

Taking local produce to local markets within the EU, just like that?

Guidelines for suppliers to local markets on rules and regulations within the European Union



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This manual was commissioned by LEADER Zuid-Twente within the context of the international LEADER project 'Local Food' in which the exchange between producers in various EU countries is the central theme.

Introduction

Agricultural entrepreneurs from all over the world sell their produce on local markets. The reasons for doing so are very diverse. The focus of the 'Local Food' project is on local markets within the European Union. The main reasons for selling produce on local markets were highlighted in several meetings of agricultural entrepreneurs from various EU countries like Poland, France, the Netherlands, French Guiana, Hungary and Finland: besides generating more income, direct contact with the consumer is an important reason. Contrary to anonymous foodstuff in a supermarket, local produce gets more color and taste when the origin is known and the producer can tell her/his story. The appreciation of customers is a reward for the producer.

Various LEADER projects encourage to bridge gaps not only between citizens within a country, but also within the European Union. The aim of the LEADER Zuid Twente project (group) 'Local Food' is collecting and disseminating information regarding the marketing of local produce on local markets. The next logical step is sharing this information within the EU and thus simplify producers searching for relevant rules and regulations.

The project Group is aware that rules and regulations are changing. Because of the wide context - the whole European Union, this guideline is not an end product. It will evolve with changing rules and regulations, new information and experience from the countries in which local produce is marketed. Hence, this guideline is meant as a starter document. The next version will incorporate the experience of the participants in the international market of local produce in May 2012. Entrepreneurs from various EU countries can forward their suggestions to improve this guideline to the LEADER-coordinator. In this manner, the guideline evolves with the most recent information on standards. The guideline has been carefully composed, but it has no formal, legal status. The authors are not liable for missing information or mistakes; only rules and regulations are legally binding.

Note to the reader

This guideline is written from the perspective of a Dutch producer who wants to sell products in another EU country. Producers from other EU countries are facing similar legal implications. This concerns: legislation in the own country, legislation in the country in which produce is sold and EU legislation. Five different situations can be distinguished:

1. A producer in the Netherlands deals with local primary products, milk for instance. If sold within the EU, it does not have to conform to other standards. The Dutch quality standards for milk comply with EU rules and regulations.
2. An enterprise is involved in processing. Cheese making for example. If the product is going to be sold within the EU, it has to comply with Dutch standards and /or EU norms and /or legislation in the country of sale.
3. The producer is labeling the product.
4. The producer takes the product - cheese, across the border. For export within the EU rules are standardized. Additional rules apply to exporting meat to Scandinavia.
5. A producer sells his/her product on a local market in another country; France for example. The rules that apply to retail in France may differ per municipality.

Therefore, it is important to contact the local authorities regarding specific rules.

This manual starts with a general description of rules and regulations to which all products have to conform. Subsequently, the focus is on rules and regulations that may differ or vary per product group.

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1. General rules and regulations

In 2002 the European Union has issued “the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety” ([EG](#)) Nr. 178/2002.

Subsequently, standards on, amongst others, hygiene have been established. The authors assume that producers are familiar with general rules and regulations. Hence, we only elaborated on specific rules. However, in case you are interested in general rules and regulations we refer to *Legislation as regards: contaminants and residues*. For EU standards regarding (hygiene) in processing and storage we refer to: [Regulations \(EC\) 852/2004](#)

This chapter presents information on directives regarding labeling, selling establishments, transport requirements and an overview of custom and tax rules within the EU. Over and above general legislation described in this chapter, additional rules and regulations apply to some product groups. In Chapter 2 specific rules for a number of product groups are described in more detail.

1.1 Directives on labeling

All products within the EU have to be provided with a label. The rules for labeling are complex. Different rules apply to different categories of packaged foodstuff. In the directive for labeling a distinction is made between:

- **Pre-packaged foodstuffs;** these foodstuffs are sold to end users like consumers or to mass caterers.
- **Not pre-packaged foodstuffs;** in the (Dutch) order of council, based on the Foodstuff law, five different categories of not pre-packaged foodstuffs are distinguished. For each category different obligations are prescribed.
- **packaged foodstuffs;** these products are not sold to end users but to the processing industry or to wholesalers. E.g.: bulk packaged salad that is sold to a food shop.
- **Unpackaged foodstuffs:** these foodstuffs are not (pre)packaged and are sold to the end user. E.g.: pastries in the bakery, meat at the butcher's or snacks in a snack bar.

For specific ingredients like allergens or alcohol directives apply as well.

1.2 What are allergenic ingredients?

An allergenic is a component of a natural or an artificial substance that can cause allergic reactions. Examples of allergenic ingredients are cereal grains containing gluten, crustacean, eggs, peanuts, soya, milk, nuts, celery, mustard, sesame seed, sulfur dioxide, sulfites, lupine and mollusks. Products containing one of these substances are allergenic ingredients as well. To find out which rules apply to your products, we recommend consulting your national foodstuff authority.

