval of premises in the Retail and Service Sector.

**Start Date of Consultation:** 3<sup>rd</sup> October 2005  
**Closing Date:** 24<sup>th</sup> October 2005

**Current legislation:** Food Hygiene Regulations 1950/89.

These regulations require the 'registration', 'licensing' or 'permitting' of certain food businesses by the Health Service Executive.

## **Registration under the Food Hygiene Regulations 1950/89**

Food businesses operators of the following types of food businesses must apply to the Health Service Executive (HSE - formerly the Health Boards) for 'registration' prior to commencement of business.

- hotels, holiday camps and restaurants
- fishmonger, poulterer
- premises in which ice cream is manufactured \*
- butcher or pork butcher
- manufacture of food intended for sale for human consumption,\*
- premises in which is carried on a food business consisting of the preparation, exposure for sale or storage for sale by wholesale of food intended for sale for human consumption.\*
- take-away food premises - a food premises where food is prepared, cooked or heated for sale directly to the public for consumption off the premises

\* largely now not applied in cases of foods of animal origin (meat, fish, eggs milk etc) given that there is separate "approval" system in place under EU legislation

Registration is granted where the premises meets the requirements of the regulations.

## **Licences under the Food Hygiene Regulations**

An annual licence from the HSE is required by operators of food stalls (where meat or meat products (other than fish or fish products) are sold or where food is prepared, cooked or heated for sale directly to the public in a form ready for consumption). Ice cream vans or burger stalls are typical of this category.

## **Permits under the Food Hygiene Regulations**

Temporary food businesses (that is those that operate for more than one day in any period of three months and not more than two months at a time and no more than four months in any calendar year) are required to have an "occasional food permit" from the HSE in order to operate.-

Food businesses subject to the Food Hygiene Regulations 1950/89, are also subject to the European Communities (Hygiene of Foodstuffs) Regulations, 2000 (S.I. No 165 of 2000). However, the granting of registration, a licence or permit is not subject to compliance with the latter regulations, which are based on an EU Directive (93/43/EEC on the hygiene of foodstuffs)

## **Future Legislation**

In January 2006, new EU Regulations on the hygiene of foodstuffs apply. These will replace all hygiene Directives including Directive 93/43/EC.

Regulation (EC) No. 852/2004<sup>1</sup> provides for a registration system for food premises, the purpose of which is to allow the competent authority to know where food businesses are located and what their activities are, so as to enable official controls to be carried out where necessary. Every food business operators will be required to notify the competent authorities of each establishment under its control. This system is simply a notification of food businesses not a licence or approval. Regulation 852/2004 also allows Member States to require the *approval* of food establishments for which EU Law does not otherwise require approval.

However any national approval system must (in accordance Regulation 882/2004<sup>2</sup>) be based on compliance with the entirety of hygiene legislation, which is not the case at present with registration, licences or permits under the Food Hygiene Regulations 1950/89 which, in the main, are limited to structural issues and the provision of adequate equipment and facilities.

Thus, if Ireland is to continue to require the approval of certain food establishments, it will be necessary to introduce changes to the current system in order to bring that system in line with the requirements of 852/2004 and 882/2004. These changes seek to ensure that food business operators satisfy the relevant requirements of food law including staff training, HACCP etc.

### **Question**

*The purpose of this consultation is to invite comments as to whether and/or to what extent our system of prior approval should be retained after 1 January, 2006?*

### **Options**

- **Option 1:** Retain a system of prior approval to be based on risk

Our current system of registration / licensing and permitting has been tried and tested and has been successful in providing a high level of protection for the consumer. This system provides for greater certainty for food business operators and the Health Service Executive but is resource intensive. Is the maintenance of a system of prior approval required to ensure a high level of consumer protection, or are there alternatives?

- **Option 2:** Require food business operators to simply notify the address of the food business establishment and provide details of the activity undertaken.

This system would reduce the burden on food business operators and on the competent authorities. It would release resources to enable more targeted and risk based food control activities. However can we be satisfied that a high level of protection for the consumer will be ensured with this system?

Comments and views on any aspect of this document should be sent via email by 5pm, Monday 24<sup>th</sup> October 2005 to: [consultation@fsai.ie](mailto:consultation@fsai.ie)

**Or by fax to:** +353 1 817 1301

### **Or post to:**

Consultations, Food Safety Authority of Ireland, Abbey Court, Lower Abbey Street, Dublin 1.

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<sup>1</sup> Regulation (EC) No. 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs.

<sup>2</sup> Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.