

# Regulation of the Short Food Supply Chains

## innovative solutions for Short Food Supply Chains

Campden BRI Hungary

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<b>PP</b>	<b>Restricted to other programme participants</b>	
<b>RE</b>	<b>Restricted to a group specified by the consortium</b>	
<b>CO</b>	<b>Confidential, only for members of the consortium</b>	

**1. Title of the case description**

Regulation of the Short Food Supply Chain\*

\*The description has been prepared based on the project document of the BOND Project, EU-H2020, N°774208

**2. Indicate your role in the Smart Food Supply Chain:**

- individual member of the chain:
- chain operator:
- network operator:
- association:
- technical, scientific, or management expert:
- advisor:
- policy maker:
- other: .....

**3. Indicate the region (if applicable):** world-wide applicable

**4. WP2 Cross-reference table**

Please indicate with an X in the relevant box of the matrix for which needs and the steps / functions of the supply chain the described innovative solution is applicable

		Individual steps of the SFSC							Short food supply chain as whole						
		1	2	3	4	5	6	7	8	9	10	11	12	13	14
Needs of the consumers (citizens)	food safety													X	X
	food quality													X	X
	trust													X	X
	ethical aspects													X	X
	accessibility														
Needs of the chain actors	fair price														
	increased negotiating power														
	shared use of available resources														
	product development support														
	access to markets and consumers														
	access to infrastructure														

- 1: Farming**
- 2: Primary production**
- 3: Transport**
- 4: Processing and packaging**
- 5: Storage**
- 6: Logistics**
- 7: Sale**
- 8: Product integrity, authenticity, transparency**
- 9: Marketing concepts**
- 10: Food chain management and networking for enhancing cooperation among chain actors**
- 11: Business modelling**
- 12: Policy environment**
- 13: Legal requirements**
- 14: Labelling**

## 5. Short description of the innovative solution

- Describe the specific need or problem being addressed by the case and please explain what is the novelty of this innovative solution

Food safety and food quality issues have been regulated at EU level. Member States have the task and / or the possibility to establish implementing rules.

Member States shall determine their implementing regulations and guidelines in accordance with their economic, social, cultural and natural conditions and capabilities.

In the case of SFSC too, it is up to the Member States to lay down the detailed rules

- Describe the enabling function(s) and the practical benefit(s)-(e.g. for which types of problems and opportunities is used and can it be used, and how)

### ○ Joint action for local and traditional foods

Legal background: Regulation No. 1151/2012/EU

Geographical, origin and traditional special product indications based on EU laws<sup>1</sup> clearly state and ensure in any Member State connection and linking of products to particular places and their uniqueness.



1. Figure: Geographical, origin and traditional product indications

### ○ Flexibility in hygiene regulations

In the Member States, excessively stringent regulations (based on misinterpretations of EU regulation in many cases) were introduced for small farms, small agricultural and food production enterprises too. As a result of that, many of these have been forced to give up their activities.

**Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety**

REGULATION (EC) No 852/2004 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 29 April 2004 on the hygiene of foodstuffs

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<sup>1</sup> Regulation No. 1151/2012/EU

REGULATION (EC) No 853/2004 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 29 April 2004 laying down specific hygiene rules for on the hygiene of foodstuffs

REGULATION (EU) No 1169/2011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC)

Good Hygiene Practice (GHP) regulates basic environmental and operating conditions, and based on that, HACCP is for the supervision of high-risk points. According to recital (15) in the preamble to the Regulation 852/2004/EC, in certain food businesses, it is not possible to identify critical control points. In such cases, good hygienic practices can replace the monitoring of critical control points; meaning that if there is no critical point (CCP) for a GHP activity, it is not required to operate the HACCP system, it is replaced by good hygiene guidelines. In accordance with Article 8, Member States may draw up, at national level, guides on Good Hygiene Practice, involving the relevant producer group.

Pursuant to Regulation 1924/2006/EC<sup>2</sup> on nutrition and health claims made on foods, foods and drinks consumed as traditional foodstuff are subject to the provisions relating to foods even when these foods (e.g. rose-hip tea, elder syrup, rams cream) have beneficial impact on the body. In other words, the regulations on medicines need not be applied.

Regulation 1934/2006/EC<sup>3</sup> removes claims from its scope that are traditionally used to imply designation of food and drink characteristics with potential impact human health, such as the designation of “promoting digestion” or “cough remedy sugar”.

### **Flexibility in hygiene regulations from some countries**

There are options allowing flexibility in the European Union's food and food safety, hygiene legislation, but little is known about them, even though the European Commission has produced guidelines to facilitate the application of flexible options in the Member States.

#### **Czech Republic**

The Czech Republic also sees the launch of procedures aiming to allow access for small scale farmers to markets, by flexible regulations on hygiene. Article 27 (a) of the Animal health Act<sup>4</sup> and the regulations on hygiene imposed by the Ministry of Agriculture in relation to animal products<sup>5</sup> achieved this objective by setting flexible set of requirements in relation to farmers' markets and sales from farms. This way, small scale and mid-sized farmers may directly sell to the consumers and local small service providers (local stores acknowledged by law as small and local in nature), in a pre-set quantity.

