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Regulatory Flexibility for Small Producers: Enhancing the Value of Pastoral Products



INTRODUCTION

Undoubtedly, the Neolithic Revolution has been the most important in all of humanity. The discovery of agriculture, soon followed by livestock farming, led humans to radically change their way of life. The cultivation of cereals and the domestication of animals allowed humans to settle down, form the first villages, and produce their own food.

The exact date when the first cheeses were made is unknown, but historical records date back to 7000 BCE, leading us to believe that milk production and cheese-making have always been closely linked. Similarly, the roles of shepherd and cheesemaker have been intertwined throughout history—sometimes performed by the same person, and other times through collaborative work between the two.

There are various examples of cooperation between shepherds and farmers. For instance, after milking, the final emptying of the udder was left to the farmer free of charge; collective salting was usual, and the owner of summer cheeses paid the persons in charge of cheese ripening by giving them one cheese out of every twelve; cooperatives that produced cheese from a mix of milks, complementing what was obtained during herding; there are also examples of shared caves for cheese ripening strategically located in mountain passes.

This collaboration still exists today, often within families that produce and process their own milk or meat, small cooperatives that collect milk from shepherds, or small cheese dairies and butcher shops that, undoubtedly, always prefer pasture-raised milk or meat. However, with the intensification of livestock farming and dairy or meat production, as well as certain agricultural policies, this paradigm has shifted. Many small cheesemakers and butchers have started working with milk or meat from intensive farming. Nonetheless, there is no doubt that small-scale processors and producers—whether shepherds or not—are the only ones truly capable of valuing and preserving the products derived from traditional pastoralism.

To ensure the sustainability of local small-scale production, regulatory flexibility is essential in order to protect, defend, and transmit these ancestral artisanal techniques, which are a heritage of all humanity and, therefore, represent a significant responsibility. Without such measures, transhumant shepherds, extensive dairy and meat producers and artisanal food producers would be forced to adopt the same processes as more intensive farmers and large food industries. In such a case, their products of exceptional quality—not only in terms of food intrinsic values but also in human, territorial, and environmental values—would lose their uniqueness and their differentiating value compared to standardised processes of agro-food industry.

This document summarises an analysis of the main areas where small producers need flexible and adapted EU and Member State legislation, and the barriers to such flexibility that have been identified. This flexibility is one of the principles of European legislation and does not conflict with appropriate food safety and hygiene requirements.



FLEXIBILITY

All EU Member States operate under a single regulatory framework. In 2004, the 'Hygiene Package'¹ was introduced, outlining how food should be produced and under what conditions, with guidelines concerning materials, constructions, traceability, etc. This package includes a regulation dedicated solely to products of animal origin.

European legislation allows flexibility and regulatory adaptation to preserve traditional production methods, considering the size and location of the producer. Each Member State may expand these adaptations and flexibilities with its own regulations, as long as food safety is not compromised. However, restrictions on these flexibilities are also permitted. All such adaptations or restrictions must be communicated to the European Commission for approval by the Member States.

Every European regulation highlights small businesses and regions with specific geographic limitations. Undoubtedly, these small businesses will help ensure food security and sovereignty across Member States while fostering resilience—a widely discussed concept today.

It is easy to understand that a small food operator is vastly different from a large industry, though unfortunately, both fall under the same regulatory framework. Often, Member States fail to implement flexibility criteria for small artisanal workshops. Below are some examples drawn from various European regulations.

¹ REGULATION (EC) No. 852/2004 OF THE EUROPEAN PARLIAMENT AND COUNCIL of April 29, 2004 on the hygiene of foodstuffs

REGULATION (EC) No. 853/2004 OF THE EUROPEAN PARLIAMENT AND COUNCIL of April 29, 2004 establishing specific hygiene rules for food of animal origin

1 HACCP Requirements²

- ◆ HACCP (Hazard Analysis and Critical Control Points) requirements must adhere to Codex Alimentarius principles and be sufficiently flexible to apply to all situations, including small businesses. Some food businesses may find it impossible to identify critical control points, and in certain cases, correct hygiene practices may replace critical point monitoring. Similarly, establishing 'critical limits' does not always require setting numerical limits. Flexibility in documentation requirements is essential to avoid imposing excessive burdens on very small businesses.

