

# codex alimentarius commission



FOOD AND AGRICULTURE  
ORGANIZATION  
OF THE UNITED NATIONS



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Agenda Item 4

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## JOINT FAO/WHO FOOD STANDARDS PROGRAMME FAO/WHO REGIONAL COORDINATING COMMITTEE FOR EUROPE

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### FOOD LEGISLATION AND FOOD CONTROL ACTIVITIES IN THE REGION (Austria, European Community, Finland, Germany, Poland, United Kingdom)

#### 1) UPDATED SURVEY OF NATIONAL FOOD LEGISLATION AND FOOD CONTROL SYSTEMS, CODEX CONTACT POINTS AND NATIONAL CODEX COMMITTEES

##### AUSTRIA

##### (i) Official Agencies

**Austrian Agency for Health and Food Safety and Federal Office for Food Safety**  
Austria's accession to the EU in 1995 brought about the adoption of European food legislation. The *White Paper of Food Safety* and the *General Food Law* stimulated the establishment of the Austrian Agency for Health and Food Safety and the Federal Office for Food Safety in 2002.

The Austrian Agency for Health and Food Safety (hereinafter referred to as Agency) is a merger of 3 agricultural research centres, 5 food control institutes, 4 veterinary institutes, and 5 bacteriological-serological institutes. The Agency was established to bundle competencies and expertise in research and control along the food chain from primary production to consumers. Of particular importance is the holistic approach, which is expressed by the integration of human epidemiology.

The Agency is a state owned exempt limited company under Austrian law having about 1,082 employees in 16 locations throughout Austria.

The Minister for Agriculture, Forestry, Environment and Water Management and the Minister of Health and Women act as envoys of the Republic of Austria in their respective fields of competence.

Two managing directors head the Agency. Scientific panels for food, veterinary affairs and agricultural means provide scientific advice to managers and responsible ministers.

On legal grounds a Federal Office for Food Safety (herein after referred to as Federal Office) had to be established parallel to the Agency to enable the execution of laws as authority of first instance. Although bearing the name "food safety", the Federal Office does not act as authority in connection with food but with agricultural means (seed, seedling, plant variety protection; plant protection; plant protection products; feed, fertiliser) and marketing standards for fruit, vegetables and fish. One consequence of this legal construction is that one and the same person can be assigned to the Agency and to the Federal Office.

The law on the establishment of the Agency determines that the main objective is ensuring health protection of humans, animals and plants by means of an effective and efficient evaluation of food safety and the epidemiological surveillance of communicable and non-communicable infectious diseases.

The terms of reference include research and compilation of relevant scientific data in agriculture, food and veterinary affairs, and epidemiology. The Agency supports the Federal Office, investigates and analyses within the scope of food control laid down in the Austrian Food Act, and conducts veterinary studies and studies aiming at the surveillance and prevention of human infectious diseases.

On February 1, 2004, the Agency was additionally put in charge of the inspection of drugs and medical devices.

A major challenge for the institution is the field of risk analysis in an independent, objective, and transparent

manner. As regards feed the Agency is responsible for risk assessment, risk management, and risk communication. As regards food, the responsibility for risk assessment rests with the Agency, while risk management is executed by the Ministry of Health and Women. The Agency for Health and Food Safety is the national contact point with regard to the European Food Safety Authority. For further information: [www.ages.at](http://www.ages.at)

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### **Codex Alimentarius Austriacus**

Food safety and food quality have a long-standing tradition in Austria. In 1891 a scientific commission was founded in the Austro-Hungarian Empire which developed a collection of standards and product descriptions for a wide variety of foods, the Codex Alimentarius Austriacus. Although lacking legal force, this standard literature for food inspectors was used as a reference by the courts to determine standards of identity for specific foods. The Austrian Codex standards influenced trade in food positively and enabled products to move freely across the polyglot territories of the monarchy. The present-day FAO/WHO Codex Alimentarius has derived its name from the Austrian code.

Today, the Austrian Codex commission is an advisory body for the Minister of Health and Women having its legal basis in the Austrian Food Act. It undertakes the task of publishing the Austrian Food Code. Codex recommended standards may be higher than legal standards.

The work of the Austrian Codex Commission is supported by a number of subcommittees. The subcommittees cover food commodities, object commodities, organic farming, food inspection, substances hazardous in food, cosmetics and an editorial committee.

Rules of procedure govern the collaboration between the commission and the subcommittees. In general, 2-3 commission sessions take place annually.

The Austrian Codex Commission is characterised by its efforts towards consensus-building in a transparent way within representatives of society (Federal Ministry of Health and Women; Federal Ministry of Agriculture, Forestry, Environment and Water Management; Federal Ministry of Economics and Labour; Federal Ministry of Finance; Federal Chamber of Labour; Austrian Federal Economic Chamber; Austrian Trade Union Federation; Austrian Chambers of Agriculture; Association for consumer information; Austrian Agency for Health and Food Safety; scientists and experts nominated by social partners). The transparent decision-making process of Codex guarantees broad support of the recommendations.

### **Activities of Austrian Codex Contact Points**

The Federal Ministry of Agriculture, Forestry, Environment and Water Management acts as FAO/WHO Codex national contact point in accordance with Codex rules of procedure. Documents received are forwarded electronically to the Ministry of Health and Woman, the relevant Codex Austriacus subcommittees and to other interested parties.

The Federal Ministry of Health and Women acts as contact point with regard to the European Codex coordination. The Ministry compiles national comments or proposals concerning FAO/WHO Codex, prepares written comments and is in charge of the official correspondence with the EU.

A “permanent board for affairs relating to world-wide Codex” consisting of representatives from both Ministries and representatives of the Austrian Codex acts as official coordination board.

## **(II) Food Legislation**

### **Food Safety and Control in Austria**

The basis for official food controls is the legal framework of the European community and the Austrian Food Act 1975 which is subject to an amendment process at present. The amendments mainly concern the integration of provisions resulting from new EU Regulations on food safety, food control and food hygiene.

In Austria, the Federal Ministry of Health and Women has the overall responsibility for food safety and food legislation. It coordinates the activities of the provincial food inspection authorities (Austria consists of nine Federal Provinces) and of laboratories designated for analyses of official samples. In pursuance of the annual federal control plan the provincial government authorities carry out on-site inspections of enterprises and take samples. They are responsible for administrative measures and punitive actions in the case of a violation of legal provisions.

The Austrian Agency for Health and Food Safety and the Institutes for food-testing of three Federal Provinces analyse the food samples taken by the food inspectors and render expert opinions.

All laboratories which analyse official samples are accredited for the European Standard EN ISO/IEC 17025. The accreditation is either granted for a group of tests or for single tests in a combined system. The accreditation for a group of tests is only granted to an individual laboratory by the accreditation body if special stipulations with regard to the technical competence are fulfilled by this laboratory.

Import controls for food of non-animal origin are carried out by food inspectors. Imported food of animal origin is controlled by border veterinarians.

### **Food Quality and Control in Austria**

The assurance of the best possible supply of high-quality foodstuff is an official objective of the Austrian agricultural policy laid down in the Farm Act of 1992.

Food quality and food safety are regarded as integrated components of an Austrian sustainable food production model. Emphasis is placed on high food quality within an integrated and comprehensive approach to the entire food chain

The Austrian Agri-Environmental Programme (based on EU Reg. no. 2078/92) is an important prerequisite for the production of high quality food and for official seals of quality. It encompasses 31 schemes, including organic farming. Farmers can take part in the programme by concluding a voluntary five-year contract. Two quality labels of AMA (Agrarmarkt Austria) guarantee these specific qualities:

The “*AMA Quality Label*” is an origin and quality symbol. It labels foodstuff of specific higher quality and guarantees identification of origin and independent control.

The “*AMA Organic Seal*” may only be used for organically produced foodstuff complying with the requirements laid down in the general principles of the Codex Alimentarius Austriacus, 3<sup>rd</sup> edition, Chapter A 8, and Regulation (EEC) no. 2092/91. It is subject to stringent quality and monitoring requirements.

Further quality labels in Austria are:

*EU label of Protected Designation of Origin (PDO)*: eight Austrian products are entitled to use this label for foodstuffs which are produced, processed and prepared in a given geographical area using recognised know-how.