#### **Croatia**

In contrast to many Member States, Croatian law applies and uses the term of small capacity slaughter-houses and food processing units. It creates a precedent and a good example for a law allowing small farmers to process and directly sell their products of animal origin, In most European countries, the greatest barrier to processing meat

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<sup>2</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32006R1924>

<sup>3</sup> <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32011R1338>

<sup>4</sup> Zákon č. 166/1999 Sb. Zákon o veterinární péči a o změně některých souvisejících zákonů (veterinární zákon), <https://www.zakonyprolidi.cz/cs/1999-166>

products lies in deficient logistic opportunities to slaughter animals. In other words, as it is costly to construct slaughter-houses, farmers may arrange for the processing of their products once these products are transported many hundred km's, making it costly or impossible for farmers to pursue their operations.

France

**In France, meat processing and sales in farmer shops<sup>6</sup>** are allowed for farmers having no room in their farm suitable for processing meat. It allows circumventing meat processing facilities and butchers where farmers and industrial meat get mixed up, and on account of resale, direct contact with the farmer is lost. Many times, the processing unit of a farmer's shop are better equipped than small farmers, and direct sales from such facilities ensure that the goods are fresh and the distance between farmers and consumers will be less.

It is beneficial for producers as this way they may address consumer demands faster and easier. Each week, they may prepare the necessary quantities in view of consumer demand and weather, e.g. in summer time, when the weather is good, more meat is made for barbecuing. Butchers can process animals more precisely and without having any leftover at the end, and the quality of the products are easier to control by direct connection between the parties. Joint use of assets and resources results in lower costs - as compared to having to invest to construct a processing unit for their own - however it is not necessarily cheaper than having the processing made under contract in the traditional manner, and in addition to the above, in a joint meat processing unit it is possible to process meat to the liking of the owner, in contrast to processing in industrial processing sites.

The producer is responsible for providing the raw material, to make managerial decisions, and the butcher is responsible for observing food hygiene requirements in the course of processing and for the quality of the end-product. The butcher performs daily operative organisation of processing, as s/he can have an overview of all activities, consumer demands in terms of quantity and quality, in other words, s/he places an order for the half carcasses, and s/he decides what type of meat product is to produce.

### **Joint food processing unit<sup>7</sup>**

In France, cooperation in the form of short food chains has a long-standing tradition. In underdeveloped rural areas, processing by small producers is an option capable of creating added value, where producers can make finished or semi-finished products, or where they are capable of delivering appropriate products to public catering.

Multifunctional agricultural activities require new competencies in terms of technology, organisation, commerce, facility management and enterprise management. At the same time, diversified activities contribute to the development of agriculture becoming business operations providing proper subsistence rather than of social nature even at small producer level. The option of operating as a Mutual Food Producer (in a French abbreviation: ATC) enables diverse production and livelihood for small producers and traditional food production, and assists in relocalisation of food supply chains), by the availability of local processing options.

According to the project manual, ATCs are defined as *“food production under the joint control of producers, where producers control or perform processing of self-produced raw materials, and thereby they own the finished products until they are sold locally”*.

### **Regulations relating to hygiene**

As the legal form and operation of ATCs is not mature as yet, the study prepared in the pilot project makes recommendations only as regards requirements on hygiene. These requirements and findings have nevertheless been considered by French authorities and they received their approval.

On account of traceability, each ATC (any entity engaged in processing of food) must have been registered with the Departmental Directorate of Social Cohesion and Protection of Populations (Direction départementale de la cohésion sociale et de la protection des populations (DD(CS)PP) at county level. This authority is responsible for

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<sup>6</sup> [www.magasindeproducteurs.fr](http://www.magasindeproducteurs.fr). MAGPRO project

<sup>7</sup> Source: Mundler, Valorge (2015): Ateliers de transformation collectifs. Educagri. Dijon, Terrieux, Valorge, Mundler (2015): Les ATC en France: définition et regard d'ensemble. <https://www.agriculturepaysanne.org/files/etude-atelier-transformation-collectif-fl.pdf>

checking food hygiene risks pursuant to Regulation no. 852/2004/EU. The requirements are applicable to all members of the community and the users of the assets. Procession of products of plant and animal origin are subject to different rules. In case of animal products, there are three levels in terms of the French food hygiene regulations in general (covering not only ATCs).

- a) in case of direct sales only, the completion of the CERFA 13984 document issued by DD(CS)PP will suffice, however, compliance with the PMS Hygiene Plan is obligatory.
- b) part of the products is sold directly within a distance of 80 km, and another part is sold via intermediaries: This case is also subject to registration with the authority on a compulsory basis, and in addition to these regulations, the quality caps in place under the small scale producers derogation, depending on whether 30% or a higher proportion of the product is sold via intermediaries.
- c) If the producer sells his/her product other than locally and indirectly, via an intermediary as described above, the provisions relating to industrial hygiene requirements as per Regulation No. 853/2004/EU must be observed. (The hygiene requirements applicable to the latter case are not covered in this study).

## Hungary

In Hungary, there are flexible sanitary rules in relation to small scale producers and local farmers' markets, which sets forth a definition for local sales and the related area limitations and exact figures for small quantity products in each product category. The good sanitary practice for small scale producers has also been adopted.<sup>8</sup> Flexibility under EU Regulation 852/2004 provided a great opportunity in Hungary for traditional products to access markets, for rural development, and to earn additional income in underdeveloped regions.

The small producers regulation (52/2010 FVM<sup>9</sup>) allows small-scale farmers, including household farmers, to sell their own cultivated, produced and processed product with a flexible food hygiene rules based on Regulation (EC) No 852/2004.

Small producer must register at the food chain safety and animal health department of the district offices.

A private person with registered tax status as household farmer (primary producer), or private entrepreneur.

