

**Dept of Jobs and Innovation**

**July 2014**

**Business Start-Up Information**

**Food Service Sector**

**Food Retail Sector**

## **Food Service Sector including Restaurants, Cafes, Pre-schools or Public Houses (serving food).**

### **Introduction:**

The Food Safety Authority of Ireland (FSAI) was established under the Food Safety Authority of Ireland Act, 1998. The Act was enacted in July 1998 and came into effect on 1st January 1999.

The principal function of the Food Safety Authority of Ireland is to take all reasonable steps to ensure that food produced, distributed or marketed in the State meets the highest standards of food safety and hygiene reasonably available. The FSAI aims to ensure that food complies with legal requirements, or where appropriate with recognised codes of good practice

The [Food Safety Authority of Ireland Act, 1998](#), as amended, contains enforcement provisions which are in addition to the powers to prosecute and other provisions on specific pieces of food legislation. The provisions in the FSAI Act provide a means of reacting to and dealing with situations posing a risk to public health.

Enforcement is carried out by authorised officers appointed by the FSAI or its official agents. Service contracts are established between the FSAI and the following official agents:

- Department of Agriculture, Food and the Marine (DAFM)
- Health Service Executive (HSE)
- Local Authorities (LA)
- Marine Institute (MI)
- Sea Fisheries Protection Authority (SFPA)
- National Standards Authority of Ireland (NSAI)

### **Procedure for starting a food service business such as a restaurant, café etc.**

A food business is defined in law as any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to any stage of production, processing and distribution of food.

#### Three Steps to your New Food Business:

##### **1. Know the legislation**

All food businesses must comply with Regulation 852/2004 on the hygiene of foodstuffs. This Regulation sets out the legal requirements in relation to food hygiene and places a primary responsibility for food safety with the food business operator.

It sets out general requirements for all food business operators in Article 4, as well as more specific requirements, in Annex II. These include, among others, general and specific requirements for

- layout, construction etc. of food premises
- transport
- equipment
- water supply
- food waste
- wrapping and packaging of foodstuffs
- heat treatment
- personal hygiene
- training
- pest control

A copy of the legislation can be downloaded from the legislation section of FSAI website [http://www.fsai.ie/legislation/food\\_legislation/food\\_hygiene/introduction.html](http://www.fsai.ie/legislation/food_legislation/food_hygiene/introduction.html)

### **HACCP:**

By law, food businesses are required to implement and maintain a food safety management system based on the principles of HACCP. HACCP stands for **H**azard **A**nalysis and **C**ritical **C**ontrol **P**oint. It is a systematic approach to identifying and controlling hazards, whether microbiological, chemical or physical, that could pose a threat to the production of safe food. In simple terms, it involves identifying what could go wrong in a food system and planning how to prevent it.

More information on HACCP is available on the FSAI website on [http://www.fsai.ie/resources\\_publications.html](http://www.fsai.ie/resources_publications.html)

## **2. Register with the appropriate official agency**

The food hygiene legislation referred to above requires food businesses to register with an appropriate official agency. In the case of service sector premises such as restaurants, cafes or public houses (serving food), the agency to register with is the local Environmental Health Office (EHO) of the Health Service Executive (HSE).

There are EHO offices located throughout the country and should you wish to make contact with your local office, check the list on [http://www.fsai.ie/food\\_businesses/starting\\_business/competent\\_authorities.html](http://www.fsai.ie/food_businesses/starting_business/competent_authorities.html). The HSE maintains a register of all the premises within their area and they will check to make sure that your business complies with the food hygiene legislation. An EHO could inspect your food business at any time.

### **3. Obtain a copy of the relevant National Standards Authority of Ireland (NSAI) Guidelines of Food Safety Authority of Ireland (FSAI) Safe Catering Pack**

The NSAI has published a series of standards that provide guidance to compliance with Regulation 852/2004/EC on the hygiene of foodstuffs. Food businesses involved in the food service sector would need to get a copy of I.S. 340:2007 – *Hygiene in the Catering Sector*.

This standard provides very useful guidance on maintaining the cold chain for food, personal hygiene for staff, facilities within the food business and food preparation and handling.

Food businesses can purchase this standard online on <https://www.nsai.ie/Publications.aspx> or can ring the NSAI directly 01 8576730.

#### **FSAI Safe Catering Pack:**

The FSAI published the Safe Catering Pack which is a tool to help caterers develop a system to manage food safety and comply with the food hygiene regulations. It presents options for businesses to choose how they are going to do this. The pack has been developed with help and expertise from the food industry and Environmental Health Officers. It is based on the principles of HACCP.

Food businesses that use the Safe Catering Pack appropriately will meet their obligations for a food safety management system under Regulation 852/2004.

For more information on the pack you can visit the [Safe Catering Pack section of our website](#) where you can watch the 3 minute promotional DVD which explains the benefits and contents of the pack.

