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# **Artisan Cheese Production – does hygiene policy help or hinder?**

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**A Rational and Proportional  
Legal Framework**

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A short study and report  
commissioned by Slow Food

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# Artisan Cheese Production – does hygiene policy help or hinder?

## 1. Introduction

Engage in conversation with a group of small scale food producers and you will inevitably hear the criticism that EU food hygiene rules are excessive when it comes to artisan and small scale food production. In the present context, when we talk about ‘artisan and small scale’ we are broadly speaking of that group of food producers that for all practical purposes exercise direct control over the whole of the production process and environment. The question is to what extent the regulatory burden placed on producers in this sector is disproportionate to the risk and level of activity undertaken? What may be reasonable in regulating industrial and factory processed food is out of all proportion to what is necessary in small scale food production.

The net result is a belief that EU rules constrain artisan producers in terms of both the quality of what they are able to produce and their ability to make and sell products in a way that provides a living wage. Local farmers’ markets offer an idyllic scene in which local produce is supplied direct to the consumer but it is also one in which an:

... illusion of simplicity masks the ever-growing morass of conflicting, complicated and expensive regulatory oversight that undermines the local food movement by creating barriers between producers and consumers.<sup>1</sup>

A comment on the US small scale food scene, but nonetheless applicable to Europe where the regulatory framework is similarly, if not arguably more, complex. One aspect only of this framework, the application of hygiene rules, is the subject of this study which will examine the impact of the rules on small scale dairy and cheese production, identify problem areas and illustrate these using a selection of case studies. The aim will be to identify legislative reforms that could be made for this sector that would allow it to thrive without compromising food safety.

The general food Regulation (EC) 178/2002 establishes the general principles and requirements of EU food law within which the core provisions regulating food hygiene operate. The core provisions are often referred to as the ‘Hygiene Package’ which comprise:

1. Regulation (EC) 852/2004<sup>2</sup> on the hygiene of foodstuffs.
2. Regulation (EC) 853/2004<sup>3</sup> setting out specific hygiene rules for food of animal origin.

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<sup>1</sup> Tarr N W, ‘Food Entrepreneurs and Food Safety Regulation’, *Journal of Food Law and Policy*, Volume 7, 2011, p36

<sup>2</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1445163199044&uri=CELEX:02004R0852-20090420>

<sup>3</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1445163305274&uri=CELEX:02004R0853-20141117>

3. Regulation (EC) 854/2004<sup>4</sup> laying down rules for the organisation of official controls.

When referring to the Hygiene Package account should also be taken of Regulation (EC) 882/2004<sup>5</sup> on official controls to ensure the verification of compliance and Regulation (EC) 2073/2005<sup>6</sup> on microbiological criteria for foodstuffs.

Food Business Operators (FBOs) must comply with relevant general and specific rules set out in Regulation (EC) 852/2004 and Regulation (EC) 853/2004 while Competent Authorities (CAs) of the Member States ensure FBO compliance within the framework provided by Regulation (EC) 882/2004 and Regulation (EC) 854/2004.

Food hygiene requirements are generally set out in the annexes to Regulation (EC) 852/2004 and Regulation (EC) 853/2004. The Hygiene Package is intended to provide a uniform and consistent approach to food hygiene throughout the EU leaving only enforcement arrangements to Member States. In England, for example, these arrangements are contained in the Food Safety and Hygiene (England) Regulations 2013.<sup>7</sup>

The burden placed on small scale producers receives some regulatory recognition. The Hygiene Package itself provides for some flexibility in its application:

- **Derogations or exemptions** – the Commission and Member States may authorise food business operators not to apply specified requirements of the Hygiene Package in particular circumstances. The opportunities to do so are defined in the Hygiene Package and national measures must be notified at the draft stage to the European Commission.

Occasionally, provisions within the Hygiene Package authorise a degree of flexibility which may be exercised by the competent authority of the Member State. An example is wording such as “unless otherwise authorised by the competent authority” and “if the competent authority so permits”.

- **Adaptations** - provide Member States with the possibility of adapting requirements laid down in the Hygiene Package in particular circumstances.

So, for example, premises where foods with traditional characteristics are exposed to an environment necessary for the development of their characteristics may, in particular, comprise walls, ceilings and doors that are not smooth, impervious, non-absorbent or of corrosion resistant material and natural geological walls, ceilings and floors.

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<sup>4</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1445163400771&uri=CELEX:02004R0854-20150101>

<sup>5</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1445162607765&uri=CELEX:02004R0882-20140630>

<sup>6</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1445343498794&uri=CELEX:02005R2073-20140601>

<sup>7</sup> <http://www.legislation.gov.uk/ukxi/2013/2996/contents/made>

- **Exclusions** – cover activities excluded from the scope of the general food Regulation (EC) 178/2002<sup>8</sup>, including primary production for private domestic use and the domestic preparation, handling or storage of food for private domestic consumption.

Direct supply, by the primary producer, of small quantities of primary foodstuffs to the final consumer and local retail establishments directly supplying the final consumer are excluded from the scope of the Hygiene Package.

The guiding principles in the operation of these flexibilities are subsidiarity, under which Member States are best able to determine how they should operate, and transparency, which requires draft national measures to be notified to the Commission and other Member States.

Once discretion is given in the form of flexibility to and within Member States there arises the potential for different approaches to be pursued in its application. The evidence reveals there is a significant disparity between the approaches taken to flexibility and enforcement in one EU country to that taken in others. Austria, for example, is known for taking a more innovative and flexible approach in the application of hygiene rules while Bulgaria appears to be at the other extreme.

The use of flexibility is subject always to the requirement that food placed on the market must be safe.

## 2. A Short History of Flexibility in the Hygiene Package

The Hygiene Package took effect on 1 January 2006. The Commission was required, no later than 20 May 2009, to report to the European Parliament and the Council, in particular, on the experience gained from the application of the Hygiene Package and consider the desirability and practicality of extending the principles of Hazard Analysis and Critical Control Points (HACCP) to primary production.<sup>9</sup>

In 2009 the Commission duly reported to the Council and the European Parliament on the experience gained from the application of the Hygiene Package.<sup>10</sup> Overall, the report painted a positive picture of the reforms introduced. On the issue of flexibility, while Member States reported that they were generally very satisfied with the arrangements in the Hygiene Package, the Commission noted:

However, based on the few notifications of national measures to this effect received so far and criticisms emanating from certain food businesses ..., MS may not have availed of all flexibility possibilities offered in the legislation.<sup>11</sup>

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<sup>8</sup> Article 1(3)

<sup>9</sup> Regulation (EC) 852/2004, Articles 5 and 16; Regulation (EC) 853/2004, Article 14 and Regulation (EC) 854/2004, Article 21

<sup>10</sup> European Commission, *Report from the Commission to the Council and the European Parliament on the experience gained from the application of the hygiene Regulations (EC) 852/2004, (EC) 853/2004 and (EC) 854/2004 of the European Parliament and of the Council of 29 April 2004*, European Communities, COM(2009) 403

[http://ec.europa.eu/food/food/biosafety/hygienelegislation/docs/report\\_act\\_part1\\_en.pdf](http://ec.europa.eu/food/food/biosafety/hygienelegislation/docs/report_act_part1_en.pdf)

<sup>11</sup> *Ibid.*, p7, para 3.9

A few Member States had raised difficulties over the approval of former small capacity establishments where a solution could be found in the application of flexibility provisions, but the opportunity had not been taken.<sup>12</sup> The suspicions evidenced in the Commission's comments were later shown to be well-founded.