What products may be sold or what related activities may be conducted by the small producer?

- primary products grown, bred or collected;
- processed products;
- farmhouse catering service (Domestic slaughter of pets is possible if cooked and baked food is prepared and consumed locally as a ready meal.)

### **Small quantity selling rule: all these products or services may not exceed a certain quantity:**

- the meat of grown or upgrowing swine, sheep, goat: 6 pieces/week, 72 pieces/annum;
- the meat of piglet under 50 kg, or under 15 kg lamb, goatling : 10 pieces/week, 120 piece/annum;
- the meat of grown or upgrowing cattle: 2 pieces/week, 24 pieces/annum;
- the meat of calf under 100 kg: 2 pieces/week, 24 pieces/annum;
- the meat of farm chicken: 200 pieces/week. Slaughtering and selling the meat of water fowl or turkey 100 pieces/week;
- the meat of rabbit: 50 pieces/week;
- producing and selling meat foodstuff: 70 kg/week, 2600 kg/annum.
- fish: 6000 kg/annum
- milk : 200 litre/day, plus dairy product 40 kg/day;
- egg: 500 pieces/week, 20000 pieces/annum.
- fruit distillate (with tax seal)

<sup>8</sup> [https://www.kisleptek.hu/dictionary\\_small\\_farmers/](https://www.kisleptek.hu/dictionary_small_farmers/)

<https://elelmiszerlanc.kormany.hu/download/6/ae/e1000/Kistermeloi%20GHP.pdf>

<sup>9</sup> Decree No. 52/2010. FVM. – on the preconditions for the production, processing and selling of food by small producers  
<https://net.jogtar.hu/jogszabaly?docid=A1000052.FVM>



### **Territorial selling limitation:**

Selling of primary product of plant origin (apple, potato) and honey;

- nationwide directly to consumer;
- in the county, or within 40 air km from the place of the production within the territory of Hungary), or in Budapest, to retail or catering (incl. public catering);

Selling of primary product of animal origin (milk, egg, raw meat, etc.) and any other processed foodstuff (cheese, jam, sausage, etc.) in the county, or within 40 air km from the place of the production within the territory of Hungary), or in Budapest, to consumers, retail or catering (incl. public catering).

In the summer of 2017 Good Hygiene Practice (GHP) was approved by the Hungarian Ministry of Agriculture as a result of a good working collaboration between the Ministry, National Food Chain Safety Office and Kislépték, National Association of Interest Representations for Small-scale producers and service providers (KLT)<sup>10</sup>.

In addition to the decree on small scale producers, the Hungarian government has adopted flexible sanitary rules by passing the decree on local farmers market<sup>11</sup>. It provided the legislative grounds for an easier creation of local markets in the countryside, as these are not markets and market halls equipped with industrial infrastructure. These local markets are available only for small scale producers to sell their products, and not traders. A disadvantage lies in prohibiting also small family farms, cooperatives and craftsmen to sell their products in such markets. It represents another form of access to markets, which can add supplementary income to those living in rural areas. In Hungary, as in many Central-Eastern European Member States, after the 90s<sup>7</sup>, it became more difficult for small scale producers to access markets. The expansion of wholesale markets and wholesale traders brought about a sharp downward pressure in prices, and for this reason, the creation of each direct sales market has a material potential for those involved.

**Small scale retail units** (64/2007<sup>12</sup>) engaged in sales to end-consumers and in processing (e.g. a butcher's store) when selling directly to end-consumers products of animal origin, are deemed to be performing marginal and local activities in case of meat and meat products, if:

- a) \* sales take place in the county or commercial units in operation of neighbouring counties;
- B) \* the quantity sold to resellers does not exceed 25% of the raw materials of animal origin received in the particular calendar week on a weekly basis, or in case of meat, a maximum of 5 tons, and over and above this quantity, in case of meat products and cut cheese and other portioned dairy product, a quantity of 500 kg, in case of minced meat and prepared meat, a maximum of 500 kg, and in case of prepared fishery products, maximum 1 ton on a weekly basis.

### Norway<sup>13</sup>

The regulatory framework for Norwegian food producers is the sanitary regulations of the EU, despite the fact that Norway is not a member of the EU, however a member of EEA. On account of the peculiar geographical endowments of the country, the flexibility factor interestingly includes in its definition - in addition to naming marginal quantities - the place of sales, namely as a “**natural sales area**”. In the context of strengthening the diversification of family farms in terms of their operations, it is clearly a flexible provision that offering of means for consumption at ad-hoc events does not fall under the scope of the food hygiene Regulations No. 852/2004/EC

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<sup>10</sup> [https://www.kisleptek.hu/ghp\\_small\\_scale\\_farmers/](https://www.kisleptek.hu/ghp_small_scale_farmers/)

<sup>11</sup> Decree No. 51/2012. VM <https://net.jogtar.hu/jogszabaly?docid=A0700064.FVM>

<sup>12</sup> Decree No. 64/2007. FVM-EüM <https://net.jogtar.hu/jogszabaly?docid=A1200051.VM>

<sup>13</sup> Regulation on food hygiene (Forskrift om næringsmiddelhygiene): <https://lovdata.no/dokument/SF/forskrift/2008-12-22-1623>

Law on food safety and food security: <https://lovdata.no/dokument/NL/lov/2003-12-19-124>

Forskrift om produksjonstilsudd og avløsertilsudd i jordbruket

<https://lovdata.no/dokument/SF/forskrift/2014-12-19-1817>

of the European Union. In Norway, in such community and ad-hoc events ad-hoc sales by private persons are also permitted.