*EU label of Protected Geographical Indication (PGI)*: four Austrian products comply with the provisions for this label, which requires that the geographical link must occur in at least one of the stages of production, processing or preparation.

*Private labels*: Numerous private labels promising higher food quality are on the market. Private labels are based on private standards which reflect specific concerns and interests of the respective groups or associations. The standards of these trademarks are controlled according to internal provisions.

### **EUROPEAN COMMUNITY**

The European Union has built up a significant body of laws on food safety which are binding in all countries of the Union and which partially apply to non-EU-countries exporting animals, animal products, plants and plant products to the EU. Legislation on food safety is indeed largely harmonised at European level. The Member States are responsible for the implementation of EU rules and have the possibility in certain sectors under certain conditions to complement the EU legal framework and go further. In addition, the primary responsibility for ensuring that the EU laws are respected rests with the twenty-five Member States.

In these comments, information is provided on the structure and organisation of the official services responsible at European level for food legislation and food control, cooperation activities with other countries on food legislation and food control matters and consumer participation in Codex work at European level.

The central goal of the European Commission's food safety policy is to ensure a high level of protection of human health and consumers' interests in relation to food, taking into account diversity, including traditional products, whilst ensuring the effective functioning of the internal market.

The Commission's guiding principle, primarily set out in its White Paper on Food Safety<sup>1</sup> published in

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<sup>1</sup> [http://europa.eu.int/comm/dgs/health\\_consumer/library/pub/pub06\\_en.pdf](http://europa.eu.int/comm/dgs/health_consumer/library/pub/pub06_en.pdf)

January 2000, is to apply an integrated approach from farm to table covering all sectors of the food chain, including feed production, primary production, food processing, storage, transport and retail sale.

## **OFFICIAL SERVICES OF THE EUROPEAN COMMISSION INVOLVED IN FOOD SAFETY LEGISLATION AND FOOD SAFETY CONTROL**

At the European Commission level, food safety legislation and food safety controls are under the responsibility of the Directorate General for Health and Consumer Protection (organisational chart annexed). The main tasks of the Directorate-General are described in the **mission statement**:

*DG Health and Consumer Protection's goal is to promote a better quality of life for Europe's citizens. The DG is responsible for ensuring a high level of protection of consumers' health, safety and economic interests as well as of public health, issues relevant to daily life of European citizens. This overall goal is addressed through legislative and non-legislative actions in three inter-related policy areas: consumer policy, public health, and food safety, animal health, animal welfare and plant health.*

*As regards Food safety, animal health, animal welfare and plant health (Treaty Articles 37, 95 and 152), the main aspects are:*

- a) To assure a high level of food safety, animal health, animal welfare and plant health within the European Union through coherent farm-to-table measures and adequate monitoring, whilst ensuring the effective functioning of the Internal Market;*
- b) To assure effective control systems and evaluate compliance with EU standards within the EU and in third countries in relation to their exports to the EU;*
- c) To manage international relations with third countries and international organisations;*
- d) To manage relations with the European Food Safety Authority, and ensure a science-based risk management and the communication of risk information.*

Food safety activities cover the entire food production chain, ranging from animal health and plant health to the labelling of food products, as well as animal welfare.

The European Commission Directorate General for Health and Consumer Protection comprises 3 Directorates directly in charge of food safety matters. Two of these directorates are in charge of food legislation, i.e. by managing existing legislation and by drafting and submitting to the European Parliament and Council of the EU legislative proposals, most of which fall under the codecision procedure (see chapter 2).

The third directorate in relation to food safety is the Food and Veterinary Office (FVO). The Commission, in its role as guardian of the European Community Treaties, is responsible for ensuring that Community legislation on food safety, animal health, plant health and animal welfare is properly implemented and enforced. As a Commission service, the FVO plays an important role in fulfilling this task.

The mission of the FVO is, through its evaluations, to:

- promote effective control systems in the food safety and quality, veterinary and plant health sectors;
- check on compliance with the requirements of EU food safety and quality, veterinary and plant health legislation within the European Union and in third countries exporting to the EU;
- contribute to the development of EU policy in the food safety and quality, veterinary and plant health sectors,

and to inform stakeholders of the outcome of evaluations.

The FVO works to assure effective control systems and to evaluate compliance with EU standards within the EU, and in third countries in relation to their exports to the EU. The FVO does this mainly by carrying out inspections in Member States and in third countries exporting to the EU.

Each year the FVO develops an inspection programme, identifying priority areas and countries for inspection. In order to ensure that the programme remains up to date and relevant, it is reviewed mid-year. The findings of each inspection carried out under the programme are set out in an inspection report, together with conclusions and recommendations. The FVO makes recommendations to the country's competent

authority to deal with any shortcomings revealed during the inspections. The competent authority is requested to present an action plan to the FVO on how it intends to address any shortcomings. Together with other Commission services, the FVO evaluates this action plan and monitors its implementation through a number of follow-up activities.

The FVO is based in Grange, Co. Meath, Ireland. The number of staff working in the FVO has increased from 74 in 1997 to its present complement of 163. Of these, 81 are inspectors, who participate regularly in on-the-spot inspection missions, with the balance consisting of management and support staff. Staff are organised in six units with different responsibilities within the FVO.

Scientific advice and risk assessment relating to food safety is now the task of the recently created European Food Safety Authority (EFSA). EFSA provides the European Commission with independent scientific advice on all matters with a direct or indirect impact on food safety. It is a separate legal entity, independent from the other EU institutions. The establishment of EFSA was one of the key measures contained in the Commission's White Paper on Food Safety. The Regulation 178/2002/EC providing a legal basis for the Authority was formally adopted on 28 January 2002. EFSA's work covers all stages of food production and supply, from primary production to the safety of animal feed, right through to the supply of food to consumers. It collects information and analyses new scientific developments so it can identify and assess any potential risks to the food chain. It can carry out scientific assessment on any matter that may have a direct or indirect effect on the safety of the food supply, including matters relating to animal health, animal welfare and plant health. EFSA also gives scientific advice on non-food and feed GMOs as well as on nutrition in relation to EU legislation. It can communicate directly with the public on any issue within its area of responsibility.

## **UPDATE ON FOOD LEGISLATION**

The EU integrated approach to food safety aims to assure a high level of food safety, animal health, animal welfare and plant health within the European Union through coherent farm-to-table measures and adequate monitoring, while ensuring the effective functioning of the internal market.

The implementation of this approach involves the development of legislative and other actions:

- To assure effective control systems and evaluate compliance with EU standards in the food safety and quality, animal health, animal welfare, animal nutrition and plant health sectors within the EU and in third countries in relation to their exports to the EU;
- To manage international relations with third countries and international organisations concerning food safety, animal health, animal welfare, animal nutrition and plant health;
- To manage relations with the European Food Safety Authority (EFSA) and ensure science-based risk management.

The orientations foreseen by the European Commission were extensively presented in the White Paper on Food Safety, in which more than 80 actions were identified. Among those, the most important pieces of legislation are the following:

- Regulation (EC) no 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety: The food law aims at ensuring a high level of protection of human life and health, taking into account the protection of animal health and welfare, plant health and the environment. This integrated "farm to fork" approach is now considered a general principle for EU food safety policy. Food law, both at national and EU level, establishes the rights of consumers to safe food and to accurate and honest information. The EU food law aims to harmonise existing national requirements in order to ensure the free movement of food and feed in the EU. The food law recognises the EU's commitment to its international obligations and has been developed and adapted taking international standards into consideration, except where this might undermine the high level of consumer protection pursued by the EU. The Regulation establishes the principles of risk analysis in relation to food and establishes the structures and mechanisms for the scientific and technical evaluations which are undertaken by the European Food Safety Authority (EFSA). Depending on the nature of the measure, food law, and in particular measures relating to food safety must be underpinned by strong science. The EU has been at the forefront of the development of the risk analysis principles and their subsequent international acceptance. Regulation EC 178/2002 establishes in EU law that the three inter-related components of risk analysis (risk

assessment, risk management and risk communication) provide the basis for food law as appropriate to the measure under consideration. Clearly not all food law has a scientific basis, e.g. food law relating to consumer information or the prevention of misleading practices does not need a scientific foundation. Scientific assessment of risk must be undertaken in an independent, objective and transparent manner based on the best available science. Risk management is the process of weighing policy alternatives in the light of results of a risk assessment and, if required, selecting the appropriate actions necessary to prevent, reduce or eliminate the risk to ensure the high level of health protection determined as appropriate in the EU. In the risk management phase, the decision makers need to consider a range of information in addition to the scientific risk assessment. These include, for example, the feasibility of controlling a risk, the most effective risk reduction actions depending on the part of the food supply chain where the problem occurs, the practical arrangements needed, the socio-economic effects and the environmental impact. Regulation EC/178/2002 establishes the principle that risk management actions are not just based on a scientific assessment of risk but also take into consideration a wide range of other factors legitimate to the matter under consideration. Food safety and the protection of consumer interests are of increasing concern to the general public, non-governmental organisations, professional associations, international trading partners and trade organisations. Therefore, the Regulation establishes a framework for the greater involvement of stakeholders at all stages in the development of food law and establishes the mechanisms necessary to increase consumer confidence in food law. This consumer confidence is an essential outcome of a successful food policy and is therefore a primary goal of EU action related to food. Transparency of legislation and effective public consultation are essential elements of building this greater confidence. Better communication about food safety and the evaluation and explanation of potential risks, including full transparency of scientific opinions, are of key importance.