The Food and Veterinary Office (FVO) subsequently undertook a number of fact-finding missions between November 2009 and March 2010 in six Member States<sup>13</sup> with the following three objectives:

1. Collect information concerning the implementation of the Hygiene Package in small establishments.
2. Review any measures taken by the Competent Authorities (CA) to provide flexibility in the implementation of the Hygiene Package in small establishments.
3. Identify best practice with a view to promoting it more widely.

The six Member States visited were Austria, the Czech Republic, Finland, Germany, the United Kingdom and Spain between November 2009 and March 2010. In relation to the dairy establishments visited the most commonly used flexibility measures observed<sup>14</sup> included:

- The separation of different activities in time, for example use of a common room for cutting, wrapping, vacuuming and packing cheeses with a time separation of the activities.
- The structure of cheese maturing facilities (for example, use of wooden shelves and acceptance of porous walls).
- The application of the HACCP principles.
- The authorisation of an alternative temperature/time relation for transport of raw milk for cheese production due to technological reasons.
- Alternative protective measures taken when progressing work flows are not possible.
- Authorisation to share equipment between the dairy plant and the restaurant attached.

The level of application of flexibility, however, varied significantly between Member States. While the United Kingdom, Austria and Germany had made use of flexibility others had made only very limited use of the opportunities. The missions concluded that:

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<sup>12</sup> *Ibid.*, p6, para 3.6

<sup>13</sup> European Commission, *General Report of a Mission Series Carried Out in Six Member States in the Period November 2009 to March 2010 in Order to Gather Information Regarding the Application of the Hygiene Regulations in Small Establishments Producing Meat and Meat Products of Mammals and Dairy Products*, DG(SANCO)/2010-6150 - MR FINAL, 2010

<sup>14</sup> *Ibid.*, p13, para 5.2.2

- The use of flexibility varies from Member State to Member State and within a Member State.
- National measures were not always properly notified.
- The use of flexibility was pragmatic and did not lead to a risk to consumers.
- Member States are best placed to apply and verify the adoption of flexibility.

The fourth point is somewhat at odds with the first two, in the very least it merits the conclusion that mechanisms for ensuring flexibility is implemented in all Member States in a fair and consistent manner are either not working or are inadequate. This is an important point that was not addressed in the recommendations addressed to Member States:

1. Introduce flexibility measures more widely and encourage their implementation.
2. Notify national measures as required.
3. Provide guidance to all levels of CAs, in particular the CA in charge of approval and supervision of establishments.
4. Document in the establishment approval file or in official documents the flexibility granted to individual establishments.
5. Ensure that the objectives of the Hygiene Package are achieved despite the implementation of flexibility measures.

The Commission went on to issue its own separate guidance for CAs<sup>15</sup> and FBOs<sup>16</sup> adopting the style of frequently asked questions.

The Better Training for Safer Food<sup>17</sup> (BTSF) initiative started in 2006 was developed so that from 2012 specific provision was made for training in flexibility.

The training has been more recently delivered through 12 five-day training courses<sup>18</sup> in Austria, Italy, Lithuania, Portugal and Spain and provides a general overview of flexibility in the Hygiene Package and supporting guidance document. In particular, in relation to the building, layout and equipment of premises for reasons other than those related to food with traditional characteristics or which use traditional methods, and geographical constraints, which were separately covered.

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<sup>15</sup> European Commission, *Commission Staff Working Document on the Understanding of Certain Provisions on Flexibility Provided in the Hygiene Package: Frequently Asked Questions, Guidelines for the Competent Authorities*, SEC(2010) 986 final, 2010

<sup>16</sup> European Commission, *Commission Staff Working Document on the Understanding of Certain Provisions on Flexibility Provided in the Hygiene Package: Frequently Asked Questions, Guidelines for Food Business Operators*, SEC(2010) 985 final, 2010

<sup>17</sup> <http://ec.europa.eu/chafea/food/index.html>

<sup>18</sup> <http://www.btsftraining.com/2014/04/btsf-food-hygiene-and-flexibility/>

The training aims at raising awareness and at improving the understanding of the flexibility provisions within the competent authorities of the Member States, ensuring a better use of such provisions, disseminating best practices for official controls regarding flexibility provisions in all food sectors and favouring exchange of experience in order to increase the level of expertise and harmonisation in the approach to flexibility at all stages of production, processing and distribution of the food chain.

The critical question is whether all this activity has resulted in the improved adoption of flexibility in a fair and consistent manner in its application to small scale dairy and cheese production throughout the EU?

### 3. Flexibility in Practice

The underlying rationale for flexibility is the desire to apply the Hygiene Package in a manner that is proportionate to the risks posed by the operations undertaken in particular FBOs:

It is appropriate to provide for the adaptation of certain specific control rules, through the transparent procedure provided for in Regulation (EC) No 852/2004 and Regulation (EC) No 853/2004, to provide flexibility in order to accommodate the specific needs of establishments which use traditional methods, have a low throughput or are located in regions that are subject to special geographical constraints. The procedure should also allow pilot projects to take place in order to try out new approaches to hygiene controls on meat. However, such flexibility should not compromise food hygiene objectives.<sup>19</sup>

The aim of flexibility is “to protect food diversity and to serve consumers and the needs of small-scale producers”.<sup>20</sup> The recognition of the disproportionate burden placed on artisan and small scale food producers is welcome but does flexibility work and, if so, does it go far enough?

The reforms brought about by the general food Regulation (EC) 178/2002 placed considerable emphasis on the fact that FBOs have primary responsibility for food safety.<sup>21</sup> This responsibility is underpinned by the Hygiene Package, but the issue is whether such a system, designed for the regulation of industrial scale food production, can meaningfully be applied to low-risk small scale food production simply by means of the exercise of domestic and local discretion in designated areas.