In Norway, producers are divided into two groups:

- Producers wishing to sell all across the European Union must have a licence to do so from the national food authority. They must meet the provisions of the relevant food sanitary regulations, and the separate rules relating to food products of animal origin.
- **The second group includes small scale producers** engaged in making products in limited quantities, and in sales of their products in a geographically limited area, e.g. in a farm. (The regulation on food hygiene has it in this form: “a sales area natural for the producer”.) This group must register only, with no need to seek a licence for sales. However, this group must also comply with the provisions of the general food hygiene regulation.

Poland<sup>14</sup>

Within the scope of operations of registered agricultural retail sales (RHD= rolniczy handel detaliczny=agricultural retail), processing of food is allowed in case of sales to end-consumers, and as from 1 January 2019, in case of sale of self-produced products, to small scale traders engaged in sales to end-consumers as well as to restaurants, with a limited territorial scope<sup>15</sup>.

It is however problematic for Polish small scale farmers that the producer may not involve any third party person for the production and sales of products, except in exhibitions, fairs, and festivals promoting food products.

Regulation no. 2159/2016 (December)<sup>16</sup> defines the maximum food quantity that may be sold annually, as a part of a rule relating to sales of agricultural products by small scale producers. The detailed description is set forth in Annex G.3.

Regulation no. 1703/2015<sup>17</sup> on veterinary requirements applicable to the production of animal products made from self-produced raw materials for direct sales to consumers also defines quantity caps. Products that may be directly sold include for example cut bodies or intestines from 2,500 turkeys or 10,000 other poultry or 5,000 lagomorphs slaughtered in the farms from controlled livestock, as well as untreated milk and eggs.

Direct sales to consumers may take place:

- at the place of production or in the farm;
- at markets; or
- in mobile or temporary facilities;
- via small scale trading facilities engaged in direct delivery to end-consumers.

Portugal

In Portugal, Regulation No. 699/2008<sup>18</sup> provides for flexible rules relating to hygiene as regards certain food products. Under this decree, direct sales mean sales to end-consumers or local small scale engaged in sales to end-consumers, and sales may take place within the area of the municipality as per the place of primary production and

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<sup>14</sup> <https://www.wetgiw.gov.pl/handel-eksport-import/rolniczy-handel-detaliczny>

<sup>15</sup> Dz.U. 2018 poz. 2242 USTAWA z dnia 9 listopada 2018 r. o zmianie niektórych ustaw w celu ułatwienia sprzedaży żywności przez rolników do sklepów i restauracji

<http://prawo.sejm.gov.pl/isap.nsf/download.xsp/WDU20180002242/T/D20182242L.pdf>

<sup>16</sup> Warszawa, dnia 27 grudnia 2016 r. Poz. 2159 ROZPORZĄDZENIE MINISTRA ROLNICTWA I ROZWOJU WSI z dnia 16 grudnia 2016 r. w sprawie maksymalnej ilości żywności zbywanej w ramach rolniczego handlu detalicznego oraz zakresu i sposobu jej dokumentowania, <http://prawo.sejm.gov.pl/isap.nsf/download.xsp/WDU20160002159/O/D20162159.pdf>

<sup>17</sup> Warszawa, dnia 26 października 2015 r. Poz. 1703 ROZPORZĄDZENIE MINISTRA ROLNICTWA I ROZWOJU WSI z dnia 30 września 2015 r. w sprawie wymagań weterynaryjnych przy produkcji produktów pochodzenia zwierzęcego przeznaczonych do sprzedaży bezpośredniej, <http://prawo.sejm.gov.pl/isap.nsf/download.xsp/WDU20150001703/O/D20151703.pdf>

<sup>18</sup> Portaria n.º 699/2008 Regulamenta as derrogações previstas no Regulamento (CE) n.º 853/2004, do Parlamento Europeu e do Conselho, de 29 de Abril, e no Regulamento (CE) n.º 2073/2005, da Comissão, de 15 de Novembro, para determinados géneros alimentícios, <https://dre.pt/web/guest/pesquisa/-/search/454827/details/maximized>

in the neighbouring counties. These provisions are not applicable to the distribution of regional products for promotional purposes at temporary exhibitions organised specifically for this purpose.

The decree - as in other countries - also defines the term of small quantity, which is a very low amount to enable livelihood for those living in the countryside.

These quantities from primary production are:

- 350 eggs weekly
- 500 kg honey annually
- 150 kg of fishery product weekly
- The maximum quantity of fresh cow milk from controlled livestock is 50 litres daily, if sold by the primary producer directly to the end-consumer.
- Up to 200 split poultry, rabbit and grown small game body weekly slaughtered by the primary producer in the farm (no processing beyond slaughtering, removal of the intestines and removal of the skin is allowed).

## Romania

Small family farms and farming traditions are markedly characteristic of the Romanian areas within the Carpathian basin. It is hard to apply to them EU regulations relating to the production and sales of foods, and to consumer protection, monitoring and hygiene. Laws and decrees are very often amended (e.g. decrees of urgency and laws are repealed), and they are not uniformly implemented on local levels, rendering local requirements markedly varied. Often times, the mostly aged farmers are not familiar with applicable rules. In Romania, there exists a rule describing the minimal operational conditions for small scale slaughter-houses, and quantity caps have also been set.

Direct sales of basic products of small scale producers is possible by using a simple producer registration and sales recording booklet issued by the municipality.

Pursuant to Act no. 145/2014<sup>19</sup>, natural persons engaged in agricultural production activities

- Must have a “production certificate” (“*atestat de producător*”). Production certificates issued by the mayor’s office provides the legal grounds for **agricultural production**, and for the **sale of products made in the farmer’s own production activities**. May not sell the products made by other farmers. These producers may sell basic and processed products from the farm and the house subject to registration and without issuing an accounting voucher, and may also sell their basic products in markets and at events.
- By maintaining a commercial registry booklet (“*carnet de comercializare*”), for the recording of sales by the producer, and therefore producers do not need to have a cash register<sup>20</sup>. In cases where producers wish to sell processed products in markets in addition to their house, they must meet very strict requirements imposed by the competent Food Safety Authority (A.N.S.V.S.A<sup>21</sup>) and laid down in relevant legislation, which is very hard to attain on the part of small scale producers. For sales of processed products in markets, an enterprise must be established and an online cash register must be used.

In case of direct sales of basic products of animal origin, producers may directly sell their small quantity basic products of animal origin and primary agricultural products to end-consumers, once they are registered to do so and after receiving a veterinary certificate, at fairs, exhibitions, religious events or at any other public event subject to regular control by local / county authorities, all across the country.

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<sup>19</sup> Legea nr. 145/2014 pentru stabilirea unor măsuri de reglementare a pieței produselor din sectorul agricol, <https://lege5.ro/Gratuit/gqydmjojzgm/legea-nr-145-2014-pentru-stabilirea-unor-masuri-de-reglementare-a-pietei-produselor-din-sectorul-agricol>

<sup>20</sup> ORDONANȚĂ DE URGENȚĂ nr. 28 din 25 martie 1999 privind obligația agenților economici de a utiliza aparate de marcat electronice fiscale, <http://legislatie.just.ro/Public/DetaliiDocumentAfis/58763>

<sup>21</sup> Autoritatea Națională Sanitară Veterinară și pentru Siguranța Alimentelor <http://www.ansvsa.ro/>

Small entrepreneurs engaged in selling primary products of animal origin from animals held in their household must renew the veterinary certificate every quarter year.

The following products fall within the scope of the veterinary registration process:

- a) fresh milk - as per the milk quota;
- b) fresh fish - up to 300 kg / delivery in case of fished fish and 50 kg / delivery in case of fish caught in fresh waters;
- c) one big game and 10 small games per hunting area;
- d) poultry or rabbits - 10,000 animals per year;
- e) live snail and mollusc - up to 50 kg per week;
- f) egg - from up to 50 laying hens

Small capacity slaughter-house (decree 35/2011)<sup>22</sup> with suitable areas and facilities for the receipt, accommodation and slaughtering of animals in small numbers.

Animals in small numbers - maximum number:

- pigs, sheep or goats - 100 animals / month;
- neat - 20 animals / month;
- A combination of the above, not exceeding 2.5 UVM / day,

## Slovakia

Flexible regulations covering small quantity producers and marginal producers in terms of hygiene was created in Slovakia as early as in 2011. It has become possible for producers to make and sell processed products. We emphasize that the range of persons not deemed as entrepreneurs is objectively defined, and so sales by them are not deemed as commercial activity when their revenue is less than EUR 500 and when they engage in the sales of their plant basic products in a rented room or marketplace for a maximum of 30 days annually. Article 3 of government decree number 360/2011 defines local retail stores in a reasonable manner, by timely terms (in accordance with EU regulations), in other words, locality is defined as retail stores within 2 hours travel, rather than in km terms.

Government decree No. **360/2011**<sup>23</sup> was supplemented and amended by government decree 100/2016 **360/2011**<sup>24</sup>, in significantly increasing the caps on small quantities. The decree allows processing small amount of self-produced products, other than animal products, in an own facility. The decree covers the direct sales of small quantities of basic products of plant and animal origin and the related sanitary requirements, and the sales of milk and dairy products to end-consumers and other retail facilities.

In selling fresh and heat-treated milk and dairy products in marginal quantities, the retail store may deliver milk or dairy products up to 500 litres of cow milk, 250 litres of sheep milk or 100 litres of goat milk to retail stores

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<sup>22</sup> ORDIN nr. 35 din 10 august 2011 privind aprobarea Condițiilor minime de funcționare a abatoarelor de capacitate mică [http://www.ansvsa.ro/download/legislatie/leg\\_igiena/ORDIN-nr-35\\_2011\\_22082ro.pdf](http://www.ansvsa.ro/download/legislatie/leg_igiena/ORDIN-nr-35_2011_22082ro.pdf),

<sup>23</sup> Nariadenie vlády č. 360/2011 Z.z. Nariadenie vlády Slovenskej republiky, ktorým sa ustanovujú hygienické požiadavky na priamy predaj a dodávanie malého množstva prvotných produktov rastlinného a živočíšneho pôvodu a dodávanie mlieka a mliečnych výrobkov konečnému spotrebiteľovi a iným maloobchodným prevádzkarniam, <http://www.zakonypreludi.sk/zz/2011-360>

<sup>24</sup> Nariadenie vlády č. 100/2016 Z.z. ktorým sa mení a dopĺňa nariadenie vlády Slovenskej republiky č. 360/2011 Z.z., ktorým sa ustanovujú hygienické požiadavky na priamy predaj a dodávanie malého množstva prvotných produktov rastlinného a živočíšneho pôvodu a dodávanie mlieka a mliečnych výrobkov konečnému spotrebiteľovi a iným maloobchodným prevádzkarniam, <http://www.zakonypreludi.sk/zz/2016-100>

selling to end-consumers on a daily basis, provided these quantities do not exceed 35% of all processed milk and 35% of dairy products weekly (Articles 9 and 10).