1.3 Geographical indications and traditional specialties

The EU has protected the geographic origin of products by regulation. The purpose is to protect the identity of local food, to prevent unfair competition and the misleading of consumers. These laws protect the names of specific wine, cheese, ham, sausage, olives, beers and even regional bread, fruits and vegetables. For an exhaustive list please consult: [link](#).

1.4 Legislation on product selling establishments

Products which have been processed in establishments that comply with EU regulations, can be sold across borders without problem. The requirements for such establishments can be found in [Regulations \(EC\) 852/2004](#)

Within the EU temperature standards have been legally established for transport as well as the storage of products. An overview of these temperatures is presented below.

| Product | Temperature standard |
|---|---------------------------|
| Fresh meat | ≤ 7°C |
| Meat products (cut or uncut) | ≤ 7°C |
| Meat preparations | ≤ 4°C |
| Poultry and small game | ≤ 4°C |
| Organs and offal | ≤ 3°C |
| Big game | ≤ 7°C |
| Deep frozen pork | ≤ -18°C |
| Deep frozen beef | ≤ -18°C |
| Deep frozen veal | ≤ -18°C |
| Domesticated rabbit | ≤ 4°C |
| Minced meat | ≤ 4°C |
| Fresh poultry | ≤ 4°C |
| Fresh liver and related products | ≤ 3°C |
| Deep frozen meat and meat products | ≤ -18°C |
| Fresh salads | ≤ 7°C |
| Uncut vegetables and fruit | No standard |
| Cut vegetables and fruit | ≤ 7°C |
| Fresh fish | ≤ 4°C |
| Fresh dairy deserts | ≤ 7°C |
| Deep frozen products | ≤ -18°C |
| Game | ≤ 4°C |
| Butter | ≤ 7°C |
| Milk (pasteurized, sterilized) | ≤ 7°C |
| Milk products (yoghurt, kefir, cream, fresh cheese) | ≤ 4°C |
| Cut hard cheese | ≤ 7°C |
| Cut soft cheese | ≤ 7°C |
| Fish, crustaceans and molluscs | to be kept in melting ice |
| Perishable pastry | ≤ 7°C |
| Preserved foodstuff | No standard |
| Dry groceries | No standard |
| Jams | No standard |
| Bread | No standard |

Table 1: Temperature standards for products within Europe, January 2012

1.5 Transport and delivery of foodstuff

If foodstuff is to be transported, it has to be done under controlled temperatures. Unless the product label specifies otherwise, temperatures as indicated in Table 1 have to be maintained during transport. The temperature of deep frozen products during transport may deviate to -15 °C. However, this is not to be recommended if the product is to be marketed immediately after transport.

1.5.1 Territories for customs and tax purposes

For the application of customs and tax regulations, the European Union (EU) consists of four territories. I.e.: a customs territory, an excise duty territory, a VAT territory and a statistical territory.

When a product is taken across a boarder, the producer or exporter has to know:

- Whether or not a document is required at departure;
- Whether or not the destination belongs to the customs territory, the VAT territory, and/or the statistical territory;
- Which customs and excise duty forms are required.

Whether or not a (part of a) country belongs to a particular EU territory has to be found out from a list. This list is most likely to be found on the site of the customs in your country. The formalities to be completed depend on the final destination and eventually on the transition countries.

1.5.2 Special territories

Special territories have been designated within the European Union. To imports from these territories the same rules apply as to imports from non-EU countries. These exceptional territories are mentioned in the list of EU countries and territories.

French Guyana, one of the partners in the Local Food project, belongs to the special territory DOM (Departements d'Outre-Mer). The relevant rules and regulations for customs and tax can be consulted via the link [DOM](#).

2. The product groups

To some product groups specific rules and regulations apply besides general EU rules and regulations. In the context of the LEADER project Local Food the following product groups are distinguished. Specific rules and regulations are presented per section.

The following product groups are distinguished:

- Milk and dairy products;
- Meat and meat products;
- Processed fruit (jam, juice, liquor).

2.1 Milk and dairy products

2.1.1 Temperature requirements

Special temperature requirements apply to storage and transport of milk and dairy products. The standards are specified in the table below.

| Product | Temperature standard |
|---|--------------------------|
| Milk (pasteurized, sterilized) | $\leq 7^{\circ}\text{C}$ |
| Dairy products (yoghurt, kefir, cream and fresh cheese) | $\leq 4^{\circ}\text{C}$ |
| Cut hard cheese | $\leq 7^{\circ}\text{C}$ |
| Cut soft cheese | $\leq 7^{\circ}\text{C}$ |
| Butter | $\leq 7^{\circ}\text{C}$ |

Table 2: Temperature standards for dairy products

2.1.2 EU identification mark

Animal based foodstuff like dairy and meat products are provided with an EU identification mark. This is an EU obligation for the sake of food safety. The mark specifies the establishment of production and indicates that EU hygiene standards are being maintained. The mark consists of an oval in which:

- The country in which the product has been produced is represented by a country code. The country codes are: AT (Austria), BE (Belgium), BG (Bulgaria), CY (Cyprus), CZ (Czech Republic), DE (Germany), DK (Denmark), EE (Estonia), ES (Spain), EL (Greece), FR (France), FI (Finland), HU (Hungary), IE (Ireland) IT (Italy), LT (Lithuania), LU (Luxembourg), LV (Latvia) MT (Malta), NL (Netherlands), PL (Poland), PT (Portugal), RO (Romania), SE (Sweden), SI (Slovenia), SK (Slovakia), UK (England).
- The actual identification code of the establishment. The composition of the code differs per EU member state.
- The letters EC or an equivalent in another EU language.

