

New Danish legislation on small-scale local food production and sale

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As a major food exporting nation, Denmark has a long record of developing legislation-based regulation of farming and food production for the purposes of controlling diseases in husbandry, animal welfare, and food safety. This is the trademark of food "Made in Denmark". Regulations are though often considered very rigid by small food entrepreneurs.

As in other countries, there is also in Denmark a grey zone between private cooking and professional food production. In this grey zone low-scale sale of products from primary producers and private kitchens takes place. This part of the food sector has recently, in Denmark, become subject to legislation. In part driven by the wish to make regulation more lenient and, therefore, life a bit easier for the smallest of the small-scale and local food producers that have popped up in Denmark during the past 15 years. Some of the entrepreneurs conduct their business as a hobby and for a bit of household money. Others, however, might be at the germ stage of innovation, potentially developing a new quality in a food commodity or a more sustainable production method to become an actor in the food landscape of the future. Significant aspects of the more lenient regulation of low-scale food production is reviewed and discussed.

"Barn door sale"

"Barn door sale" is a term describing the low-scale sale of products from primary producers including farmers, vegetables producers, hunters and fishermen.

<https://www.foedevarestyrelsen.dk/Selvbetjening/Vejledninger/Hygijnevejledning/Sider/89--Stalldoerssalg.aspx>

"Barn door sale" is not to be confused with "farmshops". A farmshop is an authorized food company. "Barn door sale" allows for small-scale selling of own produce only and it provides dispensation from a variety of regulations which apply to an authorized food company. It for instance allows for the on-farm slaughter of a limited number of poultry or rabbits to be sold directly to the consumer and restaurants, provided evisceration is done by the customer.

"Barn door sale" also allows the sale and pick-up by consumers at the farm of milk from dairy producers, eggs, etc.

There are no dispensations related to the slaughter and handling of meat from horses, ruminants or other cloven-hoofed animals.

"By the road sale"

"By the road sale" refers to products prepared in private kitchens, in Denmark typically sold by the road, as well as to food and beverage sold or served in a non-authorized environment during solitary events such as a sports event, an open-farm event, a concert, etc.:

<https://www.foedevarestyrelsen.dk/Leksikon/Sider/Privat-madlavning-og-f%C3%B8devarevirksomhed-under-bagatelgr%C3%A6nsen.aspx>

The regulation relates to bakery products, jam, etc. for sale "by the road" in an amount under an "inferiority threshold". The "inferiority threshold" and nature of solitary events are defined and exemplified: <https://www.foedevarestyrelsen.dk/Leksikon/Sider/Privat-madlavning-og-f%C3%B8devarevirksomhed-under-bagatelgr%C3%A6nsen.aspx>

Some general principles of the small-scale legislation

- The primary producer complying with the legislation for "Barn door sale" has to register as a body complying with these regulations. For entrepreneurs of "By the road sale", registration is optional and not obligatory.
- The producer/organizer is relieved from the paper burden of QC/QA.
- The producer/organizer is relieved from the time consuming and expensive audits by The Danish Veterinary and Food Administration. The producer might receive a visit never the less from these authorities.
- These regulations do not relieve the producer/organizer from the responsibility to sell/serve safe and healthy products. Nor does it relieve the producer/organizer from the responsibility to produce under satisfactory hygienic conditions.

Discussion

The introduction in Denmark of a more lenient legislation in farming and food production is a national initiative. It serves several purposes:

- i) It legalizes a variety of activities and operators in the former grey zone and defines boundaries between zones,
- ii) it defines the regulation of these former activities in the grey zone, and last but not least,
- iii) it is supposed to stimulate the establishment of new low-scale enterprises.

The small-scale legislation is a radical change compared to Danish legislation hitherto. It was advocated by small-scale producers and political voices supporting "local" production. The new legislation is also to some degree controversial among food producers. Small-scale producers are currently lobbying to ascending the "inferiority threshold" while others are concerned with the risk of competition bias favouring one group of producers. Taste of Denmark as a national food network and trade association of innovative food SME's has taken active part in the discussion: <https://www.altinget.dk/foedevare/artikel/smagen-af-danmark-made-in-denmark-vaerdien-maa-ikke-gaa-tabt-i-kritik>

Taste of Denmark has presented a variety of suggestions to adjust legislation and regulation to the conditions of small-scale food companies. However, Taste of Denmark also has taken

the position that attempts of adaptation to small-scale production should be done without devaluing the brand of local produce by hampering quality and food safety of such products.

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