Raw eggs in small quantity may be sold by the producer directly to the end-consumer at the place of producing such egg, or at a local market up to 60 pieces per week, or to local retail stores up to 350 pieces each week (Article 5).

**Government decree 359/2011<sup>25</sup> regulates the following activities:**

- Sale of certain food products of animal origin from one retail facility to another one, in case of marginal quantities sold locally (within an area of 2 hours travel) and in limited activities.
- Direct sales of poultry meat and rabbit in small quantities and delivery of the same by primary producers, and direct sale of small quantity of wild animal to end-consumers or local retail shops
- Marking of meat of animals slaughtered urgently (for a special reason) at slaughter-houses and accompanying documentation of animals slaughtered outside of slaughter-houses.

Pursuant to the decree, exemptions may be granted as regards the requirements relating the structure of small food production facilities in case of:

a) a slaughter-house, where

- no more than 30 animals<sup>26</sup> are slaughtered weekly,
- sends a prior notice to the competent authority, reporting on the slaughtering of the animals, to allow ante mortem checks to be performed in the farm or in the slaughter-house;

b) a slaughter-facility, where no more than 5 tons of boneless meat is produced weekly.

According to Article 7, small quantity poultry or domestic rabbit facilities mean those keeping no more than 10,000 poultry and 2,500 rabbits annually.

**Spain**

In Spain, in Valencia province, as a result of close cooperation<sup>27</sup> between civil organisations (COAG) and authorities, decree 201/2017 allowing flexible regulations relating to small scale producers was passed in 2017<sup>28</sup>. The reasoning part of the decree provides a good example in itself, as shown below:

The preamble of the decree declares that sales of products made by producers or small scale food processing entities through direct or short sales channels is a form of diversifying revenues for farms engaged in basic agricultural activities. It also helps the creation of micro enterprises associated with rural areas and provides local products for consumers.

The flexible regulation promotes the creation and continuance of viable and sustainable farms. Economic development of rural areas, and systems linked to local resources provides subsistence in family farming for a number of persons. It is also associated with the preservation of traditional food production and culture.

Consumers are getting more and more interested in the origin of the food they consume, and sustainability of production which may promote consumption of seasonal local food. The objective of this decree is to guarantee food safety of agricultural products and processed foods sold directly or through a short commercial channels to consumers. The purpose of setting geographical limitations was to

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<sup>25</sup> Nariadenie vlády č. 359/2011 Z.z. Nariadenie vlády Slovenskej republiky, ktorým sa ustanovujú požiadavky na niektoré potravinárske prevádzkarne a na malé množstvá. <http://www.zakonypreludi.sk/zz/2011-350>,

<sup>26</sup> Calculated as UVMs as laid down in Article 2 of the regulation

<sup>27</sup> Thanks to Maria Carmen Chinillach Andreu (Servicio de Gestión del Riesgo Alimentario. Dirección General de Salud Pública. Conselleria de Sanidad Universal y Salud Pública. G.V.) and Juan Clemente Abad (COAG) for the information

<sup>28</sup> DECRETO 201/2017, de 15 de diciembre, del Consell, por el que se regula la venta de proximidad de productos primarios y agroalimentarios. [2018/1589], [http://www.dogv.gva.es/portal/ficha\\_disposicion.jsp?L=1&sig=001766%2F2018](http://www.dogv.gva.es/portal/ficha_disposicion.jsp?L=1&sig=001766%2F2018)  
DECRETO 134/2018, de 7 de septiembre, del Consell, por el que se regula el Registro sanitario de establecimientos alimentarios menores y el procedimiento de autorización de determinados establecimientos. [2018/8475], [http://www.dogv.gva.es/portal/ficha\\_disposicion\\_pc.jsp?sig=008465/2018&L=1](http://www.dogv.gva.es/portal/ficha_disposicion_pc.jsp?sig=008465/2018&L=1)

- Reduce the length of transport or agricultural and food products and the sales channels, thereby reducing relevant costs, with a view to promoting production and consumption.
- Another objective was to increase the added value to agricultural products, and to diversify and increase the income of those making these products, thereby supporting subsistence.
- In so doing, they contribute to the strengthening and restoration of rural tourism.
- There is an increased need on the part of society to ensure transparency of relations between producers and consumers, and to secure their products locally, from environmentally-friendly practice of production.

This decree is applicable to:

- a) Primary producers engaged in directly delivering their small quantity products to the end-consumers or via short sales channels.
- b) Small scale agricultural product processing entities, engaged in processing or packaging small amount of food, primarily in rooms in private houses or in workplaces, and in delivering their products to the end-consumers or via short sales channels.

The decree defines a number of terms, including the term of small scale agricultural food producers. Such persons are defined as a registered person engaged in the processing and handling of a limited quantity of food product in his/her own farm, and in selling these products directly to end-consumers, and via a short supply chain within the area of the Valencia region.

However, the decree disallows the sale of products in certain product categories, including fresh milk, live bivalve molluscs, and meat of domestic animals slaughtered in slaughter-houses (except as described in the decree), fishery products, seeds and germ.

Processing is allowed in small quantities in case of the following products: processed plant products, apple wine, wine, beer, distillate, honey, apiary products, olive oil, bread, baked goods, confectionery, pasta.

