

GUIDELINES FOR FOOD INDUSTRY OPERATORS

DEPARTMENT OF HYGIENE AND HEALTH PREVENTION

In order to protect public health and ensure that sporting and commercial events are carried out in conditions of complete safety, specific food safety requirements must be followed by Food Business Operators (FBOs) working during such events.

An FBO is defined as "the natural or legal person responsible for ensuring that the food law requirements are met within the food business under their control" (Regulation (EC) 178/2002, Article 3).

According to Regulation (EC) 178/2002 of January 28, 2002, Article 17, paragraph 1, "Food business operators shall ensure that the food they provide meets the requirements of food law relevant to their activities and shall verify that such requirements are met."

Article 4, paragraph 2 of Regulation (EC) 852/2004 states that "Food business operators carrying out any stage of production, processing and distribution of food beyond those stages referred to in paragraph 1 shall comply with the general hygiene requirements set out in Annex II, and any specific requirements laid down in Regulation (EC) 853/2004."

Below is a summary of the hygiene requirements in Annex II of the aforementioned regulation, which must be met by mobile and/or temporary facilities.

Hygienic and Structural Requirements

➤ **Location and Protection:**

- Art. 4, Par. 2 – Annex II, Chapter III, Point 1 of Regulation (EC) 852/04: Preparation areas must be situated, designed and constructed to minimize the risk of contamination, particularly from animals and pests. This can be achieved through the use of canopies or gazebos, maintaining a clean flooring surface (e.g. grass, asphalt, concrete), and implementing protective measures such as mosquito nets, air curtains, UV light traps with adhesive plates and sticky traps;

➤ **Facilities and Equipment:**

- Art. 4, Par. 2 – Annex II, Chapter III, Point 2(a) of Regulation (EC) 852/04: Ensure the availability of facilities to maintain proper hygiene standards for personnel, including handwashing stations equipped with soap and hygienic drying systems (e.g. disposable paper towels), together with staff toilets;
- Art. 4, Par. 2 – Annex II, Chapter III, Point 2(e) of Regulation (EC) 852/04: Provide access to hot and/or cold potable water, using methods such as portable camping sinks or containers with taps;
- Art. 4, Par. 2 – Annex II, Chapter III, Point 2(b) of Regulation (EC) 852/04: Utilize work surfaces and countertops that are easy to clean, disinfect, corrosion-resistant and non-toxic;
- Art. 4, Par. 2 – Annex II, Chapter III, Point 2(c) and Chapter XII of Regulation (EC) 852/04: Ensure the availability of equipment for the cleaning and disinfection of work tools and facilities (carefully follow the instructions on disinfectant labels);
- Art. 4, Par. 2 – Annex II, Chapter III, Point 2(g) and Chapter V, Point 2 of Regulation (EC) 852/04: Provide equipment or facilities to maintain and monitor appropriate food temperatures (both hot and cold), equipped with temperature monitoring devices.

➤ **Waste Management Practices:**

- Art. 4, Par. 2 – Annex II, Chapter III, Point 2(f) of Regulation (EC) 852/04: Solid waste must be collected in bags within covered containers and disposed of properly.

Food Hygiene Requirements

- Art. 4, Par. 2 – Annex II, Chapter III, Point 1 & Chapter V, Point 1 of Regulation (EC) 852/04: Facilities, surfaces and equipment must be kept clean and undergo regular maintenance;
- **Food Storage and Handling - Art. 4, Par. 2 – Annex II, Chapter III, Point 2(h) & Chapter IX of Regulation (EC) 852/04:**
 - Perishable foods must be stored at appropriate temperatures (hot and/or cold) using refrigeration equipment with integrated temperature monitoring devices;
 - To prevent cross-contamination, raw foods must be kept separate from cooked foods;
 - Raw materials, ingredients, intermediate products and finished products that could support the growth of harmful microorganisms or the formation of toxins must not be stored at temperatures that could pose a health risk;
 - All food items must be stored in containers that are food-safe and come with a declaration of conformity in accordance with Art. 5 bis of DPR 777/82, provided by the supplier;
 - Recycled containers are not permitted for food storage;
 - If food products require storage or serving at low temperatures, they must be cooled as quickly as possible after cooking, using appropriate equipment or methods;
 - Foods must be protected from potential contamination by vectors such as flies (houseflies, etc).
- **Additional Food Requirements:**
 - The use of raw materials, ingredients, intermediate products and finished products that do not come from registered and/or recognized facilities is prohibited;
 - It is forbidden to use food items that have passed their expiration date as per Art. 24 of Regulation EU 1169/2011.
- **Traceability – Art. 18 of Regulation (EC) 178/2002:**
 - Operators must ensure food traceability by maintaining accurate documentation of their food supply chain.

Information Requirements:

Food operators are required to inform consumers about the presence of substances or products that may cause allergies or intolerances, in accordance with Regulation EU 1169/2011.

- **Communication Methods:**
 - For non-prepackaged foods, it is mandatory to clearly indicate the presence of substances or products that may cause allergies or intolerances, as outlined in Annex II of Regulation EU 1169/2011. This information should be displayed on menus, registers, signs or equivalent technological systems, all of which must be prominently visible and easily accessible to consumers;
 - Alternatively, a clear and visible statement such as: "Information regarding the presence of substances or products that may cause allergies or intolerances is available by contacting the staff on duty" can be used;
 - Whichever communication method is chosen, it must be accompanied by written documentation that is readily accessible for inspection by authorities and available for consumer review;
 - Staff must be thoroughly trained and informed, with written certification attesting their understanding of the information provided to the public.