- New rules on food hygiene: Regulations 852/2004/EC, 853/2004/EC, 854/2004/EC and Directive 2004/41/EC. In the White Paper on Food Safety the European Commission outlined a radical revision of the Community's food safety hygiene rules, under which food operators right through the food chain will bear primary responsibility for food safety. The new regulations, to come into force progressively until 2006, merge, harmonise and simplify detailed and complex hygiene requirements previously contained in a number of Council Directives covering the hygiene of foodstuffs and the production and placing on the market of products of animal origin. They innovate in making a single, transparent hygiene policy applicable to all food and all food operators right through the food chain "from the farm to the table", together with effective instruments to manage food safety and any future food crises throughout the food chain.

The revised rules are based on the following key measures :

- Implementation of a "farm to table" approach;
- Introduction of a "Hazard Analysis and Critical Control Points" system (HACCP) for all food business operators to identify any step in their activities which is critical to ensuring food safety and ensure that adequate safety procedures are identified, implemented, maintained and reviewed;
- Registration or approval for certain food establishments;
- Development of guides to good practice for hygiene (GHPs) and for the application of HACCP principles by food business operators;
- Set-up of a special provision to ensure flexibility for food produced in remote areas (high mountains, remote island) and for traditional production and methods.

- Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules:

The following key principles are at the basis of this regulation, which for the first time at European level establishes a coherent and harmonised framework for both controls at national and Community levels:

- The official controls by Member States shall enable them to verify and enforce compliance with national and Community feed and food law; for that purpose, official controls must be carried out regularly and must be defined on the basis of risk.

- The authorities in the Member States that are competent for performing official controls shall meet operational criteria that guarantee their efficiency, effectiveness and impartiality.
- Staff performing official controls shall have received adequate training in order for them to undertake their duties competently.
- Specific control tasks may be delegated to an independent body only under strict conditions.
- Methods of sampling and analysis shall be validated in accordance with internationally accepted protocols, including those based on performance criteria, and be carried out by laboratories accredited for that purpose.
- Where non-compliance is identified during official controls, appropriate measures shall be taken, including administrative measures and criminal sanctions. These measures and sanctions shall be effective, dissuasive and proportionate.
- Contingency plans shall be drawn up setting out measures to be implemented in case of feed and food emergencies.
- Member States shall proceed to regular controls of feed and food imports. Where official controls require action by more than one Member State, the competent authorities of the Member States concerned shall afford each other administrative assistance. This assistance may be extended to active co-operation including on-the-spot controls of Member State experts in another Member State.
- In co-operation with the Member States, a Community framework for the development and operation of national control systems shall be developed taking account of existing best practices and of the experience of the Commission's control services. It will be based on agreed criteria for the performance of these systems, and lead to clear guidelines on their operation. Community guidelines will be developed for that purpose.
- Inspections and audits by the Commission's Food and Veterinary Office (FVO) shall be organised to verify the effectiveness of national control systems.
- There must be a Community framework for the training of control staff in the Member States in order to ensure a uniform level of decision taken by such staff. Special attention is paid to the needs of developing countries.

- Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption:

This Regulation, adopted on 3 October 2002, is, after the TSE Regulation adopted in 2000, a key action of the White Paper on Food Safety and is a major component of the Commission strategy to combat and eradicate feed-borne food crises such as BSE, foot and mouth disease, swine fever and dioxin contamination. It is key to the exclusion of dead animals and other condemned materials from the feed chain and to the safe processing and disposal of the 16 millions of tonnes of animal by-products produced in the Union each year. Under the Regulation, only materials derived from animal declared fit for human consumption following veterinary inspection may be used for the production of feeds. It also bans intra-species recycling, so-called "cannibalism". It sets out clear rules on what must and may be done with the excluded animal materials, imposing strict identification and traceability system requiring certain products such as meat and bone meal and fats destined for destruction to be permanently marked to avoid possible fraud and risk of diversion of unauthorised products into food and feed. The Regulation introduces new alternative disposal methods such as biogas, composting and co-incineration. It creates a new transparent, comprehensive and directly applicable legal framework that replaces and simplifies a multitude of scattered directives and decisions which have developed over more than a decade in response to internal market requirements and crisis situation.

## FINLAND

### FOOD LEGISLATION AND FOOD CONTROL MATTERS

#### (i) Official Agencies

In Finland the food safety system is organised on four levels, comprising ministries, central administrative level, regional level and local level.

The ministries assume overall responsibility for the development of food legislation.

- The *Ministry of Trade and Industry* is responsible to ensure the health-related quality of foodstuffs and to protect consumers against economic losses due to foodstuffs which do not conform to regulations concerning them (e.g. food labels and packaging materials, food additives, flavourings, contaminants, pesticide residues, novel foods etc.).
- The *Ministry of Agriculture and Forestry* takes overall responsibility for the control of primary production and the hygiene of foodstuffs of animal origin. The Ministry of Agriculture and Forestry also promotes the protection of consumer health by preventing infections spreading from animals to people.
- The *Ministry of Social Affairs and Health* deals with the hygiene of foodstuffs of non-animal origin and the hygiene of all foodstuffs at retail level and catering.

The central administrative level is occupied by the National Food Agency, subordinate to the Ministry of Agriculture and Forestry. The National Food Agency was established in 2001 by emerging the National Food Administration (subordinate to Ministry of Trade and Industry) and the enforcement unit of the National Veterinary and Food Research Institute (subordinate to the Ministry of Agriculture and Forestry). The key goal of the reform was to clarify the organisation of the food control at the central administrative level and to avoid the detrimental effects of a fragmented agency. Although the National Food Agency is subordinated to the Ministry of Agriculture and Forestry, the Ministry of Trade and Industry and the Ministry of Social Affairs and Health also participate to resultconducting of the National Food Agency in their own area. Priorities for the National Food Agency are established by the ministries in consultation with the Agency.

The National Food Agency is responsible for directing, planning and developing food control in Finland and for conducting the control of food legislation. National Food Agency's tasks include supervising and monitoring regional and local authorities, taking part in many EU- and other international projects as an expert body, producing and publishing research reports and serving industry, commerce and consumers. The National Food Agency is responsible for directing the control of all kind of foodstuffs including meat inspection.

The practical enforcement is carried out by local municipal authorities under the direction of State Provincial Offices. Regional administration consists of six State Provincial Offices, which are responsible for planning and directing food control at the regional level. The State Provisional Offices are responsible for supporting the municipalities by counselling, training and developing working methods and by going monitoring, evaluating and reporting on various projects done in different municipalities.

At the local level the major task of the municipal food control authorities (some 280 food control units) is to take care of the practicalities of food control. The work includes performing inspections, advising business enterprises and approving plans regarding in-house control. Municipal control authorities take care of the control of intra-community trade of foodstuffs of animal origin. Food control at the municipal level is part of environmental health work. The municipalities enjoy an extensive degree of self-administration.

The regional and local authorities exercise power only on their respective territories, whereas the National Food Agency is competent throughout the whole country.