There are no limitations on quantities in relation to primary basic plant products.

Animal products are subject to the following limitations:

- 350 eggs weekly,
- 7,000 carcasses of split poultry or lagomorphs annually.

Small scale agricultural and food processing entities subject to the scope of the decree wishing to process or package and distribute limited quantity of food are subject to the following requirements:

- It must register with the sanitary registry for small sized food industry facilities of the Valencia region and it must obtain a preliminary licence for the facility.
- It must comply with requirements relating to hygiene and must apply a system based on risk analysis and critical control points, also observing flexibility criteria and guidelines relating to various products or product categories. It must observe the limitations on production and annual sales.
- Raw materials used for the production of various products must be sourced locally, except where any ingredient necessary for the production of the product is not available within the Valencia region.

United Kingdom

Food Standard Agency (FSA) is responsible for food safety and food hygiene in England, Wales and Northern Ireland issued a guidance in 2016<sup>29</sup> for the use of local food authorities in relation to the approval of food business establishments that handle products of animal origin. It explains, among other issues, the exemptions of article 1(3) (c), (d) and (e) of Regulation 853/2004, namely Direct supply of small quantities of primary product.

Small quantities of products of animal origin

- milk: Up to 24 pints of raw drinking milk[1] per day (approximately 14 litres)
- eggs: Less than 360 eggs (i.e. less than one full case) per week. Note: This exemption only applies to the producer supplying directly to the final consumer from the farm and farmers' markets and door-to-door.

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<sup>29</sup> <https://acmsf.food.gov.uk/sites/default/files/multimedia/pdfs/enforcement/approvalsguidance.pdf>



- fishery products: Up to 25 tonnes in a calendar year
- Live Bivalve Molluscs: Up to 25 tonnes in a calendar year, but subject to maximum limits for individual species

In November 2018 a special operational policy<sup>30</sup> on meat was issued in the implementation of the EU Food Hygienic Package. Its Annex B. interprets the terms marginal, localised and restricted set out in Recital 13 of Regulation 853/2004 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).

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.

- **Describe the method/procedure/technology/solution implemented. (Please explain, whether the innovative method is a product / service / process / marketing or organisational / management innovation) After completing the description, please indicate, whether this innovation is a technological or non-technological one.**

technological

non-technological

- **Describe the business, which implemented the innovated solution (size, country, region, location, type of food)**
- **Describe the distribution channels of the product(s)**
- **Describe what makes the innovation work.**
- **Describe the specific prerequisites for the business related to the implementation of the method and/or related to the location, method, procedure, solution**
  - a: **List the relevant necessary resources (including the estimated cost) for the specific innovation.**  
**Please list the relevant ones only (list is annexed)**
  - b: **List the relevant necessary capabilities for the specific innovation. Please list the relevant ones only (list is annexed)**

<sup>30</sup> <https://www.food.gov.uk/sites/default/files/media/document/meat-estab-approvals-policy-v4-final.pdf>

**6. Describe the results, achievements and typical failures**

**7. Summarize what makes the case to a good practice for the members of the SFSCs (e.g. lessons learned)**

**8. Aspects, methods for transfer of methods for other SFSC members**

**9. Recommendations for members of other SFSCs for further applications**

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**10. More information is available at (web), if it is relevant**

- <https://www.zakonyprolidi.cz/cs/1999-166>
- [www.magasinproducteurs.fr](http://www.magasinproducteurs.fr)
- <https://www.agriculturepaysanne.org/files/etude-atelier-transformation-collectif-fl.pdf>
- <https://net.jogtar.hu/jogszabaly?docid=A1000052.FVM>
- [https://www.kisleptek.hu/ghp\\_small\\_scale\\_farmers/](https://www.kisleptek.hu/ghp_small_scale_farmers/)
- <https://lovdata.no/dokument/SF/forskrift/2008-12-22-1623>
- <https://www.wetgiw.gov.pl/handel-eksport-import/rolniczy-handel-detaliczny>
- <http://prawo.sejm.gov.pl/isap.nsf/download.xsp/WDU20180002242/T/D20182242L.pdf>
- <http://prawo.sejm.gov.pl/isap.nsf/download.xsp/WDU20160002159/O/D20162159.pdf>
- <http://prawo.sejm.gov.pl/isap.nsf/download.xsp/WDU20150001703/O/D20151703.pdf>
- <https://dre.pt/web/guest/pesquisa/-/search/454827/details/maximized>
- <https://lege5.ro/Gratuit/gqydmojzgm/legea-nr-145-2014-pentru-stabilirea-unor-masuri-de-reglementare-a-pietei-produselor-din-sectorul-agricol>
- <http://legislatie.just.ro/Public/DetaliiDocumentAfis/58763>
- [http://www.ansvsa.ro/download/legislatie/leg\\_igiena/ORDIN-nr-35\\_2011\\_22082ro.pdf](http://www.ansvsa.ro/download/legislatie/leg_igiena/ORDIN-nr-35_2011_22082ro.pdf)
- <http://www.zakonypreludi.sk/zz/2011-360>
- <http://www.zakonypreludi.sk/zz/2016-100>
- <http://www.zakonypreludi.sk/zz/2011-350>,
- [http://www.dogv.gva.es/portal/ficha\\_disposicion.jsp?L=1&sig=001766%2F2018](http://www.dogv.gva.es/portal/ficha_disposicion.jsp?L=1&sig=001766%2F2018)
- [http://www.dogv.gva.es/portal/ficha\\_disposicion\\_pc.jsp?sig=008465/2018&L=1](http://www.dogv.gva.es/portal/ficha_disposicion_pc.jsp?sig=008465/2018&L=1)
- <https://acmsf.food.gov.uk/sites/default/files/multimedia/pdfs/enforcement/approvalsguidance.pdf>
- <https://www.food.gov.uk/sites/default/files/media/document/meat-estab-approvals-policy-v4-final.pdf>