... in ensuring sufficient scope for national food safety authorities ... and food business operators to apply the technical requirements of the Hygiene Package in a flexible manner, the EU legislature also wanted to avoid *carte blanche* regulation. It is submitted that this tension is at the heart of interpretative issues surrounding the Hygiene Package flexibilities. Crucially, from a legal perspective, these interpretive challenges are exacerbated by the fact that, while the term flexibility is used extensively, its exact parameters and meaning are not

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<sup>19</sup> Regulation (EC) 854/2004, recital 7

<sup>20</sup> European Commission, *Report from the Commission to the Council and the European Parliament on the experience gained from the application of the hygiene Regulations (EC) 852/2004, (EC) 853/2004 and (EC) 854/2004 of the European Parliament and of the Council of 29 April 2004*, COM(2009) 403, p7, para 3.9

<sup>21</sup> European Commission, *White Paper on Food Safety*, COM (1999) 719, 12 January 2000, page 8, para 9

specifically defined in the Hygiene Package, the General Food Law or the Official Controls Regulation.<sup>22</sup>

### 3.1 *Derogations or Exemptions*

The Commission is empowered to grant derogations under Regulation (EC) 852/2004, Article 13(2):

Derogations from Annexes I and II may be granted by the Commission, in particular to facilitate the implementation of Article 5 for small businesses, taking into account the relevant risk factors, provided that such derogations do not affect the achievement of the objectives of this Regulation. Those measures, designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 14(3).

Article 5 comprises the obligation to implement and maintain procedures based on the HACCP principles.

While definitions exist of micro, small and medium-sized enterprises (SMEs) in other contexts,<sup>23</sup> none is offered in relation to small-scale food producers. The overwhelming majority would fall into the category of micro enterprises having fewer than 10 employees and a turnover less than €2m. Definitions of this nature are, however, inevitably arbitrary and that offered at the outset with a focus on direct control over the production process has more to offer for present purposes.

The use of this authority to grant derogations at least carries the benefit of a consistency of approach throughout all Member States. The Commission has not, however, availed itself of this provision despite clear evidence of the burden which HACCP places on small businesses, leaving it to Member States to adapt only Annex II requirements which inevitably results in a lack of consistency of approach.

The more pragmatic approach to flexibility is to be found in the requirements contained in the annexes to the regulations comprising the Hygiene Package. There is a measure of discretion to be found in the wording of many requirements which it is open to the appropriate official of the relevant CA to exercise. Examples of this approach include:

... in an *appropriate* manner and for an *appropriate* period, *commensurate* with the nature and size of the food business.<sup>24</sup>

... *adequate* maintenance ... and provide *adequate* working space<sup>25</sup>

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<sup>22</sup> Lawless J, 'The Complexity of Flexibility in EU Food Hygiene Regulation', *European Food and Feed Law Review*, EFFL, Volume 7, Issue 5, 2012, p221

<sup>23</sup> [Commission Recommendation 2003/361/EC](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1445418239990&uri=CELEX:32003H0361) concerning the definition of micro, small and medium-sized enterprises <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1445418239990&uri=CELEX:32003H0361>

<sup>24</sup> Regulation (EC) 852/2004, Annex I, Part A, point III(7)

<sup>25</sup> Regulation (EC) 852/2004, Annex II, Chapter I, point 2(a)

An *adequate* number ...<sup>26</sup>

There is to be *suitable* and *sufficient* means ...<sup>27</sup>

Where *necessary*, *adequate* changing facilities ...<sup>28</sup>

floor surfaces ... require the use of impervious, non-absorbent, washable and non-toxic materials *unless* food business operators can satisfy the competent authority that other materials used are *appropriate*.<sup>29</sup>

... *unless* the competent authority considers that such facilities are unnecessary.<sup>30</sup>

The Court of Justice has in the past taken a common sense approach to the interpretation of hygiene requirements rather than provide support for the over-zealous actions of some CAs. In one such case, containers used for self-service retail of bread and bakery products could conceivably have been contaminated, but on that basis alone it could not be considered that bread was not protected against any contamination likely to render them unfit for human consumption.<sup>31</sup>

In a further case, an adequate number of washbasins, was held by the Court of Justice not to require a washbasin to be used exclusively for washing hands or to be possible to use the water tap or hand-drying material without touching by hand.<sup>32</sup> Common sense prevailed.

An official of a competent authority who takes a decision acting in reliance on a flexibility so provided is under no obligation to provide any notification of their decision. There is in this approach much fertile ground for the development of inconsistent approaches both between Member States and within a Member State.

... those Member States wishing to apply the openly worded requirements of the annexes in as flexible and minimal a way possible have little incentive to adopt formal national measures and can achieve their objectives through interpretations of the Hygiene Package annexes on a case-by-case basis. In contrast, where Member States are unclear as to whether they have sufficient prerogative concerning openly-worded requirements, and are not prepared to develop national measures which necessitate notification to the EU level, they may be more inclined to adopt a very strict and inflexible application of the provisions of the Hygiene Package annexes, which guarantee fulfilment of the legislative requirement but potentially at the cost of unnecessary regulatory burden for food business operators.<sup>33</sup>

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<sup>26</sup> *Ibid.*, points 3 and 4

<sup>27</sup> *Ibid.*, point 5

<sup>28</sup> *Ibid.*, point 9

<sup>29</sup> Regulation (EC) 853/2004, Annex II, Chapter II, point 1(a)

<sup>30</sup> *Ibid.*, Annex III, Section I, Chapter II, point 1(b)

<sup>31</sup> *Erich Albrecht and Others v Landeshauptmann von Wien* (C-382/10) <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1445609293078&uri=CELEX:62010CJ0382>

<sup>32</sup> *Astrid Preissl KEG v Landeshauptmann von Wien* (case C-381/10) <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1445608683765&uri=CELEX:62010CJ0381>

<sup>33</sup> Lawless J (2012), p225

### 3.2 Adaptations

Under Article 13(3), Member States are empowered to adopt national measures:

Member States may, without compromising achievement of the objectives of this Regulation, adopt, in accordance with paragraphs 4 to 7 of this Article, national measures adapting the requirements laid down in Annex II.<sup>34</sup>

Article 13(4) to (7) requires that national measures:

- Have the aim of enabling the continued use of traditional methods, in the production, processing or distribution of food; or accommodating the needs of food businesses in regions subject to special geographical constraints.<sup>35</sup>
- In other cases, apply only to the construction, layout and equipment of establishments.
- Are notified to the Commission and other Member States in a manner which includes prescribed and relevant information, and reasons for the adaptation in accordance with the procedure set out for approval by the Commission.
- Are adopted to adapt the requirements of Annex II only in compliance with a decision of the Commission.