2 Traditional Methods and Structural Requirements³

- ◆ Flexibility is vital for maintaining traditional methods at any stage of food production, processing, or distribution, as well as for adapting structural requirements for facilities. This is especially critical for regions with specific geographic constraints.

3 Exemptions and Adaptations⁴

- ◆ Exemptions may be granted to facilitate the application of Article 5 in small businesses and in line with Annexes I and II, considering relevant risk factors, provided that they do not compromise the regulation's objectives. Member states may also adopt national measures to adapt the requirements of Annex II as long as these do not jeopardise the regulation's goals.

4 Use of Raw Milk for Cheese⁵

- ◆ Flexibility is provided to process raw milk into cheese aged for less than 60 days. Refrigeration of milk is required unless:
 - a) It is processed within two hours of milking.
 - b) Higher temperatures are necessary for technical reasons in producing certain dairy products, subject to approval by competent authorities.

5 Sampling Frequencies⁶

- ◆ Food business operators can decide on sampling frequencies unless specific frequencies are outlined in Annex I. Decisions must consider HACCP principles, proper hygiene practices, and the intended use of the food product. Sampling frequency may be adjusted according to the size and nature of the business without compromising food safety.

² REGULATION (EC) No. 852/2004 OF THE EUROPEAN PARLIAMENT AND COUNCIL of April 29, 2004 on the hygiene of foodstuffs. (15)

³ REGULATION (EC) No. 852/2004 OF THE EUROPEAN PARLIAMENT AND COUNCIL of April 29, 2004 on the hygiene of foodstuffs. Chapter 5, Article 13.

REGULATION (EC) No. 853/2004 OF THE EUROPEAN PARLIAMENT AND COUNCIL of April 29, 2004 establishing specific hygiene rules for food of animal origin. (19)

⁴ REGULATION (EC) No. 853/2004 OF THE EUROPEAN PARLIAMENT AND COUNCIL of April 29, 2004 establishing specific hygiene rules for food of animal origin. Chapter 4, Article 10.2.

⁵ REGULATION (EC) No. 853/2004 OF THE EUROPEAN PARLIAMENT AND COUNCIL of April 29, 2004 establishing specific hygiene rules for food of animal origin. Annex III, Section 9.

⁶ REGULATION (EC) No. 2073/2005 OF THE COMMISSION of November 15, 2005 on microbiological criteria for foodstuffs. Article 4, point 2.

6 Historical Documentation for Sampling⁷

- ◆ Operators with documented, effective HACCP-based procedures may reduce the number of samples required under Annex I.

7 Mobile Slaughterhouses⁸

- ◆ Mobile slaughterhouses reduce the need for long-distance animal transport, preserving animal welfare. However, mobile facilities have different technical needs compared to fixed slaughterhouses, and corresponding technical standards may need adaptation. Member States can adopt or maintain national standards for mobile slaughterhouses.

8 Small Slaughterhouses⁹

- ◆ Small slaughterhouses serving primarily end consumers do not require a complex management system for implementing general principles. Requiring an animal welfare officer in such cases is disproportionate to the objectives pursued and should be exempted.

9 Nutritional Information Exemptions¹⁰

- ◆ Unprocessed foods or foods where nutritional information is not a decisive purchase factor are exempt from providing nutritional labeling unless mandated by other EU rules.
- ◆ Foods handcrafted and sold directly by the producer in small quantities to end consumers or local retail establishments are exempt from the traditional information requirements.

10 Animal Transport Exemptions¹¹

- ◆ Exemptions apply to animal transport by farmers using agricultural vehicles or for seasonal transhumance over short distances.

11 Guidelines for Correct Practices

- ◆ Every regulation emphasises creating guidelines for correct hygiene practices, describing them as highly valuable tools for operators. These guidelines must be developed in collaboration with stakeholders and promoted actively.

⁷ REGULATION (EC) No. 2073/2005 OF THE COMMISSION of November 15, 2005 on microbiological criteria for foodstuffs. Article 5, point 3.