## Annex

### 1. Checklist for necessary resources (tangible and non-tangible):

- materials (access to: raw materials/ ingredients - including volume, land – including size, packaging materials)
- human: labour force: size, knowledge & skills (production, technical, marketing, managerial, ICT, financial, etc.)
- technology: patents, know-how, trademarks, copyrights, trade secrets
- infrastructure, equipment, facilities, - size, minimum volume of production/sales, IT infrastructure
- information, reputation, brand, trust
- financial\*

\*: estimated cost:

0 - 10 000 Eur  
10 001 - 50 000 Eur  
50 001 - 100 000 Eur  
100 001 - 300 000 Eur  
300 001 – 1 000 000 Eur  
1 000 000 Eur above –

- other specific necessary resources for the application of the specific innovation

## **2. Checklist for the necessary capabilities**

- **food safety:**
  - basic skills to comply with the EU food safety regulations
  - ability to understand what makes the product safe (the key controls, which ensure the safety of the product – biological, chemical and physical hazards, providing the safety shelf life of perishable products)
  - food safety culture (motivation, responsibility for food safety) and basic skills for the implementation of HACCP
  
- **food quality:**
  - ability to define the target segments of consumers for SFSCs
  - ability to define the product characteristics which are (tacit) basic requirements for the target segment(s) of consumers;
  - ability to define which product attributes/levels and augmented services represent an added value for the target segments of consumers;
  - food quality culture (motivation, responsibility for food quality);
  - production experiences which help to provide the expected quality reliably, uniformly;
  - ability to provide distinguishable quality which meets the needs of the targeted consumer segment;
  - meeting (local) legal requirements, application of the labelling rules;
  - ability to access the consumer willingness to pay for specific products of SFSCs.
  
- **trust:**
  - ability to ensure product integrity, authenticity and transparent information for the consumers (including systems, tools);
  - ability to access external trust enhancers (third party certification, internal certification system, participatory guarantee systems);
  - application of the labelling rules and branding (mandatory and voluntary);
  - ability to meet third party certification requirements
  
- **ethical aspects**
  - ability to understand consumer needs for ethical behaviour related to the specific product(s) of the SFSCs;
  - culture for ethical food production and supply;
  - ability to implement necessary measures to ensure ethical food production and supply;
  - ability to access the consumer willingness to pay for products meeting ethical aspects
  
- **accessibility to consumers:**
  - ability to organize logistics efficiently and to exploit innovative solutions and distribution channels;
  - efficient, innovative sales methods;
  - ability to develop and implement new business models for ensuring access of consumers to products and augmented services;
  
- **fair price:**
  - collecting marketing information;
  - ability to enhance and maintain cooperation among chain actors including the combined use of available complementary resources, capabilities, competences of SFSCs actors, networking, understanding the principles of food value chain management;
  - ability to define, develop or maintain unique quality of products and augmented services;
  - ability to develop and implement new business models;
  - ability to access the consumer willingness to pay for fair price
  
- **increased negotiation power:**
  - collecting marketing information;
  - ability to enhance and maintain cooperation among chain actors including the combined use of available complementary resources, capabilities,

- competences of SFSCs actors, networking, understanding the principles of food value chain management, cooperation culture;
  - ability to define, develop or maintain unique quality of products and augmented services;
  - ability to develop and implement new business models;
- **shared use of available resources:**
    - ability to enhance and maintain cooperation among chain actors including the shared and combined use of available complementary resources, capabilities, competences of SFSCs actors, networking, understanding the principles of food value chain management, cooperation culture;
    - the level of value chain management culture;
    - ability to access the consumer willingness to pay for food with reduced environmental impacts

- **input for R+D:**
  - ability to monitor, research, evaluate, and understand the needs and wants of customers and consumers;
  - ability to develop new products, processes, packaging, preservation techniques, systems and access to new markets, including in other categories;
  - access to innovative technologies; distribution and marketing solutions and methods. management systems;
  - access to local input for R+D covered by other aspects
  
- **access to markets: and market success**
  - effective promotion, customer service, efficient and innovative sales methods;
  - ability to understand consumer's needs;
  - ability to organise logistics efficiently and to exploit innovative solutions and distribution channels,
  - unique value propositions;
  - ability to develop and implement new business models for ensuring access of consumers to products and augmented services, develop the market accessibility for the suppliers.
  - stock control;
  - ability to access to required raw materials within a restricted geographical area
  
- **access to infrastructure:**
  - ability to use existing own infrastructure in a focused way to serve consumer needs or to combine it with complementary infrastructures of other SFSC actors, cooperation culture;
  
- **management:**
  - to implement management systems for vision, planning, implementing), coordinating, controlling, monitoring, continuously;
  - improving; ability to motivate, authorize staff;
  
- **production, processing:**
  - management system, production experience, specific controlling, monitoring, continuously;
  - willingness to consider and ability to evaluate the adoption of TECI and NTI in the current production processes;
  - any additional specific resources necessary for the application of the specific innovation.