HACCP-Based Procedures – Art. 5 of Regulation (EC) 852/2004:

- Food business operators must establish, implement and maintain one or more permanent procedures based on the principles of the HACCP system (Hazard Analysis and Critical Control Points);
- The FBO (Food Business Operator) is required to prepare documentation and records appropriate to the nature and size of the food business, to demonstrate the effective implementation of these procedures.

Considerations for Food Safety Management in Small Food Enterprises Recital 15 of Regulation (EC) No. 852/2004 acknowledges that in certain food businesses, identifying critical control points (CCPs) may not always be feasible. In such cases, hygiene practices—including both general and specific hygiene requirements—can sometimes substitute for the monitoring of CCPs.

Retail food vendors, such as restaurants, bakeries, catering services, grocery stores and pubs, are often small enterprises that may lack the scientific expertise and resources necessary to conduct hazard analyses as part of their obligation to implement a food safety management system.

To support these businesses, the European Commission issued Communication 2020/C 199/01, providing guidelines on food safety management systems tailored to retail food activities, including food donations.

Additionally, Regione Lombardia has developed the "Manual of Good Hygiene Practices for Micro Food Enterprises." This manual is a resource for operators to promote a culture of self-monitoring. It is designed to enhance the understanding and effective implementation of self-control systems by focusing on the actual needs of these enterprises and identifying the most suitable methods to address them.

<https://www.regione.lombardia.it/wps/wcm/connect/290fbfb6-d3c1-4d7c-9958-e941db678d70/Manuale+buone+pratiche+microimprese.pdf?MOD=AJPERES&CACHEID=ROOTWORKSPACE-290fbfb6-d3c1-4d7c-9958-e941db678d70-nPG0ZzM>

Mandatory Notification for Food Business Operators - Food business operators (FBOs)—the individuals or legal entities responsible for ensuring their enterprise's compliance with food regulations—are reminded of their legal obligation to notify their activities through the “SCIA sanitaria”, in accordance with Article 6, Paragraph 2, of Regulation (EC) No. 852/2004.

The requirements mentioned above are a non-exhaustive summary of key regulatory obligations. For further details, it is recommended to consult the relevant legislation.

The Food Hygiene and Nutrition Service, under the Department of Hygiene and Health Prevention, along with the Veterinary and Food Safety Services for Products of Animal Origin, serve as the competent authorities as per Legislative Decree 27/2021 and its subsequent amendments. These are responsible for conducting official food safety inspections, imposing and enforcing administrative sanctions, prosecuting offenses, and issuing measures (such as directives or closure orders) to mitigate any risks to consumer health.

The following scheme provides a summary of the situations where sanctions may be applicable:

Violated Act	Penalty Amount (€)	Sanctioning Regulation
Failure to notify the competent authority of an establishment, pursuant to Regulation (EC) No. 852/2004	1.500 - 9.000	Article 6, Paragraph 3 (I case) of Legislative Decree 193/2007
(In the case of failure to update the registration)	500 - 3.000	Article 6, Paragraph 3 (II case) of Legislative Decree 193/2007
Failure to comply with general hygiene requirements by the food business operator at a level other than primary production, pursuant to Regulations (EC) No. 852/2004 and No. 853/2004	500 - 3.000	Article 6, Paragraph 5 of Legislative Decree 193/2007
Omission of self-control procedures based on HACCP principles, pursuant to Regulations (EC) No. 852/2004, No. 853/2004, and No. 2073/2005	1.000 - 6.000	Article 6, Paragraph 6 of Legislative Decree 193/2007

Failure to address inadequacies in requirements or procedures within the deadlines set by the competent authority.	1.000 - 6.000	Article 6, Paragraph 7 of Legislative Decree 193/2007
Failure or incorrect application of the systems/procedures established pursuant to paragraphs 4, 5, and 6.	1.000 - 6.000	Article 6, Paragraph 8 of Legislative Decree 193/2007
Omission of indicating substances or products that may cause allergies or intolerances in the sale of non-prepackaged products or non-prepackaged foods served by collective catering services.	3.000 - 24.000	Article 23, Paragraph 2 of Legislative Decree 231/2017
Indication provided in a manner inconsistent with the requirements set by national provisions issued pursuant to Article 44, paragraph 1, of the Regulation.	1.000 - 8.000	Article 23, Paragraph 3 (1 case)of Legislative Decree 231/2017
Food in poor condition, for example: Food stored in refrigeration units without protection and exposed to contamination (e.g., raw/cooked, overlapping containers, weather conditions, etc.) – Food with visible signs of freezer burn – Food stored at uncontrolled temperatures (including thawing) – Food stored in a manner inconsistent with the producer's storage instructions – Food kept in materials clearly not suitable for food contact – EC Regulation 852/04, Annex IX.	5.164,50	Law 283/1962, Article 5, letter b) and Article 6 – Reporting a Criminal Penalties
<i>Food with foreign objects of various origins – Food past the expiration date as per Article 24 of Regulation (EU) 1169/11, as it is harmful and thus at risk according to Article 14 of Regulation (EC) 178/02 – Food with abnormal color or odor – Food contaminated with mold or pests.</i>	7.746,83	Law 283/1962, Article 5, letter d) and Article 6 – Reporting a Criminal Penalties