⁸ REGULATION (EC) No. 1099/2009 OF THE COUNCIL of September 24, 2009 on the protection of animals at the time of slaughter. (40)

⁹ REGULATION (EC) No. 1099/2009 OF THE COUNCIL of September 24, 2009 on the protection of animals at the time of slaughter. (47)

¹⁰ REGULATION (EU) No. 1169/2011 OF THE EUROPEAN PARLIAMENT AND COUNCIL of October 25, 2011 on the provision of food information to consumers. (39)

REGULATION (EU) No. 1169/2011 OF THE EUROPEAN PARLIAMENT AND COUNCIL of October 25, 2011 on the provision of food information to consumers. Annex V, point 19.

¹¹ REGULATION (EC) No. 1/2005 OF THE COUNCIL of December 22, 2004 on the protection of animals during transport and related operations. Article 1, point 2.

REGULATION (EC) No. 1/2005 OF THE COUNCIL of December 22, 2004 on the protection of animals during transport and related operations. Article 6, point 7.



OBSTACLES

Although flexibility is prevalent in European legislation, many barriers persist, along with permissible differences between Member States, leading to injustices and inequalities in the free market. The most significant challenge is the overwhelming amount of food production regulations that small-scale food industry operators must know. This document only covers food legislation, excluding livestock, environmental, and administrative regulations, making it nearly impossible for small producers to be fully informed.

Most regulations sometimes use language that is too general, leaving significant room for interpretation by authorities. Phrases like “when necessary” or “sufficient” lead to subjective application.¹²

For example, while transforming raw milk into cheeses aged for less than 60 days is allowed, some regions prohibit it, even if requirements are met.¹³ Direct raw milk sales have historically been a vital income source for some farmers but are often subject to bans or excessive testing requirements, imposing undue costs on producers.

Additionally, flexibility guidelines approved at European level often go unused due to lack of awareness among authorities and small producers. Structural design of facilities and equipment restrictions remain difficult for small producers, especially itinerant producers.

While some countries may further relax these restrictions, requiring approval from all Member States can delay or prevent such measures. Small producers are often left with direct-to-consumer sales as their sole option, where national legislation may be either more flexible or stricter than EU rules. Restricting sales to local level limits access to urban consumers and hinders producers’ market reach.

¹² REGULATION (EC) No. 852/2004 OF THE EUROPEAN PARLIAMENT AND COUNCIL of April 29, 2004 on the hygiene of foodstuffs. Annex II, Chapter 1.

¹³ REGULATION (EC) No. 853/2004 OF THE EUROPEAN PARLIAMENT AND COUNCIL of April 29, 2004 establishing specific hygiene rules for food of animal origin. Annex II, Section 9.



CONCLUSIONS

The current hygiene and sanitary regulations do not reflect the particularities of either shepherds or small producers. These regulations, designed for large industries, impose demands that are excessive and difficult for them to meet, without providing, greater control over the processes in return. In fact, it is these small producers who generally have closer oversight of the entire cycle, from production to the final product.

This creates multiple challenges, from high costs to complex bureaucratic procedures that threaten their sustainability. Moreover, they are deprived of tools that allow them to differentiate themselves, preventing their products from developing unique sensory and traditional characteristics, such as the use of materials that have been employed since ancient times.

Beyond the arguments presented above, it becomes evident that the food safety and hygiene objectives currently applied in the European Union do not align with those seen in agriculture, livestock farming, or environmental policies. Excessive use of disinfectants, extremely clean zones, overuse of packaging, and excessive water consumption often contradict the goals of combating climate change and pollution.

With this document, we urge European and national authorities across Member States to review all flexibility criteria by listening to the stakeholders involved, namely small producers and processors. They must understand that food safety is not solely an issue of acute illnesses but also chronic conditions often linked to current consumption habits. We also request that regulations become easier to understand and interpret, reducing the scope for ambiguity and misinterpretation.

Undoubtedly, the relationship and cooperation between small producers and small processors, as well as state involvement in their training, are essential. As affirmed by European legislation, the development of appropriate hygiene practice guidelines is both fundamental and necessary. Disseminating and implementing these guidelines should become standard practice.

Rural areas are the environmental heart of cities and must be kept alive and cared for. Without small producers, including shepherds who work alone or in association with small processors, this is impossible to achieve.



Funded by
the European Union

The PRIMA programme is supported by the European Union. The contents of this document reflect the views and opinions of the authors and do not necessarily reflect those of the PRIMA Foundation or the European Union.


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