

## ABSTRACT

### Implementation of the New EU Hygiene Package – Opportunity or Problem for Traditional Butchers?

On 29 April 2004 the new EU hygiene regulations were published in the EU Official Journal and came into force on 1 January 2006.

It took Germany three (!!!) years to establish national provisions with the 'Ordinance on the implementation of EU food hygiene legislation' (*Verordnung zur Durchführung von Vorschriften des gemeinschaftlichen Lebensmittelhygienerechts, LMHV*) which was passed on 8 August 2007.

In contrast to earlier provisions, the new regulatory framework does not contain detailed specifications but instead sets out certain objectives. This allows for greater flexibility which is to provide more scope for implementation, especially with a view to accommodating the specific needs of small-scale establishments which use traditional methods.

A further modification entails that the need of food business operators to obtain official approval is no longer conditional upon certain production quantities but now applies to all establishments which place food of animal origin on the market. This means that now all the traditional butchers must also seek official approval, at least for slaughtering at their own premises.

EuroNatur advocates the maintenance of traditional enterprises in rural areas as these make a valuable contribution to sustainable regional development, job protection, and nature conservation.

A study carried out by EuroNatur in cooperation with NEULAND e.V.<sup>1</sup> set out to assess whether the scope created with the new regulations was in fact being used in the interest of the small, traditional butcher shops and whether there are stumbling blocks creating problems with the approval process.

Official approval must be obtained by 31 December 2009. After this date the establishment must cease all activities which require approval, such as doing their own slaughtering, unless approval has been obtained from the veterinary authority in charge.

Between August and October 2008, personal interviews based on a standardised questionnaire were carried out with 32 butchers (of which most do their own slaughtering) in six German regional states (*Länder*) as well as with 20 veterinary/regulatory authorities.

#### The principal results of the study are as follows:

- 1) Implementation of the new regulations varies strongly between and within the *states/counties*; this is due to the procedures adopted by the authorities, state-specific specifications, and the information available to those involved in the process; interpersonal factors play an important role.

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<sup>1</sup> NEULAND e.V. is a marketing initiative/quality assurance scheme based on high standards in ethologically sound and environmentally-friendly livestock husbandry.

- 2) There tend to be problems in all of the *Länder*. These are mostly due to uncertainties on the part of the authorities in charge regarding the implementation and interpretation of the regulations.
- 3) For security reasons, restrictive interpretations are often favoured, which entail changes to building structures and thus high investments on the part of smaller establishments. This leads to a situation where many establishments do not apply for approval, postpone applying for approval, plan to cease doing their own slaughtering or even plan to close down altogether. As there is a high proportion of small-scale butcher shops in Baden-Württemberg and Bavaria, it is particularly in these regional states that a strong acceleration of structural change towards large, market dominating slaughterhouses can be expected.
- 4) From the point of view of the **butchers** the major difficulties are as follows:
  - Documentation and application procedure: too complicated, too time-consuming;
  - Lack of information and not enough support as regards the new legislation;
  - Communication problems with the authorities in charge (“process is being held up”);
  - Increasing cost pressures; Costs incurred as part of the approval process can not be compensated for through higher sales.

For the small-scale traditional butchers, major investments are primarily required for construction measures. These mostly result from excessive requirements imposed by veterinarians (without legal basis). The requirements imposed include *i.a.*:

- Hygiene gates, including mechanical boot washers;
- Cooled cutting tables;
- Construction of new, additional coldstores for meat;
- Construction of new premises to separate slaughtering, butchering, and processing (Paragraph 11 of the LMHV is very restrictive and its interpretation in Bavaria is even more restrictive!);
- Modification of premises to extend staff facilities (incl. premises with only 2-3 staff) and installation of showers;
- Installation of a stunning box for slaughtering bovines;
- A large number of minor requirements (electronic fly zapper, lengthening of tubular rails, purchasing twin lockers, removing anything made from wood etc.).

- 5) From the point of view of the **veterinarians** the major difficulties are as follows:
  - Establishments’ passiveness;
  - New laws which are incomprehensible and difficult to interpret;
  - Training has not proven helpful
  - Increased labour input, not enough staff
  - Compulsory approval of all establishments is exaggerated and does not yield progress in hygiene or consumer protection.
- 6) There are indeed some **positive** examples. However, these mostly occurred when there was a very good relationship between the establishment and the authorities, when a competent hygiene advisor was available at all times (and cost-neutral solutions could be developed) and if the establishment had always acted with foresight and had invested into the premises, going well beyond the hygiene standards required.
- 7) In many cases it is evident that the authorities are not at all averse to butchers ending their on-site slaughtering (stating that it would be advantageous in that it would save

costs and perhaps official approval may not then be required). However, it is not said out loud that it would save the authorities monitoring time and effort.

The study therefore shows that not just Brussels is to blame, as is so often stated in the media. For example, in Austria the EU's well intended approach is implemented in a rather less complicated manner, as is evidenced by the estimate given by the "Food and Nature" Federal Guild's coordination office for the meat industry in Vienna, that by the end of 2009 all outstanding applications for approval will have been processed. The delayed passing of the long and complicated German implementing regulation in the form of an administrative regulation which pays little heed to small traditional establishments, and the multitude of different state-specific licensing handbooks have caused a situation where specifications are applied in a manner that is non-transparent, inconsistent, belated and burdened with uncertainties. Bavaria has particularly fallen behind in this process. The authorities have been acting in a restrictive and overcautious manner, resulting in the number of approvals granted in Bavaria being much lower than the already low nationwide average. Only nine months remain until the deadline and large numbers of business closures will be hard to avoid.

This would clearly reduce available regional processing and marketing structures which are necessary from the point of view of climate protection and nature conservation. Structural change is being strongly accelerated. Moreover, regional slaughtering with short-haul transports of livestock as well as the diversity of meats and sausage products would be lost.

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\*AFFL= *Arbeitsgruppe Fleisch- und Geflügelfleischhygiene und fachspezifische Fragen von Lebensmitteln tierischer Herkunft (Bund-Länderarbeitsgruppe)* – Joint Working Group of the Federal Government and the Länder on meat and poultry hygiene and specific questions on foods of animal origin

\*\*DFV = *Deutscher Fleischerverband* – German Butchers' Association