For more information on the FSAI Safe Catering Pack, to purchase it online (cost €70, including €10 delivery charge) or to download record sheets, click here <http://www.fsai.ie/safecatering/>

#### **Traceability**

By law, all food businesses must have a traceability system in place that allows them to trace food one step back and one step forward. In the case of food businesses serving customers directly on their premises, they will only be expected then to trace one step back. By doing this, the food business can identify from who they were supplied with any ingredients used in their restaurant or café. This allows for a system of control should any issues arise with the safety of the food.

Further information and guidance on recall and traceability is available on [http://www.fsai.ie/publications\\_guidancenote10\\_recall/](http://www.fsai.ie/publications_guidancenote10_recall/).

#### **Responsibility**

All food business operators (owners/managers) are responsible for the safety of the food that they serve. This also means that it is the responsibility of the wonder/manager of the premises to ensure

that all staff within the food business are trained and/or supervised commensurate with their work activity.

### **Additional considerations**

Food businesses may also need to consider if they require compliance with other food legislation. For example, from 13<sup>th</sup> December 2014, under new food labelling rules, all restaurants, cafes and food service businesses will be required to display allergen information regarding the loose food they serve in their premises.

### **Contact the FSAI Advice Line**

Food business operators can contact the FSAI with any questions or queries that they may have in relation to starting or maintaining their food business. LoCall 1890 33 66 77 or email [info@fsai.ie](mailto:info@fsai.ie)

### **Links**

Food Safety Authority of Ireland	<a href="http://www.fsai.ie">www.fsai.ie</a>
HSE	<a href="http://www.hse.ie">www.hse.ie</a>
Ashtown Food Research Centre	<a href="http://www.teagasc.ie">www.teagasc.ie</a>
Enterprise Ireland	<a href="http://www.enterprise-ireland.com">www.enterprise-ireland.com</a>

**Useful FSAI Publications** – available in hard copy or to download from website

**Guidance Note 10** – Product Recall and Traceability

**Guidance Note 18** – Validation of Product Shelf-Life

**Safe Catering Pack** (an aid to the implementation of HACCP) - €60 (plus €10 post & packaging)

**Guide to Food Safety Training Level 1 & 2** (Induction and additional skills) **and Level 3** (For managers)

**Guide to Food Law for Artisan and Small Food Producers Starting a New Food Business**

The information provided above aims to provide general guidelines for those involved in setting up a food service business. It outlines the initial steps to be followed as well as a brief description of the legislation. However, the responsibility lies with the individual food business operator to determine how the legislation applies in practice to them.

## **Food Retailer Sector**

### **including delicatessen and take-away food businesses**

#### **Introduction:**

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- Health Service Executive (HSE)
- Local Authorities (LA)
- Marine Institute (MI)
- Sea Fisheries Protection Authority (SFPA)
- National Standards Authority of Ireland (NSAI)

#### **Procedure for starting a food service business such as a delicatessen or take-away food business etc.**

A food business is defined in law as any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to any stage of production, processing and distribution of food.

#### Three Steps to your New Food Business:

##### **1. Know the legislation**

All food businesses must comply with Regulation 852/2004 on the hygiene of foodstuffs. This Regulation sets out the legal requirements in relation to food hygiene and places a primary responsibility for food safety with the food business operator.

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There are EHO offices located throughout the country and should you wish to make contact with your local office, check the list on

[http://www.fsai.ie/food\\_businesses/starting\\_business/competent\\_authorities.html](http://www.fsai.ie/food_businesses/starting_business/competent_authorities.html).

The HSE maintains a register of all the premises within their area and they will check to make sure that your business complies with the food hygiene legislation. An EHO could inspect your food business at any time.

## **3. Obtain a copy of the relevant National Standards Authority of Ireland Guidelines**

The NSAI has published a series of standards that provide guidance to compliance with Regulation 852/2004/EC on the hygiene of foodstuffs. Food businesses involved in the food service sector would need to get a copy of I.S. 341:2007 – *Hygiene in Retailing and Wholesaling*.

This standard provides very useful guidance on maintaining the cold chain for food, personal hygiene for staff, facilities within the food retail business and food preparation and transport.

Food businesses can purchase this standard online or can ring the NSAI directly 01 8576730

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By law, all food businesses must have a traceability system in place that allows them to trace food one step back and one step forward. In the case of food businesses serving customers directly on their premises, they will only be expected then to trace one step back. By doing this, the food business can identify from who they were supplied with any ingredients used in their restaurant or café. This allows for a system of control should any issues arise with the safety of the food.

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### **Additional considerations**

Food businesses may also have to consider if they require compliance with other food legislation. For example, from 13<sup>th</sup> December 2014, all food retail businesses will be required to display allergen information regarding the loose food they serve in their premises.

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