

*Comment of FACEnetwork on the proposed change of 2073/2005 on criteria for Listeria monocytogenes:*

The control of Listeria is very important for public health. The producer fulfils its responsibility by adhering to HACCP based principles, GHP, including shelf-life studies and environmental testing. The producer takes the appropriate measures to guarantee the safety of the product and establishes clear labelling, to inform their customers on how to handle the product before it leaves their immediate control.

How the product is handled (e.g. correct storage temperature, preventing cross-contamination) is not under the control of the producer. Furthermore, we know that listeria contamination can come from the environment and then occur after the product has left the control of the producer due to eventual poor hygiene practices of a retailer or other party.

To our understanding, the proposed change of the legislation:

- makes the producer responsible for mistreatment of a product even though it is not under their control anymore
- makes the producer responsible to ensure the absence of Listeria during the whole shelf life duration and adding then extra cost of analyses and extra work to validate their best before date
- removes legal limit that the producer can refer to in case of an incident
- may lead to recalls in a situation where there is no real danger for public health, thus resulting in food waste and extra cost

We consider all these consequences very undesirable.

We therefore advocate to not change the wording of 2073/2005 as proposed.

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