

To: Directors of Public Protection

26th September 2008

Reference: ENF/W/08/058

Dear Director

## Food Law Code of Practice (Wales)

Please find attached English and Welsh language versions of the revised Food Law Code of Practice (Wales) which is being published by the Agency today. I should be grateful if you would bring this to the attention of relevant colleagues and also ensure that copies of the Code issued in 2006 are disposed of. The Code can also be found at the following link

<http://www.food.gov.uk/enforcement/foodlaw/foodlawcop/copwales>

The Code has been revised following the consultation which was concluded in February. The Agency has, where appropriate, reflected the comments that were received in the revised Code. A summary of the comments received is available on the Agency's website at:

<http://www.food.gov.uk/consultations/consultwales/2007/copwalesreview2007>

<http://www.food.gov.uk/multimedia/pdfs/consultationresponse/flcopwalesresp.pdf>

The Appendix to this letter outlines the main changes that have been made to the 2006 Code. The principal reason of revising the Code was to enhance the inspection focused approach to food law enforcement by allowing more flexibility whereby local authorities can use a wider range of interventions to monitor, support and increase business compliance. This is reflected in Section 4 of the revised Code (and



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elsewhere as appropriate). The aim is to ensure that resources are directed at those food businesses that present the greatest risk to public health and consumer protection.

The Agency will be monitoring the impact of the introduction of this interventions policy and the effect that it has on business compliance and on local authority resource levels.

It is our intention to provide training events in the next few months on the concept of interventions, utilising the services of ABC Food Safety. In the meantime, the course training materials have been published on our website at:

<http://www.food.gov.uk/multimedia/presentations/fsainterventions.ppt>

I am aware that some of the references are not directly applicable to Wales e. g. Comprehensive Area Assessments, but the principles and philosophy of the material remain relevant.

I am very grateful for your patience during the development of the revised Code of Practice and for the helpful feedback that we received during the consultation process.

Yours sincerely,



Rob Wilkins  
Head of General Enforcement Branch

**APPENDIX - SUMMARY OF MAIN CHANGES BETWEEN 2006 FOOD LAW CODE OF PRACTICE AND 2008 FOOD LAW CODE OF PRACTICE**

The table below outlines the main changes that have been made to the Code.

<b>Section/Chapter/Annex</b>	<b>Issue</b>
Chapter 1.1-1.5. Chapter 4.1	<ul style="list-style-type: none"> <li>• Direction is given in relation to interventions and enforcement at the level of primary production to reflect the new regime that was introduced in relation to the requirements for primary producers in the European Community legislation on food hygiene.</li> </ul>
Chapter 1.2	<ul style="list-style-type: none"> <li>• Qualification requirements for local authority officers have been updated in line with changes to recognised professional qualifications, and to reflect the changes to Chapter 4 on interventions.</li> </ul>
Chapter 1.7	<ul style="list-style-type: none"> <li>• Food incidents - the definition of a 'food incident' has been revised in line with that agreed by the Agency's Food Incident Task Force.</li> </ul>
Chapter 3.7	<ul style="list-style-type: none"> <li>• Quick-frozen foodstuffs - minor</li> </ul>

	<p>amendments have been made to reflect the updating of the relevant legislation and its requirements.</p> <p>Chapter 3.9 • Food safety and general food law - this is a new Chapter which gives direction to local authorities in relation to Regulation (EC) No. 178/2002 on general food law (this includes traceability).</p>
<p>Section 4 Annex 5</p>	<ul style="list-style-type: none"> <li>• Replacement of the inspection-focussed approach to food law enforcement with a more flexible one whereby local authorities can use a wider range of interventions to monitor, support and increase business compliance.</li> </ul>
<p>Chapter 4.3 Annex 5</p>	<ul style="list-style-type: none"> <li>• The prescribed inspection frequencies for food establishments that require approval under Regulation (EC) No. 853/2004 (on hygiene rules for food of animal origin) no longer apply. Instead the frequency of intervention at these establishments should be determined by means of the food hygiene intervention rating scheme at Annex 5.</li> </ul>

Section 4.4	<ul style="list-style-type: none"> <li>• References to a de-ratting certificate have been removed, and contact details for the Home Authorities of the armed services have been updated.</li> </ul>
Chapter 5.3	<p>Permanent transport authorisation in relation to live bivalve molluscs - a provision has been included to allow local authorities to issue a permanent transport authorisation to gatherers that operate the purification centre, relaying area or processing establishment to which their harvested live bivalve molluscs are being delivered as an alternative to separate movement documents</p>
Annex 5	<ul style="list-style-type: none"> <li>• Text has been updated to reflect the revisions to Chapter 4 on interventions and to update the terminology used such that it reflects that in the European Community Legislation on food hygiene.</li> </ul>
Annex 8	<ul style="list-style-type: none"> <li>• Registration form - this has been simplified in order to contribute to a reduction in the administrative burdens on business.</li> </ul>