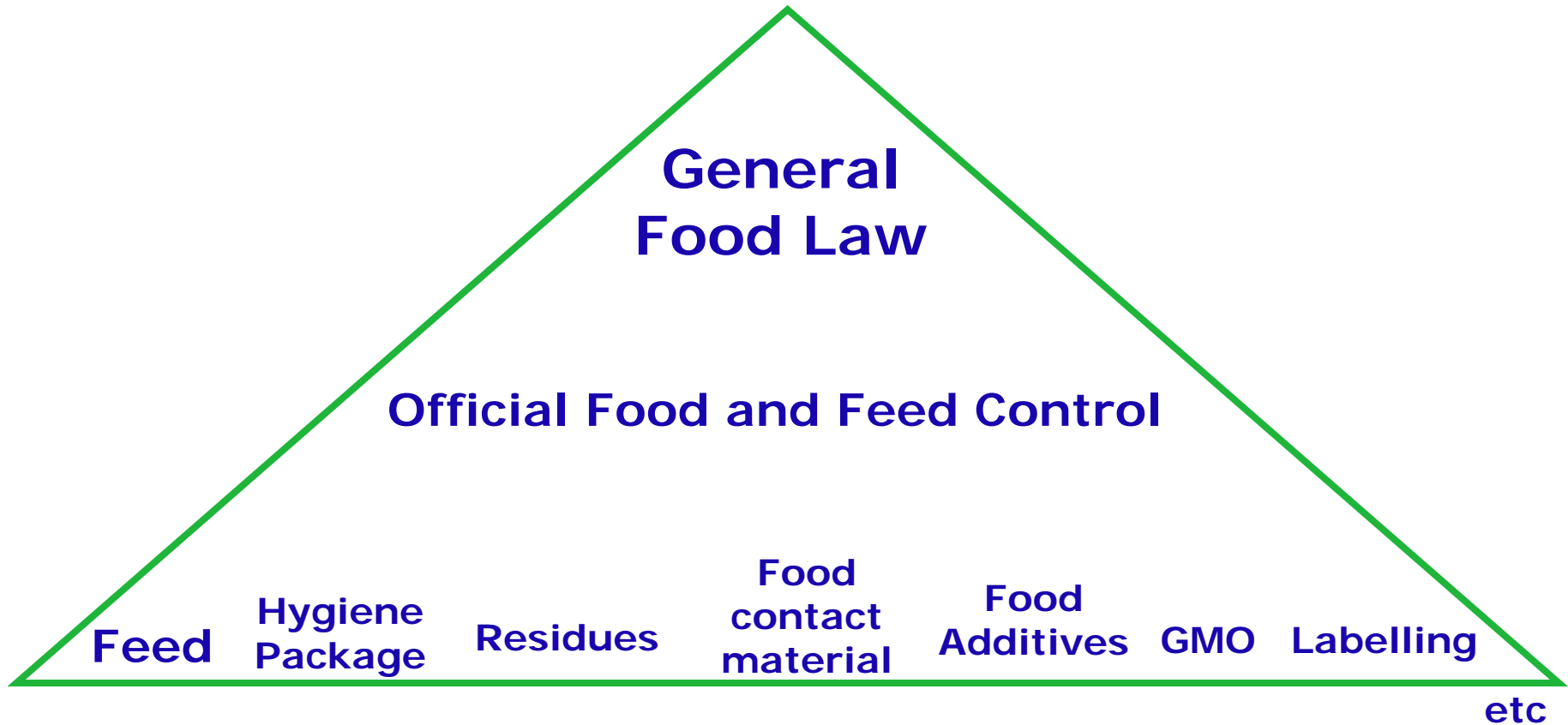


# Regulation (EC) 882/2004 on Official Food and Feed Controls

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# Body of Food Law



# Overview of EU food safety legislation

The General Food Law Regulation constitutes the framework of European food law. It establishes that all food marketed in the EU must be safe. It lays down requirements on transparency in the food chain.

**Regulation (EC)  
178/2002:  
General food law**

These principles form a horizontal framework, on which other food legislation in the EU is based.