The National Food Agency annually issues the National Food Control Programme. The programme gives official instructions on the arrangements of food control based on the targets given to the National Food Agency. The National Food Agency makes annually an agreement with the State Provincial Offices concerning food control targets. The State Provincial Offices negotiate with the municipalities about the annual projects. The municipalities use the National Food Control Programme as a basis in preparing their own annual food control plans. The National Food Agency also issues operational instructions on applying



the food legislation to responsible regional and local authorities.

The analyses needed by the official food control are carried out in laboratories approved either by the National Food Agency.

The Customs authorities (The National Board of Customs, five Customs districts, The Customs Laboratory) is subordinated to the Ministry of Finance. Customs check at the importation stage the foods that have not yet entered the retail sale. The Ministry of Agriculture and Forestry is responsible for veterinary border inspections of animals and foodstuffs of animal origin imported to Finland from third countries.

The official food control in Finland is complemented by general requirements that food business operators carry out in-house control. The obligation of a food business operator to ensure the safety of the food he produces or puts on the market was regulated in 1995.

## **(II) FOOD LEGISLATION**

The Finnish food legislation is for the most part harmonised with EU legislation. Since joining the European Union in 1995, food legislation has been intensively developed. EU regulations have been transposed into Finland's law and key national food legislation has been reformed. National rules are applied in the absence of Community harmonisation. A new Food Law is under preparation. This law will cover issues at the moment covered by the Food Act, by the Act on Food Hygiene of Foodstuffs of Animal Origin and by parts of the Health Protection Act.

### **GERMANY**

#### **Ordinance on the maximum permissible quantities of contaminants in foodstuffs - (Schadstoff-Höchstmengenverordnung, SHmV) of 19 December 2003 - Federal Law Gazette I p. 2755**

The new Ordinance on the maximum permissible quantities of contaminants in foodstuffs entered into force on 24 December 2003. For reasons of streamlining legislation, the new Ordinance combines the previous Ordinance on the maximum permissible quantities of contaminants in foodstuffs of 23 March 1988 and the Ordinance on the maximum permissible quantities of solvents in foodstuffs of 25 July 1989 and adapts them to the meanwhile updated EC provisions. Both Ordinances contained regulations on limiting the presence of environmental contaminants in foodstuffs which go beyond the legal provisions of the EC and they are now contained in a single Ordinance.

The new Ordinance on the maximum permissible quantities of contaminants in foodstuffs sets maximum permissible levels for six non-dioxin-like polychlorinated biphenyls (PCBs) in various foodstuffs of animal origin. Furthermore, the Ordinance regulates maximum permissible levels for the solvents tetrachloroethene (perchloroethylene), trichloroethene (trichloroethylene) and trichloromethane (chloroform) in all foodstuffs and those of mercury in pulmonata and any products derived thereof.

Moreover, according to the Ordinance on the maximum permissible quantities of contaminants in foodstuffs any violations of the regulations directly applicable in Germany on lead, cadmium and mercury and the dioxins listed in Regulation (EC) No. 466/2001 are punishable. Furthermore, the Regulation serves the purpose of transposing the following EC provisions into national law without any amendments:

- Commission Directive 2001/22/EC of 8 March 2001 laying down the sampling methods and the methods of analysis for the official control of the levels of lead, cadmium, mercury and 3-MCPD in foodstuffs;
- Commission Directive 2002/69/EC of 26 July 2002 laying down the sampling methods and the methods of analysis for the official control of dioxins and the determination of dioxin-like PCBs in foodstuffs.

For reasons of streamlining legislation one more provision was incorporated into the Ordinance on the maximum permissible quantities of contaminants in foodstuffs. By means of a permanently updated cross-reference facility it is now possible to find the current versions of the Appendices of EC Directives that are listed in the Ordinance on the maximum permissible quantities of contaminants in foodstuffs as they are published in the Official Journal of the European Union.

**Ordinance on the maximum permissible quantities of contaminants in foodstuffs  
(Schadstoff-Höchstmengenverordnung, SHmV)\* of 19 December 2003**

The Federal Ministry of Consumer Protection, Food and Agriculture

- pursuant to section 9, subsection (1) number 4 (a) in conjunction with subsection (3) of the Foodstuffs and Commodities Act in the version published on 9 September 1997 (Federal Law Gazette I p. 2296) of which section 9 subsection (3) was last amended by Art. 42 number 3 in the Ordinance of 29 October 2001 (Federal Law Gazette I p. 2785) in conjunction with section 1 of the Ordinance on the Re-allocation of Responsibilities of 16 August 2002 (Federal Law Gazette I p. 3165) and the Organisational Directive of 22 October 2002 (Federal Law Gazette I p. 4206) in agreement with the Federal Ministry of Economics and Labour and
- pursuant to section 44 subsection (1) number 2 and section 60 number 1 of the Foodstuffs and Commodities Act of which section 60 number 1 was last amended by Art. 42 number 16 of the Ordinance of 29 October 2001 (Federal Law Gazette I p. 2785) and

the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety

- pursuant to section 9 subsection (4) of the Foodstuffs and Commodities Act which was last amended by Art. 42 number 3 of the Ordinance of 29 October 2001 (Federal Law Gazette I p. 2785) in conjunction with section 1 of the Ordinance on the Reallocation of Responsibilities of 16 August 2002 (Federal Law Gazette I p. 3165) and the Organisational Directive of 22 October 2002 (Federal Law Gazette I p. 4206) in agreement the Federal Ministry for Consumer Protection, Food and Agriculture as well as the Federal Ministry of Economics and Labour and
- pursuant to section 44 subsection (1) number 2 in conjunction with section 9 subsection (4) of the Foodstuffs and Commodities Act of which section 9 subsection (4) was last amended by Art. 42 number 3 of the Ordinance of 29 October 2001 (Federal Law Gazette I p. 2785), in agreement with the Federal Ministry of Consumer Protection, Food and Agriculture

hereby decree as follows:

**Section 1- Scope**

(1) This Ordinance applies to all foodstuffs listed in the Annex.

(2) Section 3 also applies to the foodstuffs in Annex I para 3 and 5 of the Commission Regulation (EC) No 466/2001 of 8 March 2001 setting maximum levels for certain contaminants in foodstuffs (OJ EC L 77 p.1) last amended by Commission Regulation (EC) No 1425/2003 of 11 August 2003 (OJ EU L 203 p. 1).

**Section 2 - Prohibition to put into circulation**

(1) The foodstuffs listed in the Annex that contain any of the contaminants specified therein in quantities which exceed the maximum permissible quantities set for each foodstuff due to the impacts of the pollution

1. of air, water or soil or
2. from the production and treatment of the foodstuff or one of its ingredients

must not be put into circulation on a commercial basis.

(2) For other foodstuffs not mentioned in para 1 which have been produced using as ingredients any of the foodstuffs listed in the Annex unless otherwise specified in the Annex where

1. the contaminant content of any single ingredient exceeds any maximum permissible quantity set for this ingredient or

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\* This Ordinance also serves the transposition of

- Commission Directive 2001/22/EC of 8 March 2001 laying down the sampling methods and the methods of analysis for the official control of the levels of lead, cadmium, mercury and 3-MCPD in foodstuffs (OJ EC L 77 p. 14, L 325 p. 34);

- Commission Directive 2002/69/EC of 26 July 2002 laying down the sampling methods of analysis for the official control of dioxins and the determination of dioxin-like PCBs in foodstuffs (OJ EC L 209 p.5 no L 252 p.40).

The obligations arising from Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food have been complied with.

2. the total contaminant content of the foodstuff in question exceeds the value resulting from the sum of the maximum permissible quantities of each individual ingredient, taking into account its proportion in the total weight of the foodstuff concerned.

(3) The maximum permissible quantities in the lists of the Annex apply to dried or processed foodstuffs for which no maximum permissible quantities are set in the Annex taking into consideration the residue level after drying or the concentrations or dilutions after processing unless otherwise specified in the Annex.

### **Section 3 - Sampling and methods of analysis**

(1) Pursuant to section 1 subsection (2), the sampling for the official control of the levels of lead, cadmium and mercury in foodstuffs shall

1. be carried out in accordance with the methods described in Annex I of Commission Directive 2001/22/EC of 8 March 2001 laying down the sampling methods and the methods of analysis for the official control of the levels of lead, cadmium, mercury and 3-MCPD in foodstuffs (OJ EC L 77 p. 14, L 325 p. 34),

2. be prepared and the analysis carried out in such a way as to comply with the criteria described in Annex II of Directive 2001/22/EC.

