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6 April 2016

**The potential impact of extension of *Listeria monocytogenes* criterion 1.2b for ‘absence in 25g’ to end of shelf life**

The Commission is proposing an amendment to the food safety criteria for *Listeria monocytogenes* in Regulation (EC) No 2073/2005 on Microbiological Criteria for Foodstuffs.

The proposal is for an extension of the ‘absence in 25g’ requirement in microbiological criterion 1.2b for *Listeria monocytogenes* (Lm) to the end of shelf life for manufactured food products which support the growth of *Lm* placed on the market; but for which an appropriate shelf life assessment in relation to growth of *Lm* has not been established.

Currently, criterion 1.2 is divided into separate requirements (unofficially described as 1.2a and 1.2b) with different acceptable limits which apply at different stages of production. Criterion 1.2a sets out a limit of 100cfu/g for food placed on the market which support growth of *Lm* but only where the Food Business Operator (FBO) who produced the food can demonstrate that growth will not exceed 100cfu/g during shelf life.

Where an FBO is not able to demonstrate to the satisfaction of the competent authority that growth of *Lm*, if present, will not exceed 100cfu/g then criterion 1.2b applies and the FBO manufacturing the food must demonstrate absence of *Lm* before it has left their immediate control. If *Lm* is found in a product which falls into this category whilst on the market, a risk assessment is carried out, often in conjunction with Food Standards Scotland on a case by case basis to determine whether the product is deemed unsafe under Regulation (EC) 178/2002.

The proposal, which the Commission largely views as a simplification measure, aims to improve consistency and speed of approaches across Member States (MS) when responding to *Lm* detection in foods on the market. Currently the approaches taken vary between MS, some of which already interpret this criterion to require absence throughout the shelf life.

Those FBOs that have shelf life studies to demonstrate that *Lm* will not grow above 100cfu/g during shelf life will fall into criterion 1.2a, which means that products found with Lm <100cfu/g can remain on the market. Food products that already fall into this criterion will not be impacted by this proposed amendment.

In order to explore the impact this amendment might have, particularly on SME/micro businesses, this questionnaire aims to gather information on the current arrangements for compliance with the Lm criteria, the incidence of finding Lm in products on the market to which criterion 1.2b currently applies, and the costs to the food business where a withdrawal or recall has been instigated.

Please note that commercially sensitive information provided in response to this questionnaire will be held securely, treated anonymously, and will not be disclosed to third parties.

Grateful for completed questionnaires to be returned by **Monday** **2 May** and,or if you have any queries, please contact either; Jennifer Howie; on 01224 285157 or by email at; **Jennifer.Howie@fss.scot** or Dr Marianne James on 01224 285165 or by email at; **Marianne.James@fss.scot**

Yours sincerely

Jennifer Howie

Food Standards Scotland

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| **1. What is the total number of trade association (Food Business Operator – FBO) members?**  |
| *Number*  |
| **2. How is the total number of your FBO members distributed between the following employee size categories?** |
| 1. Between 1 and 9 employees
 | *Number*  |
| 1. Between 10 and 49 employees
 | *Number*  |
| 1. Between 50 and 249 employees
 | *Number*  |
| 1. 250 or more employees
 | *Number*  |

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| **3. Does your trade association provide members with guidance or advice on shelf life testing and other approaches specifically in order to assess growth of *Listeria monocytogenes*?**  |
| **Yes No**  |
| **If the answer to question 3 was yes, please provide details below**  |
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| **4. How many member FBOs carry out shelf life testing to assess growth of *Listeria monocytogenes* and demonstrate compliance with criterion 1.2a (support growth, but not to over 100cfu/g during shelf life)? *(Please give approximate numbers if this information is not known)*** |
| *Number of FBOs*  |
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| **5. a) How many member FBOs do not have evidence of shelf life studies (sufficient to demonstrate whether Listeria monocytogenes will grow to above 100cfu/g within the shelf life if present) and have products with a shelf life of 5 days or more?** | *Number of FBOs* |
| **b) Of those in 5 (a) how many FBOs have had *Listeria monocytogenes* detected in products on the market (through FBO testing or official control testing) at less than 100cfu/g in the past year?** | *Number of FBOs* |
| **c) How many of these are small/micro businesses (have less than 50 employees)?**  |  *Number of FBOs*  |

**many of the**

 **businesses in answer 4(b) are small/micro businesses (have less than 50 employees)?**

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| **6. How many of these detections resulted in a withdrawal and recall? Please indicate whether these were voluntary or required officially by the competent authorities.**  |
|  *Number of batches voluntary withdrawn and /or recalled*  *Number of batches officially withdrawn and/or recalled*  |
| **7. Please indicate which food types were withdrawn /recalled (e.g. cooked meats, raw cheeses) and the approximate % of each:** |
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| **8. Please indicate range of average costs involved with the above withdrawal / recall:**  Disposal cost: |
| Revenue loss:  |
| Other cost relating to recall:  |

**Any additional costs to industry?**

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| **9. If you envisage any additional costs / unintended consequences to industry from the changes to the proposed amendment that have not been identified in this questionnaire, please indicate below:** |
| *[please insert any comments]*  |

**Potential benefits to industry?**

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| **10. Please indicate below any potential benefits you foresee as a result of this proposed amendment:** |
| *[please insert any comments]*  |

**Additional Comments**

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| **11. Do you have any additional comments on the proposed amendment?** |
| *[please insert any comments]*  |

Please return this completed questionnaire to Jennifer.Howie@fss.scot or to Marianne.James@fss.scot

Or alternatively if you prefer the postal address is;

Jennifer Howie

Food Standards Scotland

Pilgrim House

Old Ford Road

Aberdeen AB11 5RL