Regulation (EC) 2074/2005<sup>36</sup> provides that ‘foods with traditional characteristics’ means foods recognised historically as traditional products, manufactured according to a recognised traditional process or production methods, or protected as traditional food products by EU, national, regional or local law.<sup>37</sup>

The definition extends beyond foods which benefit from EU protected food names, protected denomination of origin (PDO) and protected geographical indication (PGI), to newer products that utilise traditional methods. Member States may grant FBOs producing such foods individual or general derogations from requirements:

1. Concerning premises<sup>38</sup> so they may, in particular, comprise walls, ceilings and doors that are not smooth, impervious, non-absorbent or of corrosion-resistant material and natural geological walls, ceilings and floors.
2. Concerning the type of materials<sup>39</sup> of which the instruments and the equipment used specifically for the preparation, packaging and wrapping of these products are made.

The identification of areas subject to special geographical constraints is much less well defined.

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<sup>34</sup> Regulation (EC) 852/2004, Article 13(3)

<sup>35</sup> See also Regulation (EC) 854/2004, Article 10(4)(a)

<sup>36</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1445529708326&uri=CELEX:32005R2074>

<sup>37</sup> Article 7

<sup>38</sup> Regulation (EC) 852/2004, Annex II, Chapter II, point 1

<sup>39</sup> Regulation (EC) 852/2004, Annex II, Chapter II, point 1(f) and Chapter V, point 1

Flexibility is particularly important for regions that are subject to special geographical constraints, including the outermost regions referred to in Article 299(2) of the Treaty.<sup>40</sup>

In addition to the ‘outermost regions’ the FVO report on the missions carried out in 2009 and 2010 identified the Alms region of Austria as an area subject to special geographic constraints but beyond the fact that it was a mountainous area, the report provides no indication of the characteristics which qualify the Alms for such status.

In contrast to traditional foods and those produced in areas of special geographic constraints, Member States are empowered to adopt national measures in other cases but these can “apply only to the construction, layout and equipment of establishments.”<sup>41</sup> While this is expressed to be a limitation, it is actually broad in what it may potentially encompass.

The arrangements for the notification and adoption of national measures are no doubt intended to secure some measure of consistency of approach.

National measures comprise “Regulations, Ordinances, Decrees, administrative Regulations, guidelines issued by the CAs and guidelines issued by professional organisations”<sup>42</sup> so are widely defined. The difficulty arises in considering what adapting means in practice.

Does adaptation require an automatic reduction in the regulatory burden? Does adaptation mean that the competent authorities may be permitted to disapply (i.e. derogate from) certain technical requirements. What is the interplay between adaptation as referred to in the Hygiene Package and the individual judgements of competent authority officials in the EU Member States made on a case-by-case basis?<sup>43</sup>

In short, there is much uncertainty in the provisions for adapting the requirements contained in the annexes to the Hygiene Package regulations.

### 3.3 *Exclusions*

The Hygiene Package expressly does not apply to “the direct supply, by the producer, of small quantities of primary products to the final consumer or to local retail establishments directly supplying the final consumer”.<sup>44</sup> What constitutes “small quantities” or “local” are not defined with the result that a seemingly clear exclusion is subject to local discretion.

While the flexibility is relevant to the supply of raw milk, cheese is not a primary product.<sup>45</sup> Furthermore, the supply of primary products under the exclusion are subject to national rules

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<sup>40</sup> Regulation (EC) 852/2004, recital 16

<sup>41</sup> *Ibid.*, Article 13(4)(b)

<sup>42</sup> European Commission, *General Report of a Mission Series Carried Out in Six Member States in the Period November 2009 to March 2010 in Order to Gather Information Regarding the Application of the Hygiene Regulations in Small Establishments Producing Meat and Meat Products of Mammals and Dairy Products*, DG(SANCO)/2010-6150 - MR FINAL, 2010, p6, para 5.1

<sup>43</sup> Lawless J (2012), p224

<sup>44</sup> Regulation (EC) 852/2004, Article 1(2)(c) and Regulation (EC) 853/2004, Article 1(3)(c)

<sup>45</sup> *Ibid.*, Article 2(1)(b)

which may in themselves be more restrictive than those under the Hygiene Package.<sup>46</sup> There is no requirement for these national rules to be notified to the Commission or other Member States.

It may have been anticipated that lack of definition would lead to a lack of consistency in the application of flexibility.

### 3.4 *Flexibility in Practice - Conclusions*

There is clearly scope for flexibility in the application of the Hygiene Package where circumstances justify such action. The problem is that the legislation is fiendishly complex and in significant respects unclear in terms of how it is to be applied. The temptation for CAs and individual officials in such a situation will be to play it safe and adopt a literal and restrictive interpretation of what the Hygiene Package provides.

## 4. **Questionnaire and Case Studies**

### 4.1 *Choice of Case Studies*

The questionnaire was designed to gain some insight into and understanding about the extent to which flexibility in the Hygiene Package is understood and how it works for small scale cheese producers. The questionnaire is intended to provide case studies that illustrate the practical experience of cheesemakers and highlight issues for future policy development.

The ten producers chosen represent a range of countries drawn from across the EU comprising Austria, France, Italy, Sweden and the UK. The scale of production among producers ranged from quite modest levels, less than one tonne, up to 200 tonnes annual output. In all but one case the FBOs concerned employed fewer than five staff.

The questionnaire may also be used as the basis of a future more far-reaching quantitative study. A larger base of case studies would permit a greater degree of confidence in identifying issues whether of a country specific or European wide nature.

### 4.2 *The Questionnaire*

The questionnaire<sup>47</sup> was structured around six themes. The aim was to elicit relevant information concerning the following:

1. Basic details about the scale and nature of dairy operations and cheese making.
2. Products made, inputs required and source.
3. The competent authority undertaking official controls and the nature of the relationship with the producer.

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<sup>46</sup> *Ibid.*, Article 1(3)

<sup>47</sup> A copy is contained in Annex II.

4. The producer experience of formal inspection and, if any, enforcement action.
5. Producer awareness and understanding of flexibility within the Hygiene Package.
6. Producer experiences of the adequacy of flexibility and need for regulatory reform.

The questionnaires were completed during interviews with the producers concerned which were carried out by the author and representatives of Slow Food.

## 5. Case Studies Analysis

### 5.1 *Summary of Responses*

#### 5.1.1 SCALE OF OPERATIONS AND PRODUCTS

Among the ten cheesemakers which participated in this study all but one used only raw milk (cow, buffalo, sheep or goat milk) produced on the farm and had four or fewer employees. The exception was a Swedish cheesemaker wholly reliant on bought-in milk almost all of which is pasteurised and which had a staff of 16 employees. The annual production for the raw milk cheesemakers ranged from fewer than a tonne to as much as 200 tonnes a year.

The cheeses produced ranged from fresh cheeses to those aged for up to 5 months and, in the case of one English producer for 24 months and more. The smaller producers, as may be expected, sold cheese mainly by direct sales from the farm and at local farmers' markets, the larger producers are more actively engaged in retail sales and wholesale.

#### 5.1.2 PRODUCER AND COMPETENT AUTHORITY RELATIONS

Contact with officers of the local or regional CA ranged from none, in the case of one French producer, to twice yearly visits in the case of the Italian producers interviewed. All were official visits for the purpose of carrying out official controls. Generally, visits were concerned with carrying out formal inspections with little or no informal advice or support offered. In the Italian cases some training on HACCP had been provided, but there was no evidence of any such provision in the remaining countries.

Only in the UK, in England and Wales, was there evidence of meaningful collaboration between cheesemakers and officers of the CA. The collaboration is evidenced, in particular, in two ways that promote a consistency of approach at the national level and a shared appreciation and understanding of artisan cheese production.

First, the Specialist Cheesemakers Association (SCA)<sup>48</sup> has worked with one CA<sup>49</sup> to ensure that the CA understands artisan cheese production and agrees advice on food hygiene which has legal force throughout England and Wales. Primary Authority is a national Government

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<sup>48</sup> The Specialist Cheesemakers Association (<http://www.specialistcheesemakers.co.uk/>) is the trade association for artisan cheesemakers in the UK.

<sup>49</sup> Cornwall County Council

scheme having legal force which provides participants with the reassurance that acting on the assured advice of one CA means a cheesemaker is working within the law.<sup>50</sup>

The main benefits are that a single CA gains expertise in artisan cheese production and the assured advice it provides applies throughout England and Wales, not just within the area of the CA. The advice is consistent throughout England and Wales and must be followed by CAs in other areas. The Primary Authority initiative is, however, relatively new and it remains to be fully tested to determine how effective it proves to be in practice.

Second, the assured advice agreed under the Primary Authority scheme is supported by joint training provision for officers of CAs and cheesemakers provided by the SCA.

### 5.1.3 EXPERIENCE OF INSPECTION, CONCERNS AND ENFORCEMENT ACTION

Four cheesemakers had never had to deal with any concerns about methods of cheese production. The rest faced concerns raised about temperature, wood window frames, insect control, rodent traps, stone floors and hard to clean walls, failure to use what was considered to be an appropriate chemical cleaner and hand washing facilities. In a small number of cases the concern was withdrawn following explanation and clarification (particularly those regarding washing and cleaning) and in other cases action was taken to address the concern, for example, replacing a wooden framed window with a steel frame. None of the cheesemakers in the study had been the subject of any formal enforcement action.

### 5.1.4 AWARENESS AND ADEQUACY OF FLEXIBILITY

When it came to producer awareness of the existence of flexibility within the Hygiene Package the picture was very mixed. In France, two producers had no awareness that it existed and others were aware but saw no benefit from the use of flexibility. The majority, however, were aware and recognised that, for example, the use of wooden shelving, wooden tools and copper cauldrons were due to the exercise of flexibility. This was most clearly expressed by producers making cheese that benefitted from a protected food name.<sup>51</sup>

The final theme concerned the adequacy of flexibility and need for regulatory reform. The view among producers surveyed was, albeit to varying degrees, unanimous in that regulation should be proportionate to the scale of the FBO. Some producers argued for a different regulatory framework while others appeared content with more flexibility. Whatever the stance adopted, greater recognition of the needs of small producers and freedom from inappropriate regulation were common threads throughout.

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<sup>50</sup> See Department for Business Innovation & Skills, *Primary Authority: Nurturing Partnerships for Growth*, Better Regulation Delivery Office, June 2015

<sup>51</sup> Regulation (EU) 1151/2012 on quality schemes for agricultural products and foodstuffs <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32012R1151>

## 5.2 *Main Concerns and Issues*

Among the case studies a number of things stand out and these include:

- A general lack of understanding of the Hygiene Package but, in particular, the operation of flexibility in this context.
- The absence of a consistent approach to enforcement across Member States of the EU which appears evident at all levels, from one EU country to another, one region to another and between individual officers of CAs.
- The absence, for the most part, of a collaborative working relationship between artisan cheesemakers and officers of CAs.
- The need for more equitable arrangements which facilitate effective and more accessible testing and analysis.

In some cases, notably in Sweden, cheesemakers are highly critical of the knowledge and expertise of officers of the CA. Officers who come to inspect, it is claimed, are not prepared or properly trained, lack understanding and basic knowledge.

## 6. **Conclusions**

The aim of this study as stated at the outset was “to identify legislative reforms that could be made for this sector that would allow it to thrive without compromising food safety.”<sup>52</sup> However, the complexity of the present arrangements make this task impractical to identify particular changes in the regulatory framework likely to lead to overall improvements which relieve some of the burden placed on artisan cheesemakers. This is not to say that there is nothing to be done.

CAs and artisan cheesemakers alike only seek to ensure that food produced is safe. This can only be achieved where this is a genuine respect and understanding for the role played by one another. The absence of respect and understanding will result in producers finding their own ways of working and a reluctance to share issues and concerns with officers of the CA which may otherwise have had a wider benefit. This is all the more likely in cases where officers simply rigidly apply rules without considering the potential benefits flexibility may offer.

It is no coincidence that in those cases where there is a dialogue and more collaborative working there is more evidence of mutual respect. Artisan cheesemakers and officers of the CA are able to work together in identifying critical points in the production process, the risks and appropriate action to be taken.

In order to promote such an approach, the right tools must be in place and clear, widely understood and accepted rules are a fundamental part.

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<sup>52</sup> See p3 above.

## 6.1 *The Legislative Framework*

There is scope for flexibility within the Hygiene Package where justified, but for both officers of CAs charged with responsibility for official controls and artisan and small-scale cheesemakers the legislation is complex and unclear. The result is that there is no shared understanding of the ground rules. CAs and individual officials play it safe and adopt a literal and restrictive interpretation of the Hygiene Package which is invariably detrimental to the interests of artisan and small scale producers.

There is an urgent need to simplify and clarify the rules on flexibility so they are readily understood by all concerned. This requires that the rules be codified and expressed in a single coherent and clear legislative instrument. The size and scale of this task is not underestimated, but the bolting on to a system designed for industrial food production a series of flexibilities is in no small measure the reason why the law is complex and unclear.

Codification should start with questioning whether the use of flexibility is the correct approach and whether the development of the concept of exclusion is to be preferred. While exclusion is presented as a flexibility, once certain terms have been clearly defined, it would not operate in a way which involves the exercise or not of discretion on the part of CAs whether nationally, regional or local. It has the benefit of much greater certainty for all concerned.

Artisan food producers possess a direct control over the whole production process and environment in which it takes place which puts them in a privileged position. In the context of the Hygiene Package this privileged position does not receive the recognition it warrants, in particular the need for the application of different more appropriate rules.

## 6.2 *Collaborative Working*

It was remarked earlier<sup>53</sup> that some of the conclusions of the FVO missions in 2009 and 2010 were at odds and that mechanisms for ensuring flexibility is implemented in all Member States in a fair and consistent manner are either not working or are inadequate. The point must not be overlooked.

In the short term, there are steps which could be taken to improve on the situation. Measures which promote a shared understanding and respect for artisan skills and knowledge on the one hand and for administering official controls on the other. The FVO report made a number of recommendations, including the publication of more guidance, and was followed by specific training within the BTSF initiative. It is undoubtedly the case that some will have benefited as a result, but the impact of the implementation of the FVO's recommendations does not appear to have been as deep or as widespread as is clearly needed.

On the basis of experience to date, there are measures which stand out as offering a way forward in bringing about more collaborative and productive joint working.

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<sup>53</sup> See p7 above.

### 6.2.1 LEARN FROM WHAT WORKS

There is the example in the UK in which a single code of practice forms the basis of assured advice in the matter of artisan cheese production. While not a codified statement of legal requirements it reflects an interpretation of the law which is to be applied consistently throughout England and Wales and has legal force. There is much to be gained from drawing upon and sharing good practice.

The European guide to good practice is a development led by the Farmhouse and Artisan Cheese and Dairy Producers European Network (FACE)<sup>54</sup> The guide is being compiled by producers and experts from across the EU, including those involved in the production of the UK code, for use in all EU countries.

The aim is to present the guide to the European Commission in 2016 in the expectation that it will be adopted. The code will, as with the UK assured code of practice, provide a consistent approach in determining good practice in the production of artisan cheese, producers who follow the guidance in the code ought not to be questioned or challenged for doing so.

### 6.2.2 EDUCATION AND TRAINING

Education and training must always be high on the agenda, but the nature of training activity promoted matters as much as the fact that it is available. The BTSF initiative operates at and offers an EU level perspective. Training activity having an objective to promote collaborative working must work from the bottom up. A common code makes it possible for local artisan cheesemakers to train alongside local CA officers in a consistent manner, gaining insight into the role and responsibilities of each other and developing a mutually beneficial working relationship.

Consistency of approach to education and training is as important as the official controls in themselves and facilitates a clear focus on critical control points in place of the rigid application of rules and ticking boxes.

Resourcing training at an EU level is one thing, but it must be for local artisan cheesemakers and officials to determine what would work best in their particular circumstances.

## 6.3 *Accessible Testing and Analysis*

Testing and analysis plays a critical role in artisan cheese production, Regular and timely analysis provides reassurance that the process of production is robust in making food that is safe for consumers.

The cost of testing and analysis is almost prohibitive for many artisan cheesemakers. It is essential that low cost testing and analysis is made available to artisan cheesemakers who cannot reasonably be expected to carry such a burden.

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<sup>54</sup> <http://www.face-network.eu/>

#### 6.4 *A Final Word*

There is, although outside the scope of this study, a case to be made for the exclusion of artisan and small-scale food production from the Hygiene Package in significant respects. In a two-tier arrangement, which many of those surveyed would prefer, the question of flexibility would then fall to be considered at the interface of what might be considered artisan and small-scale and larger more industrial levels of production. Artisan and small-scale producers would have a system which was not a bolt on but one specifically designed to meet their needs and circumstances, a classic recognition that one approach rarely meets all needs.

The Hygiene Package is a comprehensive regulatory framework designed to meet the needs of industrial food processing. This study has drawn attention to a number of issues which adversely impact on artisan cheese production alone. Flexibility for artisan and small scale food producers is a theory which at best looks good on paper, but in practice it is not working and does not meet the needs of artisan cheesemakers. There are clear short and long term actions which can be taken to put this right and redress the balance in the burden of regulation. CAs and artisan cheesemakers alike only seek to ensure that food produced is safe, but the regulatory framework must work for both.

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<sup>55</sup> [http://www.ers.usda.gov/media/122868/err97\\_1.pdf](http://www.ers.usda.gov/media/122868/err97_1.pdf)

**Questionnaire**



**Slow Food - Artisan Food Law**  
**SMALL SCALE DAIRY AND CHEESE PRODUCTION**



<b>1. DETAILS OF DAIRY PRODUCTION UNIT</b>	
<b>BUSINESS NAME:</b> Include named contact person	
<b>ADDRESS/LOCATION:</b> Multiple or single site?	
<b>NUMBER OF EMPLOYEES:</b> Total/family members employed	
<b>NATURE OF OPERATIONS:</b> Located on/off farm Description of production unit	
<b>2. ANIMALS AND LIVESTOCK</b>	
<b>ANIMAL SPECIES AND BREEDS:</b> Cow/buffalo/sheep/goat – pastured/housed	
<b>NUMBER OF ANIMALS:</b>	
<b>GRAZING SYSTEM:</b> Pastured/housed	
<b>3. MILK AND OTHER INPUTS</b>	
<b>SOURCE OF MILK:</b> Farm herd/ bought in from external source(s)	
<b>TREATMENT:</b> Raw/pasteurised/homogenised	
<b>VOLUME:</b> Litres per year - seasonal or constant? Maximum litres processed in a single day	

<p><b>RENNET:</b> Animal/vegetal – powder/liquid – purchased/self-produced</p>	
<p><b>STARTER:</b> Used/not used</p>	
<p><b>OTHER INPUTS:</b> salt</p>	
<p><b>4. DAIRY PRODUCTS</b></p>	
<p><b>NAME AND DESCRIPTION:</b> Organic certification PDO/PGI/other Weight Soft/semi-soft/hard Aged or consumed fresh Smoked</p>	1.
	2.
	3.
	4.
	5.
<p><b>AREA OF PRODUCTION:</b> Traditional area</p>	
<p><b>AGEING:</b> How long and under what conditions does ageing occur?</p>	
<p><b>SMOKING:</b> What is the wood used and the conditions under which smoking takes place?</p>	
<p><b>VOLUME:</b> Units of each product produced Seasonal product – availability?</p>	
<p><b>MARKET:</b> Direct from farm/wholesaler/retailer Private consumption Proportions (%) where a mix of routes</p>	

<b>5. COMPETENT AUTHORITY (CA) RESPONSIBLE FOR OFFICIAL CONTROLS</b>	
<p><b>NAME:</b> The body carrying out official controls Geographical area of responsibility Named contact/consistent inspector</p>	
<p>5.1 How frequently do you have contact with the CA's officers? Is it usually the same person? How would you describe the relationship?</p>	
<p>5.2 Does the CA's officer visit at times other than official inspections? If so, why?</p>	
<p>5.3 Does the CA's officer provide advice and support? If so, how useful do you find it?</p>	
<p>5.4 Does the CA provide written guidance and/or offer training?</p>	
<b>6. INSPECTIONS AND OFFICIAL CONTROLS</b>	
<p>6.1 How often does the CA's officer carry out formal inspections of your premises and operations?</p>	

<p>6.2 During formal inspections has the CA's officer raised any concerns? If so, was any indication given that enforcement action might be taken?</p>	
<p>6.3 What was the nature of any concerns raised by the CA's officer?</p>	
<b>7. PROBLEMS AND ENFORCEMENT ACTION</b>	
<p>7.1 Have you encountered any problems, whether during a formal inspection or otherwise, where the CA's officer has questioned or challenged any aspect of the production process? If so, what was the nature of that challenge?</p>	
<p>7.2 What action did you take in response to any questioning or challenge made by the CA's officer? Was the officer satisfied with your response?</p>	
<p>7.3 Has your business been the subject of formal enforcement action? If so, what was the outcome?</p>	

<p>7.4 What impact did any challenge or enforcement action have on your business? Were you able to recover?</p>	
<b>8. THE HYGIENE PACKAGE AND 'FLEXIBILITY'</b>	
<p>8.1 In 2004 the EU Hygiene Package consolidated food hygiene rules that embody the HACCP approach. Are you aware of 'flexibilities' within these rules? If so, what do you understand them to be?</p> <p><small>This may require some background explanation about the flexibilities – what can and cannot be done.</small></p>	
<p>8.2 Do you know of any 'flexibilities' that have been applied which concern your business? If so, what are they?</p>	
<p>8.3 Where 'flexibilities' have been implemented did they go far enough and has there been a significant benefit to your business?</p>	
<b>9. ADDITIONAL CHANGES – NO COMPROMISING FOOD SAFETY</b>	
<p>9.1 Do you think there are additional flexibilities which would benefit your business without compromising the safety of your products? If so, what are those flexibilities?</p>	
<p>9.2 Do you think the same regulations should apply to all food business operators regardless of their scale of production? If not, why do you think this way?</p>	

## Questionnaire – Summary of Responses

	Producer A	Producer B	Producer C	Producer D	Producer E	Producer F	Producer G	Producer H	Producer I	Producer J
<b>Country</b>	Austria	France	France	France	Italy	Italy	Sweden	Sweden	England	England
<b>Staff</b>	2	2	1+	2	2	3	4	16	3	3
<b>Premises</b>	8m <sup>2</sup>	On the farm.	Small mountain production unit.	New fromagerie 2 years ago, water treatment plant.	10m <sup>2</sup> with linoleum floor, difficult to wash, 4 windows – remote.	10m <sup>2</sup> with stone floor, difficult to clean walls and 2 windows.	On farm – 2 units. Laboratory is 230m <sup>2</sup>	Production units extend to 600m <sup>2</sup>	On farm – cheese room 84m <sup>2</sup> – about 200m <sup>2</sup> in total. Built 2 years ago.	Main cheese room built 5 years ago.
<b>Livestock</b>	10 buffalo and 40 goats	120 Rove goat	300 Tête Noire sheep	380 (280 in milk) Basque Béarnaise sheep	Bruna Alpina and Pezzata Rossa d'Oropa cows	Bruna Alpina and Vallesana goats.	Goats	None	110 Montbeliarde cows – closed herd.	230 Holstein Friesian and Ayrshire cows plus some crosses.
<b>Pastured or housed</b>	Housed – external access.	Pastured all year	Pastured with hay in winter.	Pastured with hay in winter.	Pastured – housed at night and winter.	Pastured – housed at night and winter.	Pastured – housed November to February.	Not applicable.	Pastured 8 months a year, housed over winter.	Pastured 6 to 7 months, loose housed rest of the year.
<b>Milk source for cheese</b>	100% farm milk	100% farm milk	100% farm milk	100% farm milk	100% farm milk	100% farm milk	Farm milk plus 1,000 litres a month of cows' milk.	100% bought in milk.	100% farm milk	100% farm milk
<b>Treatment</b>	100% raw	100% raw	100% raw	100% raw	100% raw	100% raw	100% raw	Almost all pasteurised, limited raw milk.	100% raw	100% raw
<b>Volume</b>	100 litres a day on average – 36,500 litres a year	15,000 litres a year	8,000 litres a year	7,000 litres a year	50,000 litres a year	45,000 litres a year	59,400 litres a year	720,000 litres a year	200,000 litres a year	2,000,000 litres a year
<b>Rennet</b>	Vegetal – from mushrooms	Animal – goat rennet	Animal – bought in liquid	Animal – bought in liquid.	Animal – cow powder rennet.	Animal – cow powder rennet.	Animal	Animal	Animal – French liquid rennet	Animal
<b>Other inputs</b>	Wild fungus for some products.	None	Noirmoutiers salt	Noirmoutiers salt	Salt	Salt	Salt and ashes	Salt	Salt and bacteria.	Salt and annatto colouring
<b>Cheeses</b>	Up to 10 different cheeses constantly changing – fresh and aged.	Goat cheese Lactic cheese – soft and fresh	Semi-soft/hard cheese	Semi-soft/hard cheese	PDO cheese Ricotta	PDO cheese Toma – cow and goat Ricotta Butter	Different French styles – innovative cheeses. All fresh, except the one made with cow's milk which is aged. Certified handmade.	Different French styles – a cow's milk, 2 goats and a mix of milk. Certified handmade.	A semi-soft Brie style cheese. St Marcellin style cheese. Raw drinking milk and butter.	Cheddar style cheese. Raw drinking milk and butter.
<b>Area of production</b>	Wine area – no traditional cheese production.	Department of Bouche du Rhone			The Macagn	The Macagn	Not specific.	Not specific.	Suffolk	Lincolnshire
<b>Ageing</b>	Designated refrigeration unit.	Usually about 10 days	30 days to 2 months	1 to 2 months	Aged 3 to 5 months	Ricotta and butter consumed fresh, others aged 3 to 5 months.	Aged in refrigerated areas for 60 days.	Two products aged in refrigerated areas.	Aged 6 weeks in series of refrigerated maturing rooms. Wired metal shelving.	Aged from 6 up to 24+ months.
<b>Smoking</b>	None	None	None	None	None	None	None	None	None	Small amount of cheese smoked off-site.
<b>Volume</b>	Very variable	50% Brousse de Rove 50% lactic cheese	1 tonne a year	Less than 1 tonne a year	Around 5 tonnes a season	4.5 tonnes	4 tonnes a year	80 tonnes a year	18 tonnes a year	200 tonnes
<b>Market</b>	1/3 direct sales 1/3 restaurant 1/3 retail	100% direct – on farm or farmers markets.	100% direct – on farm or farmers markets.	100% direct – on farm or farmers markets.	50% direct 50% retailer	70% retailer, mostly local 25% direct 5% private consumption	1/3 direct 1/3 restaurants and retailers 1/3 wholesale	15% direct 85% wholesale and retail	Mainly retail but some wholesale, little direct sales.	12% direct at farmers' markets, rest retail and wholesale, 5 tonnes exported to USA and Europe.
<b>CA</b>	Regional hygiene inspector	None – only laboratory for testing.	Direction Départementale des Territoires et de la Mer	Direction Départementale des Territoires et de la Mer	Azienda Sanitaria Locale	Azienda Sanitaria Locale	Livsmedsverket – official national CA. Also association of retailers, more punctual and precise, officers competent and trustworthy.	Livsmedsverket – official national CA.	Waveney District Council and Suffolk County Council. Cornwall County Council as primary authority.	East Lindsey District Council Cornwall County Council as primary authority.

<b>Contact</b>	Official inspections only and some e-mail updates. Inspectors change every 3-4 years, focus changes and we have to adapt.	None	Official inspections only once a year.	Once a year for inspection, came when laboratory first opened.	Twice a year visits – including animal welfare. Staff depends on function, consistent and a positive relationship.	Twice a year - including animal welfare. Staff depends on function, consistent and a positive relationship.	Official inspections only – person changes often, no personal relationship.	Official inspections only – officers change.	Official inspection one a year, more on first start up. Good relationship	Official inspection once a year. Collaborative and positive relationship.
<b>Unofficial visits</b>	None	None	None	Came unexpected for livestock control.	None	Only voluntary testing for TB and during organic conversion process.	None	None	None	None
<b>Advice and support</b>	Available to answer questions during inspection. No written support or training – would be useful.	None	None	Not really.	Collaboration useful, helped with issues to avoid sanctions. Recently organised a HACCP course.	Relationship crucial. Organised a HACCP course with technical expert from another region.	Never had any support, officers who come not prepared or properly trained. Lack understanding of cheese production, even basic knowledge. Training never provided or support of any kind – only provided by the national centre for artisan cheese.	Never had support. Officers who come not prepared or properly trained, lack understanding and even a basic knowledge. CA never provided training or tools, no support of any kind. Only the national centre for artisan cheese provided.	Good suggestions occasionally. Some written guidance provided, on HACCP plan, for example. Food hygiene course suggested but one specific to artisan cheese production undertaken elsewhere.	Guidance is quality assured and endorsed by Cornwall County Council. The training is jointly arranged and Specialist Cheesemakers Association provides training to CA officers.
<b>Formal inspections</b>	Inspections at one day's notice, at least once, sometimes 2 or 3 times a year. Analysis costs C840 for 2 products – not accessible.	Cheese taken for analysis 4 times a year.	Once a year.	Once a year.	Twice a year.	Twice a year.	Once a year.	Once a year.	Once a year.	Once a year
<b>Concerns raised</b>	Almost every time- temperature too high, wooden window frame, insect control, rodent traps and hand washing facilities.	None	None	None	None – worked with CA since start.	Concerns about the entrance, windows, insect screen, stone floor and walls hard to clean.	No – only once but the officer made a mistake and was not properly prepared.	Never. Once told refrigeration not cold enough, but accepted when officer unable to explain the problem.	Some concern that walls and floor not cleaned with appropriate chemical. Explained would kill beneficial bacteria and after negative pathogen testing was accepted.	None
<b>Enforcement action</b>	None – given time to address concerns, replace window frame and more traps.	None	None	None	None – questions discussed in positive dialogue.	None.	Problem with the competence of officers who lack understanding.	None – we were well prepared.	None.	None.
<b>Impact of any action</b>	Quantity and disposition of traps makes no difference, other actions have been useful – window frame.	None	None	None	Re-designed the laboratory in consultation so satisfied.	New laboratory designed in consultation with CA so they have been satisfied.	None.	None.	Not applicable.	Not applicable.
<b>Flexibility awareness</b>	Aware but do not benefit. Some 'unofficial' flexibilities – making a PDO-style cheese without derogation.	Aware and understand the possibility of derogations	No, did not know.	No, did not know.	Not specifically, but the PDO permits some derogations.	Yes, aware of some derogation. Mountain production needs to preserve some elements of the process.	Flexibilities should come from an understanding of the whole production process.	Flexibility should allow us to make cheese how we want to do things. SALSA make recommendations on their visits.	There is some discretion at national level – use of wooden shelves for maturing.	

<b>Flexibilities applied</b>	Only 'unofficial' flexibility.	None	No	No	Use of copper cauldron, wooden aging shelves, transforming milk and cheese in same room.	Use of wooden tools, copper cauldron and wooden shelves.	Use of wooden tools and no changing room for employees.	None	No.	Use of wooden shelves – not aware of any others.
<b>Adequacy of flexibilities</b>					Derogation necessary to work, otherwise impossible.	Flexibilities crucial, can't produce PDO without them.	Flexibilities have been crucial.			
<b>Other flexibilities needed</b>	Wanted to preserve the traditional ageing room, not artificial temperature and humidity control.		Products sold within 80 kms, useful to send further.	Products sold within 80 kms, useful to send further.	No. Production protocol agreed, nothing else required.	No, sharing with the CA the production protocol the process was approved.	More flexibility in raw milk processing. Lower costs for analysis. Public sector support not competent so forced to use private sector.	None.	No.	No.
<b>FBOs and same regulatory framework</b>	Scale is crucial – regulation should be proportionate to scale. Control systems should also be different.	No. Two people can control everything, raw milk is a risk for industry.	No, should be different rules. Products not comparable in terms of knowledge of the process.	No, products not comparable without forgetting animal welfare.	Other structures can be borderline, flexibilities need case by case approach.	Should be possible to recognise same derogations independent to amount of product produced.	More important than production size is production process.	Main problems with raw milk processing – may be more appropriate regulation.	No rules to get rid of on cheese side, raw drinking milk another matter.	SALSA approach more suited to cheese production.