(2) Pursuant to section 1 subsection (2), the sampling for the official control of the levels of dioxin and the determination of dioxin-like polychlorinated biphenyls (PCBs) in foodstuffs shall

1. be carried out in accordance with the methods described in Annex I of Commission Directive 2002/69/EC of 26 July 2002 laying down the sampling methods and the methods of analysis for the official control of dioxins and the determination of dioxin-like PCBs in foodstuffs (OJ EC L 209 p.5, L 252 p.40),

2. be prepared and the analysis carried out in such a way as to comply with the criteria described in Annex II of Directive 2002/69/EC.

### **Section 4 - Reference to European Community Directives**

The annexes of the European Community Directives referred to in section 3 shall be applied in the respective valid versions. Should the annexes be amended or adapted to technical progress as foreseen in these Directives, they shall apply in the amended or adapted versions as published in the Official Journal of the European Union in compliance with the deadlines for application given in the amended or adapted Directive. The adapted or amended version of the annexes may be applied as of the entry into force of the amended or adapted Directive unless otherwise specified in Community legislation.

### **Section 5 - Offences**

(1) Pursuant to section 51 subsection (1) number 2, subsections (2) to (4) of the Foodstuffs and Commodities Act, any person who contravenes section 2 subsection (1) number2, also in conjunction with subsection (2), by deliberately or negligently putting any of the foodstuffs specified into circulation on a commercial basis shall be liable to prosecution.

(2) Pursuant to section 52 subsection (1) number1 of the Foodstuffs and Commodities Act, any person who contravenes section 2 subsection (1) number1, also in conjunction with subsection (2), by putting any of the foodstuffs specified into circulation on a commercial basis shall be liable to prosecution.

(3) Pursuant to section 56 subsection (1) number1 (a), subsections (2) and (3) of the Foodstuffs and Commodities Act, any person who violates Regulation (EC) No 466/2001 by deliberately or negligently

1. contravening Article 1 para 1 in conjunction with Annex I chapter 3 or chapter 5 and putting any of the foodstuffs specified therein containing any contaminant in amounts exceeding the maximum level set therein,

2. contravening Article 2 para 3 in conjunction with Annex I chapter 3 or chapter 5 and using the produce specified therein as ingredient for the production of compound foodstuffs or,

3. contravening Article 4 a (a) and mixing a produce specified there in amounts within the maximum level with amounts of another exceeding the maximum level.

## Section 6

### ADMINISTRATIVE OFFENCES

An administrative offence is committed by any person who performs any of the actions described in section 5 subsection (2) recklessly, pursuant to section 53 subsection (2) number 2 of the Foodstuffs and Commodities Act.

## Section 7

### Amendment to the Ordinance on maximum permissible quantities of residues

In section 1 subsection (6), second sentence, of the Ordinance on maximum permissible quantities of residues in the version of its notification of 21 October 1999 (Federal Law Gazette I p. 2082, 2002 I p.1004) last amended by the Ordinance of 5 November 2003 (Federal Law Gazette I p.2172), the words “or the Ordinance on the maximum permissible quantities of solvents in foodstuffs ” shall be deleted.

## Section 8

### Entry into force, cessation of validity

(1) This Ordinance shall come into force on the day following its promulgation.

(2) Simultaneously the Ordinance on maximum permissible quantities of contaminants in Foodstuffs of 23 March 1988 (Federal Law Gazette I p. 422), last amended by the Ordinance of 17 February 2003 (Federal Law Gazette I p. 241) and the Ordinance on the maximum permissible quantities of solvents in foodstuffs of 25 July 1989 (Federal Law Gazette I p. 1568) shall cease to have validity.

The Bundesrat has given its consent.

Bonn, 19 December 2003 - The Federal Minister for the Environment, Nature Conservation and Nuclear Safety, Jürgen Trittin

The Federal Minister of Consumer Protection, Food and Agriculture, Renate Künast

**Annex**

(ad §§ 1,2)

### List A

#### Polychlorinated Biphenyls (PCBs)

1	2	3	4
IUPAC number <sup>1)</sup>	Contaminant	Maximum permissible quantities (mg/kg)	Foodstuffs
28	2,4,4'-Trichlorobiphenyl	0.008 <sup>2)</sup>	Meat of calves, horses and rabbits, meat from chicken, turkeys as well as wild fowl and furred game with the exception of wild boar  Meat from other warm-blooded meat stock and wild boar with a fat content not exceeding 10 g/100g  Meat products with a fat content not exceeding 10 g/100 g
52	2,2',5,5'-Tetrachlorobiphenyl		
101	2,2',4,5,5'-Pentachlorobiphenyl		
180	2,2'3,4,4',5,5' Heptachlorobiphenyl		
	each		

		0.08 <sup>3)</sup>	<p>Meat of warm-blooded meat stock, with the exception of calves, horses, rabbits, chicken and turkeys as well as wildfowl and furred game, and the meat of wild boars with a fat content exceeding 10g/100g foodstuff</p> <p>Meat products with a fat content exceeding 10g/100g</p> <p>Edible fat of animal origin with the exception of milk fat</p> <p>Freshwater fish<sup>5)</sup> and products thereof</p> <p>Cod liver and products thereof</p> <p>Saltwater fish<sup>5)6)</sup> and products thereof, except for cod liver and products thereof</p>
		0.2 <sup>4)</sup>	Crustaceans and molluscs <sup>5)</sup> as well as poikilotherms except for fish and products thereof
		0.4	
		0.08 <sup>4)</sup>	<p>Milk of any animal species and products thereof</p> <p>Eggs, egg products</p>
		0.08 <sup>4)</sup>	<p>Meat of calves, horses and rabbits</p> <p>Meat of chicken, turkeys as well as wildfowl and furred game with the exception of wild boars</p>
		0.04 <sup>7)</sup>	Meat from other warm-blooded meat stock and wild boars with a fat content not exceeding 10g/100g
		0.02 <sup>8)</sup>	Meat products with a fat content not exceeding 10g/100g
138	2,2',3,4,4',5'-Hexachlorobiphenyl		
153	2,2',4,4',5,5'-Hexachlorobiphenyl	0.01 <sup>2)</sup>	Meat of warm-blooded meat stock, with the exception of calves, horses, rabbits,

	each	<p>0.1<sup>3)</sup></p> <p>0.3<sup>4)</sup></p> <p>0.6</p> <p>0.1<sup>4)</sup></p> <p>0.1<sup>4)</sup></p>	<p>chicken and turkeys as well as wildfowl and furred game, and meat of wild boar with a fat content exceeding 10g/100g foodstuff</p> <p>Meat products with a fat content exceeding 10g/100g</p> <p>Edible fat of animal origin with the exception of milk fat</p> <p>Freshwater fish<sup>5)</sup> and products thereof</p> <p>Cod liver and products thereof</p> <p>Saltwater fish<sup>5)6)</sup> and products thereof besides cod liver and products thereof</p> <p>Crustaceans and molluscs<sup>5)</sup> as well as poikilotherms except for fish and products thereof</p> <p>Milk of any animal species and products thereof</p> <p>Eggs, egg products</p>
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		0.05 <sup>7)</sup>	
		0.02 <sup>8)</sup>	

1) Systematic numbering of PCB components according to the International Union for Pure and Applied Chemistry (IUPAC) [K. Ballschmiter, M. Zell, Z. Anal.Chem. (1980) 302, 20-31].

2) The maximum permissible quantities given relate to the total weight of the foodstuffs concerned, without bones. In the case of products, the calculation should be based on the proportion of the meat in the total weight. The fat content of the food used as the criterion for classification is to be determined by analysis. In case of whole carcasses of calves, horses, rabbits, chicken, turkeys as well as fowl and furred game - with the exception of wild boar - as well as half-carcasses and quarters of calves and horses, a fat content of 5g/100g may be assumed.

3) The maximum permissible quantities given apply to the fat contained in the foodstuff.

4) The maximum permissible quantities given relate to the fresh weight of the edible parts of the animals. In the case of products the calculation should be based on the proportion of fish, other poikilotherms, crustaceans and molluscs in the total weight of the foodstuff.