The identification code does indicate the origin of the primary product, but the establishment in which the end product has been manufactured. The mark is printed on the packaging material or on the surface of the product. E.g.: in the coating of (hard) cheese or in the skin of a slaughtered animal.

The mark enables the authorities and the food industry to monitor traceability and food safety. Consumers use the identification code to find out the actual producer. House brands of supermarkets often specify the name of the retailer only.

2.2 Meat and meat products

The EU has issued a special directive for the export of meat and meat products. Exporting to Finland, Norway and Sweden requires special attention. For these countries a salmonella assessment is obligatory. Besides EU legislation, one has to conform to national rules and regulations. E.g.: rules regarding meat inspection and orders of council (based on foodstuff law) for hygiene. Please consult the national foodstuff (safety) authority in your country.

The following documents can be consulted for EU rules and regulations:

- [Regulation \(EC\) nr. 853/2004](#) Chapter III, article 8;
- [Commission Regulation \(EC\) nr.1688/2005](#)

2.2.1 Fresh meat contaminated with salmonella

In the Netherlands fresh poultry meat is inspected on contamination with salmonella (S.e/S.t) by the national (foodstuff) authority ([NVWA](#)) and not by the Product Board for Poultry and Eggs). The inspection is prescribed by the (new) EU regulation [Commission Regulation \(EC\) nr. 1086/2011](#) which was approved by the Commission on 27 October 2011. Slaughter houses have to be prepared for the contamination with monophasic phyla of Salmonella typhimurium (S.t).

2.2.2 Temperature requirements

For the storage and transport of meat and meat products temperature requirements have been issued. These are specified in the table below.

| Products | Temperature standard |
|-----------------------------------|----------------------|
| Fresh meat / meat products | ≤ 7°C |
| Cut meat products | ≤ 7°C |
| Meat preparations | ≤ 4°C |
| Poultry, feathered and small game | ≤ 4°C |
| Organs and offal | ≤ 3 °C |
| Big game | ≤ 7 °C |
| Deep frozen pork | ≤ -18 °C |
| Deep frozen beef | ≤ -18 °C |
| Deep frozen veal | ≤ -18 °C |
| Meat of domesticated rabbit | ≤ 4 °C |
| Minced meat | ≤ 4 °C |
| Fresh poultry | ≤ 4°C |
| Fresh liver and side products | ≤ 3°C |
| Deep frozen meat / meat products | ≤ -18°C |
| Deep frozen products | ≤ -18°C |
| Game | ≤ 4°C |

Table 3: Temperature standards for meat and meat products

2.2.3 EU identification mark

Animal based foodstuff like dairy and meat products are provided with an EU identification mark. This is an EU obligation for the sake of food safety. The mark specifies the establishment of production and indicates that EU hygiene standards are being maintained.

The mark consists of an oval in which:

- The country in which the product has been produced is represented by a country code. The country codes are: AT (Austria), BE (Belgium), BG (Bulgaria), CY (Cyprus), CZ (Czech Republic), DE (Germany), DK (Denmark), EE (Estonia), ES (Spain), EL (Greece), FR (France), FI (Finland), HU (Hungary), IE (Ireland) IT (Italy), LT (Lithuania), LU (Luxembourg), LV (Latvia) MT (Malta), NL (Netherlands), PL (Poland), PT (Portugal), RO (Romania), SE (Sweden), SI (Slovenia), SK (Slovakia), UK (England).
- The actual identification code of the establishment. The composition of the code differs per EU member state.
- The letters EC or an equivalent in another EU language.

The identification code does indicate the origin of the primary product, but the establishment in which the end product has been manufactured. The mark is printed on the packaging material or on the surface of the product. E.g.: in the coating of (hard) cheese or in the skin of a slaughtered animal.

The mark enables the authorities and the food industry to monitor traceability and food safety. Consumers use the identification code to find out the actual producer. House brands of supermarkets often specify the name of the retailer only.

2.3 Beverages, liquor and juice

Special directives have been issued for beverages, liquor and juice. Not only for storage temperatures but also regarding excise duty and user tax. The latter is levied on alcohol free beverages; excise duties are compulsory for alcoholic drinks. Each country has its own rules and regulations regarding excise duties. The customs of your country can provide more information.

The guideline on rules and regulations regarding Local Food

IS MEANT FOR

Agrarian entrepreneurs who sell or intend to sell local products on local markets in the own country or within the European Union.

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LEADER Zuid-Twente: NL, February 2012



Legislation as regards: contaminants and residues

- [Commission regulation \(EC\) 1881/2006](#) setting maximum levels for certain contaminants in foodstuffs
- [Commission regulation 396/2005](#) on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending.
- [Commission regulation \(EG\) 2377/90](#) laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin