



Ashfield

GUIDANCE TO REGISTRATION OF FOOD BUSINESS ESTABLISHMENTS

Article 6(2) of EU Regulation 852/2004, requires food business operators to register their establishments (i.e. each separate unit of their food businesses) with the appropriate competent authority, except establishments which:

- Are subject to approval under Regulation 853/2004 (see Section 5), or;
- Fall outside the scope of the Regulation 852/2004 (see Paragraph 1.5.2).

The Council must record and maintain details of food business establishments which have been registered.

These food business establishments will not include those engaged only in primary production activities.

Exemptions

In respect of food business establishments subject to Regulation 852/2004 only i.e. establishments which are not subject to approval under Regulation 853/2004. **There are no specific exemptions from the requirement to be registered.**

A 'food business' is defined in Regulation 178/2002*, Both Recital (9), and Article 1(2), of Regulation 852/2004 set out the circumstances under which the Regulation, and hence the requirement to register under Article 6(2), would not apply.

*[Regulation (EC) No. 178/2002 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]

Registration of New Food Business Establishments

1. Applications for Registration: General

Under Article 31(1)(a) of Regulation 852/2004 the Council is required to establish procedures for food business operators to follow when applying for the registration of their establishments. The following paragraphs set out these procedures.

2. Time Frame for Registration

Food business operators should register their food business establishments with the appropriate Food Authority (in this case the District Council) at least 28 days before food operations commence.

3. Registration Form

Food business operators must provide the relevant Food Authority with full details of the activities undertaken when registering their establishments.

4. Sites on Which There is More Than One Food Business Establishment

4.1 Establishments under the Control of the Same Food Business Operator

Sites will exist on which there are two or more food business establishments under the control of the same food business operator. For example, in a shopping centre in which there are two or more food business. For establishments under the control of the same food business operator, the operators must ensure that each establishment under their control is registered separately. They should complete a registration form for each separate establishment.

4.2 Establishments under the Control of Different Food Business Operators

Sites will also exist on which there are two or more food business establishments under the control of different food business operators. For example, a supermarket may have a coffee shop on site under the control of a different food business operator such as a coffee shop chain. The coffee shop will not be covered by the supermarket's registration and must be registered in its own right by its operator. Coffee shops, snack bars etc. operated by the supermarket itself would be covered as part of the supermarket's registration.

5. Lists of Food Business Establishments

5.1 Use of existing lists

Article 31(1)(b) of Regulation 882/2004 requires the Council to draw up a list of food establishments that have been registered and permits the use of existing lists to be used for this purpose. Food business operators will not need to re-register food business establishments under their control which have already been registered with a Food Authority. From 1 January 2006. The Council will maintain the lists in accordance with the requirements of Article 31(1)(b) of Regulation 882/2004.

5.2 Separate List of Registered Food Business Establishments

Unitary Authorities and District Council Food Authorities will ensure that a separate, up-to-date, list of their registered food business establishments is available for inspection by the general public at all reasonable times. The list contains the following information about each food business and is consistent with the information held in the Council's database:

1. Name of food business operator
2. Name of the food business
3. Address of the food business establishment
4. Particulars and nature of the food business

These authorities may give or send a copy of their list or any entry on it to any person who makes a request for such information. However, requests for information on food business establishments which is not included in the list will be handled with due regard to Freedom of Information and Data Protection legislation.

5.3 Referral from County Council Food Authorities

County Council Food Authorities will refer requests from the general public for information on registered food business establishments in their area to the relevant District Council Food Authority.

6. Action on Receipt of Completed Registration Form

6.1 On receipt of a completed registration form;

The Council will record the date of receipt on the form. The Council will ensure that if there are any activities indicated on the form outside their enforcement remit, a copy of the form is sent without delay to the relevant competent authority.

The Council will enter relevant information from the registration form on to the database and lists of registered food business establishments. The registration form will then be placed on a file prepared in respect of that food business establishment.

The Council will keep application forms relating to current businesses in a format that maintains their admissibility as evidence if required.

If any information is omitted from a registration form submitted by a food business operator, the Council will either make contact with the food business operator to obtain the missing information or, if a substantial amount of information is missing, return the form to the food business operator for full completion.

On receipt of a completed application form, The Council will also give consideration to carrying out an inspection of the establishment.

6.2 Registration Certificates / Confirmation of Receipt

Certificates of Registration for food business establishments will not be issued to food business operators because of their potential to mislead consumers into believing that a food business establishment has “official approval”.

The Council may, on request, confirm safe receipt of registration forms and the entry of an establishment on to the list of registered food business establishments. Any such confirmation should remind the food business operator to advise the Council of any subsequent changes to the business, in accordance with Article 6(2) of Regulation 852/2004.

7. Changes to Activities After Registration

Under Article 6(2) of Regulation 852/2004, food business operators must ensure that the appropriate competent authority always has up-to-date information on their food business establishments and must notify the relevant competent authority of any significant changes of activities, or closure. Any changes to the details previously supplied e.g. a change of food business operator, a change to the activities carried out in relation to food, the closure of an establishment etc. must be notified to the Council. Such notifications should be made, preferably in writing and before the changes occur, and in any event no later than 28 days after the change has occurred.

Notification of a change to the operator of a food business establishment should be made by the new food business operator.

On receipt of a notification of a change of activities the Council will update the list of registered food business establishments as appropriate, and place or record the details on the file relating to that food business establishment.

8. Moveable Establishments

8.1 Ships, Aircraft, Trains and Coaches

Although ocean-going ships, aircraft, trains and long distance coaches are subject to the provisions of Regulation 852/2004, their movable nature generally means that there is little practical value in the registration of individual ships, aircraft, trains and coaches with the Council will in whose area they are based as they are not always present in that authority's area of jurisdiction.

However, food business operators must register vessels under their control which are permanently moored such as floating restaurants etc. with the Council. Food business operators must also register vessels under their control which ply their trade on inland waterways e.g. pleasure craft, with the Council in the area in which they are ordinarily kept.

8.2 Vending Machines

Vending machines are subject to the relevant provisions of Regulation 852/2004. However, there is little practical value in the registration of individual vending machines or the premises on which they are sited if the only food related activity on those premises relates solely to vending machines.

However, distribution centers where food for stocking vending machines is stored and/or from which food is transported to vending machines for stocking should be registered with the Council. The delivery vehicles used for the transport of food for stocking vending machines should be covered in the inspection of such establishments.

8.3 Markets

In the case of vehicles and stalls (whether or not these stalls are provided by the controller of the market) used for transporting or preparing food or the sale of food to consumers within the area of a market, the food business operator should register the establishment in which their stocks of food to be sold are ordinarily kept with the relevant Council. If the controller of a market is the provider of permanent units (establishments) (and not simply stalls) within a market, the food business operators operating their food businesses from those establishments should register each such establishment with the Council.

8.4 Movable Establishments Other Than Those Which Form Part of a Market or Operate Within the Area of a Market

Moveable establishments other than those which form part of a market or operate within the area of a market e.g. ice cream vans, hot dog vendors etc. should be registered by the food business operator with the Council in the area in which they are ordinarily kept.

9. Non-registered Establishments thought to be Engaged in Activities Subject to Regulation 852/2004 (Other than Primary Production)

In such circumstances the Council will ask the food business operator to complete a registration form and check that the food business establishment is operating in compliance with the other provisions of Regulation 852/2004 as appropriate.

Visit our website at: www.ashfield-dc.gov.uk



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