5) As defined in the amended Guidelines for fish, crustaceans, shellfish and molluscs and products thereof of 27 November 2002 (Federal Gazette No. 46b of 7 March 2003, Joint Ministerial Gazette 2003 p. 150, 157).

6) In the case of fish oils, the maximum permissible quantities given relate to the refined products put into circulation as foodstuffs.

7) The maximum permissible quantities given apply to the fat contained in the food. For foodstuffs with a fat content not exceeding 2g/100g the applicable quantity is 0.001 mg/kg of the total weight of the foodstuffs.

8) The permissible maximum quantities given relate to the weight of the eggs used (without shell).

#### List B - Mercury

1	2	3
Contaminant	Maximum permissible quantities in mg/kg	Foodstuffs
Mercury (Hg) and mercury compounds total, calculated as mercury	0.5 <sup>1)</sup>	Pulmonata <sup>2)</sup> and products thereof

1) The maximum permissible quantities given relate to the fresh weight of the edible parts of the animal.

2) As defined in the amended Guidelines for fish, crustaceans and molluscs and products thereof of 27 November 2002 (Federal Gazette No. 46b of 7 March 2003, Joint Ministerial Gazette 2003 p. 150, 157).

#### List C - Solvents

1	2	3
Contaminant	Maximum permissible quantities in mg/kg	Foodstuffs
1. Tetrachloroethylene (Perchloroethylene)	0.1 <sup>1)</sup>	all foodstuffs <sup>2)</sup>

2. Trichloroethene (Trichloroethylene)		
3. Trichloromethane (Chloroform)		
each		
Sum of substances 1 to 3.	0.2 <sup>1)</sup>	all foodstuffs <sup>2)</sup>

1) The maximum permissible quantities given relate to the total weight of the edible parts as they are presented.

2) With the exception of the olive oils listed in Annex I of the Commission Regulation (EEC) No 2568/91 of 11 July 1991 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis (Official Journal EC L 248 p.1), last amended by Commission Regulation (EEC) No 796/2002 of 6 May 2002 (Official Journal EC L 128 p.8), to the extent their values deviate from the maximum levels given in the “Halogenated solvents mg/kg (\*) (1)” column therein.

## **POLAND**

### **General information on food safety and quality**

In Poland food safety and quality issues are within the authority of: Ministry of Health, Ministry of Agriculture and Rural Development and Office for Competition and Consumer Protection whose subordinates are Sanitary Inspection, Veterinary Inspection, Plant Protection and Seeds Service, Agricultural and Food Quality Inspection and Trade Inspection (structure attached).

Mentioned above institutions co-operate in compliance with signed bilateral and multilateral agreements on co-operation and co-ordination of control activities.

Representatives of all the authorities and supporting scientific and research institutes are focused in Inter - Ministerial Working Group on Food Safety which was appointed by Minister of Health.

The Working Group stimulated by the White Paper on Food Safety (2001) and forthcoming accession of Poland to the EU has elaborated the Food Safety Strategy for Poland in 2002.

The main objectives of the strategy are as follows:

- to ensure food safety throughout the food chain, starting with production, distribution and the consumer’s table ending;
- to reduce the risk of food poisoning and infections as well as diseases caused by consumption of microbiologically, chemically or physically contaminated food, and economic losses;
- to prevent biological food hazards in the event of a bioattack;
- to ensure, *inter alia*, through proper border control, that imported food meets the same or equivalent health quality norms and requirements as those applicable to domestically produced food;
- to ensure harmonization of the Polish food laws with the European Union law, and its effective implementation in practice;
- to ensure effective and efficient official control of the food chain;
- to ensure continuous provision of reliable food safety information to the Government and the general public;
- to build and strengthen the trust of domestic and foreign consumers in food safety and to establish thereby favourable conditions for Polish economic interests;
- to improve further vocational training, including post-graduate education, for the staff of official food control bodies and representatives of food production, processing and trade companies.



At present Inter - Ministerial Working Group on Food Safety chaired by the Chief Sanitary Inspector and vice-chaired by the Chief Veterinary Inspector coordinates the enforcement of the strategy, among others, by:

- giving the opinion on the drafts of food legislation;
- giving the proposals for the new acts on food and feedingstuffs safety and quality;
- advising and giving the opinion on current situation in the area of food and feedingstuffs safety;
- elaborating the national control plans for food and feedingstuffs;
- supervising the system of trainings for inspectors;
- advising on improvement of the Rapid Alert System for Food and Feedingstuffs in Poland,
- supervising of modernisation and development of official food control laboratories.
- improvement of the Rapid Alert System for food and feedingstuffs system in Poland,
- co-ordination of the trainings for food control officers and inspectors,
- co-ordination of the supervision of the market,
- elaboration of coordinated national annual sampling and monitoring plans for food and feedingstuffs,
- co-ordination of modernisation and development of official food control laboratories.

#### **Elaboration and harmonization of food legislation**

Drafts of food legislation are prepared by the central authorities (Ministries) with the subordinated official control bodies.

#### **Major laws referring to food safety and quality include:**

1. The Act on Health Conditions for Food and Nutrition of 11 May 2001 (Official Journal No. 63, Item 634, with amendments);
2. The Act on Animal Health Protection and Fighting Infectious Animal Diseases of 11 March 2004 (Official Journal No. 69, Item 625);
3. The Act on Veterinary Inspection of 29 January 2004 (Official Journal No. 33, Item 287);
4. The Act on Veterinary Control in Trade of 10 December 2003 (Official Journal No. 16, Item 145);
5. The Act on Veterinary Border Control of 27 August 2003 (Official Journal No. 165, Item 1590);
6. The Act on Veterinary Requirements for Products of Animal Origin of 29 January 2004 (Official Journal No. 33, Item 288);
7. The Act on Commercial Quality of Agricultural and Food Products of 21 December 2000 (Official Journal 2001 No. 5, Items 44 with amendments);
8. The Act on Feedingstuffs of 23 August 2001 (Official Journal No. 123, Item 1350 with amendments);
9. The Act on Materials and Products Intended for Direct Contact with Food of 6 September 2001 (Official Journal No. 128, Item 1408 with amendments);
10. The Act on Plant Protection of 18 December 2003 (Official Journal 2004 No. 11, Item 94);
11. The Act on Organic Farming of 20 April 2004 (Official Journal No. 93, Item 898);
12. The Act on Genetically Modified Organisms of 22 June 2001 (Official Journal No. 76, Item 811 with amendments);
13. The Act - Pharmaceutical Law of 6 September 2001 (Official Journal No. 126, Item 1381) in a set of four other laws;
14. The Act on General Product Safety of 12 December 2003 (Official Journal No. 229, Item 2275);
15. The Act on State Sanitary Inspection of 14 March 1985 (integrated text: Official Journal 1998 No. 90, Item 575, with amendments);

16. The Act on Sea Fishing of 6 September 2001 (Official Journal No.129, Item 1441 with amendments);
17. The Act on Contagious Diseases and Infections of 6 September 2001 (Official Journal No. 126, Item 1384 with amendments);
18. The Act on Fertilizers and Soil Improvement of 26 July 2000 (Official Journal No. 89, Item 991 with amendments);
19. The Act on Manufacturing, Bottling of and Trade in Wine Products of 22 January 2004 (Official Journal No. 34, Item 292);
20. The Act on Pre-Packed Goods of 6 September 2001 (Official Journal No. 128, Item 1409 with amendments).

The above laws together with their executive acts harmonize the national food legislation with the *aquis communautaire* – in the scope of food legislation of the EU.

Since the 1st of May 2004 Poland actively participates in the harmonization of the European Community law by being present at the EU Council Working Parties and the EC Committees.

Since the accession of the European Community to the Codex Alimentarius Commission participation in harmonization of world wide food legislation is executed by the works in the EU Council Codex Alimentarius Working Party and, as in the past, by participation in sessions of the Codex Alimentarius Commission and its subsidiary bodies.

### **Codex Contact Point for Poland**

Agricultural and Food Quality Inspection acts as the FAO/WHO Codex Contact Point for Poland and performs its function according to the Codex Alimentarius Commission "Procedural Manual" and the Decision of the Council of European Union of 11 November 2003 No 822/EC on the accession of the European Community to the Codex Alimentarius Commission.

Codex Contact Point is the leader for cooperation with the EU Council Codex Alimentarius Working Party.

Codex Contact Point coordinates the national activities for achievement of consensus on matters subject to the Codex Alimentarius with all interested and involved authorities, official control bodies, research and scientific institutes, consumer associations and stakeholders.

### **Official food control authorities in Poland**

**Sanitary Inspection.** The tasks, the scope of activity and the organization of Sanitary Inspection bodies are set out in the Act on State Sanitary Inspection of 14 March 1985 (integrated text: Official Journal 1998, No. 90, Item 575, as amended) and the Act on Health Conditions of Food and Nutrition of 11 May 2001 (Official Journal No. 63, Item 634, as amended).

Responsibilities of the Sanitary Inspection are carried out by the following bodies: the Chief Sanitary Inspector, 16 Voivodeship Sanitary Inspectors, County Sanitary Inspectors, and Border Sanitary Inspectors and their laboratories.

The Sanitary Inspection is established in order to carry out public health tasks, in particular through supervision over health quality of food, nutrition and articles of daily use, and to exercise on-going and preventive sanitary supervision.

Within its on-going sanitary supervision, the Sanitary Inspection controls compliance with the provisions imposing hygienic and health requirements, in particular the conditions of production, transportation, storage and sale of food and the conditions of mass nutrition.

The **Veterinary Inspection** is headed by the Chief Veterinary Inspector. The Veterinary Inspection operates under The Act on Animal Health Protection and Fighting Infectious Animal Diseases of 11 March 2004 (Official Journal, No. 69, Item 625) and others mentioned above in p. 3-6.

The Veterinary Inspection consists of the General Veterinary Inspectorate, 16 Voivodeship Inspectorates, County and Border Veterinary Inspectorates.

The operations of the Veterinary Inspection include prevention of and fighting against animal infectious diseases and supervision over health quality of foodstuffs of animal origin, and in particular:

1. examination of slaughter animals and their meat, the meat of game and other animals intended for consumption by humans,
  2. border veterinary control,
  3. supervision over health quality of foodstuffs of animal origin, including over sanitary conditions for obtaining, producing, processing, storing, transporting and selling directly such foodstuffs,
  4. supervision over trade in animals and products of animal origin,
  5. supervision over health quality of animal feedstuffs,
  6. supervision over usage of pharmaceuticals and medical material intended for animals and over trade in such pharmaceuticals and materials,
  7. control of the occurrences of chemical and biological, medicinal and radiation contamination residue in animal tissue, foodstuffs of animal origin and feedstuffs,
  8. supervision over health of animals intended for breeding and over health quality of a biological material,
  9. supervision over compliance with regulations on animals protection,
  10. control over compliance with the rules of animals identification and registration, and control of their relocation,
- diagnostic laboratory research conducted by veterinary hygiene institutions forming part of Voivodeship Veterinary Inspectorates.

**Agricultural and Food Quality Inspection**<sup>2</sup> started its activity on 1 January 2003 under the Act of December 21, 2000 on Commercial Quality of Agricultural and Food Products (Official Journal No. 5, item 44 with amendments).

The Inspection is managed by the Chief Inspector, his Deputy and 16 Voivodeship Inspectors of Agricultural and Food Quality.

The Chief Inspector coordinates and supervises all activities of the Inspection with the support of the Main Inspectorate.

Tasks of the Inspection are as follows:

1. Supervision of commercial quality of agricultural and food products, in particular:
  - commercial quality control of agricultural and food products during production and marketing, including exported agricultural and food products,
  - commercial quality control of imported agricultural and food products (the list of imported agricultural and food products and their minimum quantities subjected to commercial quality control is set by the Regulation of Minister of Agriculture and Rural Development (Official Journal No. 230, item 1933 with amendments),
  - issuing certificates on commercial quality of agricultural and food products.
2. Inspection of agricultural and food products labelled, on the basis of other provisions, with registered protected geographical indications, protected designations of origin or certificates of specific character.
3. Inspection of agricultural and food products storage and transport conditions.
4. Co-operation with paying agencies (Agricultural Market Agency, Agency for Restructuring and Modernisation of Agriculture) in the scope of Common Agricultural Policy.
5. Gathering and processing information on agricultural market situation.
7. Co-operation with or participation in international organisations working in the area of commercial

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<sup>2</sup> It was created on the basis of two inspection bodies: *Agricultural and Food Quality Inspection /CIS/* and *Inspection for Purchasing and Processing of Agricultural Products /ISiPAR/*.

quality of agricultural and food products and international marketing of agricultural and food products (FAO/WHO Codex Alimentarius Commission - acting as Codex Contact Point for Poland, United Nations/Economic Commission for Europe – acting as the Polish Secretariat for co-operation with Working Party on Agricultural Quality Standards, Organisation for Economic Co-operation and Development).

8. Conducting training in the scope of provisions and commercial quality requirements, setting quality classes and methods of analyses of agricultural and food products.

9. Co-operation with foreign official inspection units on commercial quality of agricultural and food products.

Additionally, the Inspection has competences for carrying out control in the following scopes: fruit and vegetable market and hop market, genetically modified organisms (GMO), wine products, organic farming, fertilisers and fertilisation, store houses and surplus stocks of agricultural products.

**The Plant Protection and Seeds Service** operates under the Act on Plant Protection of 18 December 2003 (Official Journal 2004 No. 11, Item 94, as amended) and the Act on Seeds of 26 June 2003 (Official Journal No. 137, Item 1299, as amended). The Plant Protection and Seeds Service is managed by the Chief Inspector and 16 Voivodeship Inspectors.

The main objectives of The Plant Protection and Seeds Service are supervision of plants, soils, conditions of storage of plants and plant products, keeping control over existence and spreading of pests in particular:

1. evaluation of how plants are threatened by pests,
2. notifying plant protection organs in exporting countries of holding or destroying sick plants, plant products or objects,
3. examination of samples of plants, plant products, soil and grounds to state the presence or the absence of pest organisms.

The **Trade Inspection** subordinates the Chairman of Competition and Consumer Protection Office. The Trade Inspection operates under the Act on the Trade Inspection of 15 December 2000 (Official Journal 2001, No. 4, Item 25 as amended).

The Trade Inspection structural consist of The Main Inspectorate, 16 Voivodeship and Inspectorates of Trade Inspection and 34 of their delegates. In the structure of the Main Inspectorate there are 6 analytical laboratories inspecting food products.

In relation to food the Trade Inspection carries out:

1. control of products in trade or intended for trading, in the scope of labelling and misleading, excluding control of commercial quality of agriculture and food products and produce at the producer and in wholesale trade, and control of health quality of foodstuffs and stimulants specified in relevant provisions;
2. control of legal compliance and reliability of operators engaged in business activities in the area of production, trade and services;
3. mediation in disputes between consumers and operators to protect consumer interests and rights;
4. consumer counselling.

## **UNITED KINGDOM**

### **A. FOOD LEGISLATION AND FOOD CONTROL MATTERS**

#### **Official Agencies**

*Updated structure and organisation of the official services responsible for food legislation and food control.*

#### **The UK Food Standards Agency**

1. Following the Food Standards Act 1999, the Food Standards Agency (FSA) was established in April 2000. The FSA is responsible for food matters generally in the United Kingdom and leads on issues such as quality, composition (including additives and contaminants) and labelling of food, and the hygiene aspects of meat and milk production. The Agency is accountable to the Westminster

Parliament and to the Scottish Parliament, National Assembly for Wales and the Northern Ireland Assembly through their relevant Health Ministers.

## **ENFORCEMENT**

2. Enforcement of food legislation, including the inspection and sampling of food at all stages of production, distribution, storage and sale is generally the responsibility of local government. Under the Food Standards Act 1999, the Agency has statutory powers to strengthen influence over enforcement activity by local authorities to ensure national priorities and objectives will be delivered. The Act also provides the Agency with powers to monitor and audit local authority food law enforcement services against agreed standards. These powers are put into effect through the Framework Agreement on Local Authority Food Law Enforcement. The Agreement came into effect fully on 1 April 2001. It sets standards of performance to ensure the effectiveness and consistency of food law enforcement and outlines the Agency's monitoring and audit schemes. The Local Authorities Co-ordinators of Regulatory Services (LACORS) is responsible for the co-ordination of the practical aspects of enforcement work and the Agency works closely with this organisation. The Agency has also established an Enforcement Liaison Group to strengthen and develop links with local authorities. The Group contributes to the development of Agency strategies to improve the effectiveness and consistency of food law enforcement.

