

Exemption Criteria

A - Retail Establishments

The exemption is for retail establishments that supply food of animal origin to the final consumer, or supply other retail establishments (including caterers) on a 'marginal, localised and restricted basis (853/2004 Article 1 Scope point 5).

Recital 13 of Regulation 853/2004 interprets marginal as a small part of the establishment's business, but subsequent EU Commission guidance provides that it may also be interpreted as a small amount of food of animal origin in absolute terms. Following consultation, the UK is interpreting the terms marginal, localised and restricted in relation to meat as follows:

- **Marginal:** supply of food of animal origin:

- (i) up to a quarter of the business in terms of food; **or**
- (ii) in relation to: fresh or processed meat, (but not wild game meat) up to 2 tonnes a week, subject to the establishment having a genuine retail outlet supplying the final consumer with part of its production of meat;

and

- **Localised:** supply of food of animal origin within the supplying establishment's own county plus the greater of either the neighbouring county or counties or 50 km/30 miles from the boundary of the supplying establishment's county;

and

- **Restricted:** supply of food of animal origin is limited to certain types of products or establishments. In the meat sector, the restrictions are in relation to the amounts of meat supplied and the requirement for a 'genuine' retail outlet (see 'marginal' above).

Notes: Up to a quarter of the business in terms of food "should be calculated by measuring the amount (either by weight or volume) of food of animal origin supplied to other food business establishments (including caterers) against the entire supply in terms of food (this includes food of any type, for example, drink, biscuits etc).

2 tonnes could be averaged over any 12 month period.

Both the above criteria must not be used simultaneously at an establishment. It is either the 25% **or** the 2 tonne rule (for establishments that only handle meat).

Supply to a final consumer can include mail order and internet sales. Retail establishments attached to approved establishments under veterinary control do not require approval.

Multiple premises constituting a single food business establishment in England and Wales

Where establishments in England and Wales supply food to one or more retail units closely linked under the same ownership there may be circumstances where the CA may wish to consider the separate sites as part of a wider establishment and therefore a 'single establishment' for which a single registration will be required. This flexibility may only be applied where the main focus of the establishment's activities is that of a retail business, i.e. when supply of food is direct to the final consumer. CA's will consider such businesses on a case by case basis to ensure that all three of the following criteria are satisfied:

1. The operation is under a single 'controlling mind', i.e. there is one person who is responsible for the implementation of HACCP-based procedures; and
2. One set of 'HACCP-based procedures' covers all stages and units of the operation within the wider establishment; and
3. All the activities undertaken at the various units within the 'wider' establishment are within close enough proximity that it can be reasonably expected that the single controlling mind can effectively manage the food safety management controls at all sites.

Where all three criteria are met, but the main activity of the establishment is the supply of POAO to other businesses, then approval is required (unless it meets the permitted exemptions in Article 1 of 853/2004). Competent Authorities should refer to and consider the guidance document on the implementation of certain provisions of Regulation 853/2004 on the hygiene of food of animal origin.

B - Poultry slaughter and cutting on farm

There is an exemption for producers supplying small quantities of meat from poultry and lagomorphs slaughtered, on the farm where they are grown, directly to the final

consumer and to local retail establishments directly supplying the final consumer (853/2004 Article 1 point 3d amended by Regulation 2076/2005 Article 3).

Producers must be registered and comply with Regulation 852/2004 and the labelling and record keeping requirements of Schedule 5 of the Food Safety and Hygiene Regulations (England) 2013 or equivalent legislation in Wales and Northern Ireland. Following consultation, the UK is interpreting the terms small and local as follows:

- **‘Small’** supply is interpreted as (i) under 10,000 birds or lagomorphs; or (ii) producers annually slaughtering over 10,000 birds or lagomorphs who are members of an appropriate assurance scheme and who either (a) dry pluck by hand or (b) slaughter for 40 days per year or less;

and

- **‘Local’** supply is interpreted as being the same as ‘localised’ – see ‘A’ above; additionally anywhere within the UK in the two weeks preceding Christmas or Easter and for geese, Michaelmas (late September).

C - Slaughter for private domestic consumption – home slaughter of livestock

When slaughter of a livestock animal is carried out by its owner on their property for their own personal consumption or that of members of their immediate family living there and the meat is not placed on the market (whether free of charge or not), such activity is exempt from both 852/2004 and 853/2004, although the Food Safety Act (or in NI the Food Safety Order) will apply. However, the EU TSE Regulations apply wherever a TSE susceptible animal (i.e cattle, sheep and goat) is slaughtered (**including home slaughter**). Animal Welfare Regulations also apply wherever livestock is slaughtered. It should be noted that home slaughter is likely to carry a greater human health risk than slaughter that takes place in approved premises.

D – Wild Game

There is an exemption for primary producers (individual hunters or shooting estates) supplying small quantities of wild game carcasses in fur/feather directly to the final consumer and to local retail establishments directly supplying the final consumer (853/2004 Article 1 point 3c).

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There is also an exemption for hunters and active members of a hunting party supplying small quantities of wild game meat directly to the final consumer and to local retailers directly supplying the final consumer. The meat must be prepared by an individual who has played an active part in the shoot, such as a beater, so the exemption is available to shooting estates. (853/2004 Article 1 point 3e).