3. The enforcement of rules on meat hygiene is the direct responsibility of FSA. The Veterinary Directorate of the FSA is responsible for monitoring continued compliance with the licensing requirements of the respective hygiene regulations in red meat and white meat premises. The Meat Hygiene Service, an Agency of the FSA has enforcement responsibility in relation to hygiene, inspection and welfare in licensed fresh meat, poultry meat and game establishments. Local Authorities continue to perform enforcement functions in meat products premises. In Northern Ireland, the Department of Agriculture's Veterinary Division operates a centralised meat inspection service.

### ***Import /export matters relating to food safety and quality***

4. Communications between importing and exporting countries are conducted at central government level. The UK is part of the European Community system for the rapid exchange of information on dangers arising from the use of consumer products (Commission Decision 89/45/EEC).

5. Exchange of information with third countries also takes place. Direct contact with the appropriate Government Department or Agency is the usual means of exchange, the method of contact depending upon the urgency of the situation and ease of communication. Although the EU generally lead any contact with third countries, British Embassies in these countries may also be used as they frequently have rapid local means of resolving urgent problems. For serious food safety problems a separate national food hazard warning system is operated by Central Government to alert the public and local enforcement authorities.

## **PROCEDURE FOLLOWED IN CASE OF REJECTION OR RETENTION**

6. There are UK regulations for the protection of public health in relation to food of non-animal origin, and for the protection of public and animal health in relation to imported food of animal origin. In the case of public and animal health the UK regulations implement EC legislation concerning checks on community and third country trade. With regard to products of non-animal origin, harmonised Community rules are contained in the new Regulation of the European Council and of the Parliament on official feed and food controls (888/2004) and these will apply from 1 January 2006. Enforcement of import controls is carried out by port health authorities or local authorities. Non-compliance can result in legal action in the courts and lead to the detention and rejection of imported food, including the destruction of some rejected consignments. Depending on the nature of the infringement, some consignments may be allowed to be re-exported, for example where there are technical contraventions that do not give rise to public health risk.

7. Information about consignments that have been rejected/destroyed is communicated to the relevant authorities by fax or electronic transfer throughout the UK.

## **Food Legislation**

### ***Developments regarding harmonisation of food safety and quality regulations including the use of Codex standards, codes and related texts***

8. The Food Safety Act 1990 came into force on 1 January 1991. It updated previous legislation and provided an extensive legal framework under which Ministers can draw up regulations in accordance with the powers given to them by the Act. This includes the power to implement EC food law in the UK. The

Act prescribes the main offences concerning the composition and safety of food in its preparation and sale. These offences are:

- (a) adding any substance to food, using any substance in the preparation of food, abstracting any constituent from food, or subjecting food to any process or treatment which renders it injurious to health;
- (b) supplying food that does not comply with food safety requirements - that is, food that is injurious to health, unfit for human consumption, or so contaminated that it would not be reasonable to expect it to be used for human consumption in that state;
- (c) selling, to the prejudice of the purchaser any food not of the nature, or substance, or quality demanded by the purchaser;
- (d) describing a food falsely or misleadingly on a label or in an advertisement.

9. Within the framework provided by the Act, more detailed requirements are contained in regulations that Ministers are empowered to make. These regulations also implement EC law and say what is permitted or not within the scope of the regulation. The Act covers Great Britain. Separate but similar legislation exists in Northern Ireland.

10. UK food law has developed as the need arose in various sectors and has grown into a large body of food law. It is the aim of the UK Government and devolved administrations to ensure that all regulations, including food legislation, are simple, fair and transparent as well as being proportionate and targeted.

11. UK regulations are notified to other EC member states and the European Commission under the EC technical standards Directive (83/189/EEC) and internationally through WTO.

12. Much of food law is harmonised at the EU level (see European Community Comments). Codex Standards, Codes of Practice and Guidelines are used as reference points and are considered alongside other expert advice and representation from industry, consumer and enforcement bodies. Where there are no statutory EU or national limits, Codex levels are used by traders, scientific professionals and enforcement authorities in the form of codes of practice or guidance notes or presumptive standards.

### **Laboratory Services**

13. The local authorities responsible for the control of the quality and composition of food appoint public analysts who are qualified and equipped to carry out the necessary analyses of samples. A list of the official food control laboratories in the UK is supplied to the European Commission each year in accordance with Article 15 of Council Directive 89/397/EEC. This list is also published on the Food Standards Agency website at <http://www.food.gov.uk/enforcement/foodcontrollabs>. Within the UK, laboratories are subdivided according to whether chemical analysis and/or microbiological examination are carried out. Currently there are 65 laboratories across the UK, which are accredited to carry out microbiological examination of food.

## **2) COOPERATION ACTIVITIES IN FOOD CONTROL AND TRAINING**

### **EUROPEAN COMMUNITY**

At bilateral and subregional level, the Member countries of the EU evidently cooperate on a daily basis. They have the same legal framework and their authorities meet on a regular basis at European Commission (e.g. Standing Committee on the Food Chain and Animal Health) and Council levels, in addition to their direct cooperation between competent authorities, including exchange of officials.

As regards developing countries, the EU is currently extending its programme on food safety matters in order to help these countries to comply with the EU rules when exporting food products to the EU.

### **UNITED KINGDOM**

#### ***Cooperation activities***

***Cooperation with other countries on food legislation and food control matters (bilateral, subregional or regional) including training of inspection and laboratory personnel***

14. FSA and the devolved food authorities do not generally hold copies of other countries' food legislation but exchange information with the authorities in other countries, including under the Official

Control of Foodstuffs Additional Measures Directive, 93/99/EEC. This facilitates the exchange of general information about foodstuffs between member states and the Commission, particularly concerning legal proceedings and quality standards. LACORS has been designated under the terms of this Directive as the single liaison body for the UK. Arrangements are set out in a Code of Practice, issued under the Food Safety Act 1990.

15. Besides the contacts that are established at government official level through Codex meetings or through meetings of the various structures of the European Community, the Agency contacts with other countries' services on food control matters are largely made via two organisations, the European Food Law Enforcement Association (EFLA) and the Food Law Enforcement Practitioners Forum (FLEP). EFLA's purpose is to encourage a better knowledge of food law, considered as a specific sector of general law, and to promote the development of food law and its international harmonisation particularly with regard to consumer protection. FLEP's purpose is to encourage co-operation between enforcement agencies in all member countries, to facilitate the exchange of information and to promote the adoption of good practice. FLEP has established a number of working groups looking at issues such as cross border enforcement and co-operation procedures, good laboratory practice and food frauds. UK food authorities are actively involved in the activities of EFLA and FLEP via LACORS and other professional bodies.

16. The EC Commission has established the Karolus Exchange Programme that promotes formal contact with other countries' enforcement services including food control matters. This is achieved through working visits and is designed to increase national officials' understanding of the enforcement and implementation methods of other member states to encourage the spread of best practice and to ensure even and fair application of EC legislation.

### **Laboratories**

17. UK participation in FLEP has resulted in a number of informal contacts with other laboratories. There is now a significant amount of contact between different laboratories that undertake food control work in the UK and their counterparts in the European Community.

18. The Community Official Control of Foodstuffs Additional Measures Directive requires laboratories to participate in proficiency test schemes. There have been informal contacts to try to harmonise the work of individual member states in this and related areas of food control. These have been addressed in an EU SCOOP Task (9.1 dealing with the "PREPARATION OF A WORKING DOCUMENT IN SUPPORT OF THE UNIFORM INTERPRETATION OF LEGISLATIVE STANDARDS AND THE LABORATORY QUALITY STANDARDS PRESCRIBED UNDER DIRECTIVE 93/99/EEC". The report of this SCOOP Task is now available. There are also a significant number of other individual informal contacts made by laboratory personnel.

### **Exchange of Inspection or Laboratory Personnel, or Common Training**

19. Various exchanges of inspection and laboratory personnel have taken place following the adoption of the EC Official Control of Foodstuffs Directive 89/397/EEC which sets down general principles of food control. In addition to those under the recent Karolus programme, there have been a number of informal exchanges.

ANNEX to European Community comments

Health and Consumer Protection