**Regulation  
882/2004:  
Procedures on  
official  
controls**

**Regulation  
852/2004:  
General  
hygiene rules  
for all feed  
and food  
products**

**Regulation  
853/2004:  
Specific  
hygiene rules  
for food  
products of  
animal origin**

**Regulation  
854/2004:  
Controls of  
products of  
animal  
origin**

# Regulation (EC) 882/2004 on official F&F controls (1)

What is the Regulation about?

- Arrangements for monitoring compliance with, and enforcement of, the requirements of 'food law' and 'feed law', and animal health and animal welfare rules.
- Sets down the principles and approach to be taken by the 'competent authorities' organising and undertaking 'official controls'.

# Regulation (EC) 882/2004 on official F&F controls (2)

## What is covered?

- All food
- All feed
  - feed for food producing animals
  - pet food
- Live animals
- (Plants)

# Regulation (EC) 882/2004 on official F&F controls (3)

## Official controls on imports in EU

Import controls food of animal origin

- border inspection posts
- advance warning required
- documentary, identity, physical check

Import controls food of non-animal origin and feed

- regular controls using plan
- frequency based on risk (risk-based sampling)
- any place (point of entry, importer's premises, retail)
- documentary, identity, physical check

# Regulation (EC) 882/2004 on official F&F controls (4)

Import controls food of **non-animal origin** and feed with ***high risk profile:***

- entry via designated point of first arrival
- advance notification
  
- Draft regulation – (still?) under discussion with Member States

# Regulation (EC) 882/2004 on official F&F controls (5)

## What are 'official controls'?

- Official controls' are specifically defined for the purposes of the Regulation at Article 2(1).
- Checks carried out by the regulatory (competent) authorities in Member States to establish whether feed/food businesses are complying with feed/food law and for ensuring that animal health and welfare rules are adhered to.
- Checks carried out by the European Commission's **Food and Veterinary Office** to assess the performance of national official control systems.

# Regulation (EC) 882/2004 on official F&F controls (6)

## What is the scope of the Regulation?

- All 'feed law' and 'food law', and animal health and animal welfare rules.
- All stages of production, processing and distribution.
- Products produced within the EU and those exported to or imported from third countries.
- Where specific rules for official controls for particular areas are in place, e.g. for food hygiene controls for products of animal origin, these apply without prejudice to the overarching Regulation.

# Regulation (EC) 882/2004 on official F&F controls (7)

## What are the main elements of the Regulation?

- General principles for national control systems;
- Requirements for the competent authorities;
- Requirements for sampling & analysis, and for official laboratories;
- Third country imports of feed and food;
- Financing of official controls;
- Administrative assistance and co-operation; and
- Community controls in Member States and third countries.

# Regulation (EC) 882/2004 on official F&F controls (8)

Who are the ‘competent authorities’?

- ‘**Competent authority**’ is defined specifically for the purposes of the Regulation at Article 2(4).
- In effect, these are the central authority or authorities of a Member State that are responsible for national official control and enforcement arrangements, as well as other authorities that have responsibility for monitoring compliance with and enforcement of the law (i.e. carrying out official controls).

# Regulation (EC) 882/2004 on official F&F controls (9)

What other bodies are involved in official controls?'

- **Control bodies'** - independent organisations to which the competent authority has delegated specific official control tasks.
- **Official laboratories** – undertake chemical analysis or microbiological examination.
- Community and National **Reference laboratories**.

# Regulation (EC) 882/2004 on official F&F controls (10)

## What are the general principles for national control systems?

- Controls carried out regularly using a risk-based approach.
- Unless necessary, controls carried out without prior warning.
- Controls at all stages of production, processing and distribution.
- Controls on EU products and third country imports and exports.

# Regulation (EC) 882/2004 on official F&F controls (11)

## **What are the requirements for sampling & analysis and for official laboratories?**

- Methods should be validated in accordance with Community legislation or internationally accepted protocols.
- Laboratories should be accredited to certain European standards.

# Regulation (EC) 882/2004 on official F&F controls (12)

## How are official controls financed?

- General obligation on Member States to fund.
- Mandatory fees in some sectors.
- Option to introduce fees in other sectors.
- Recovery of costs for 'additional official controls'.
- Possibility of fees for import controls for 'high-risk' non-POAO (product of animal origin) feed and food

## How does the Commission carry out controls in Member States?

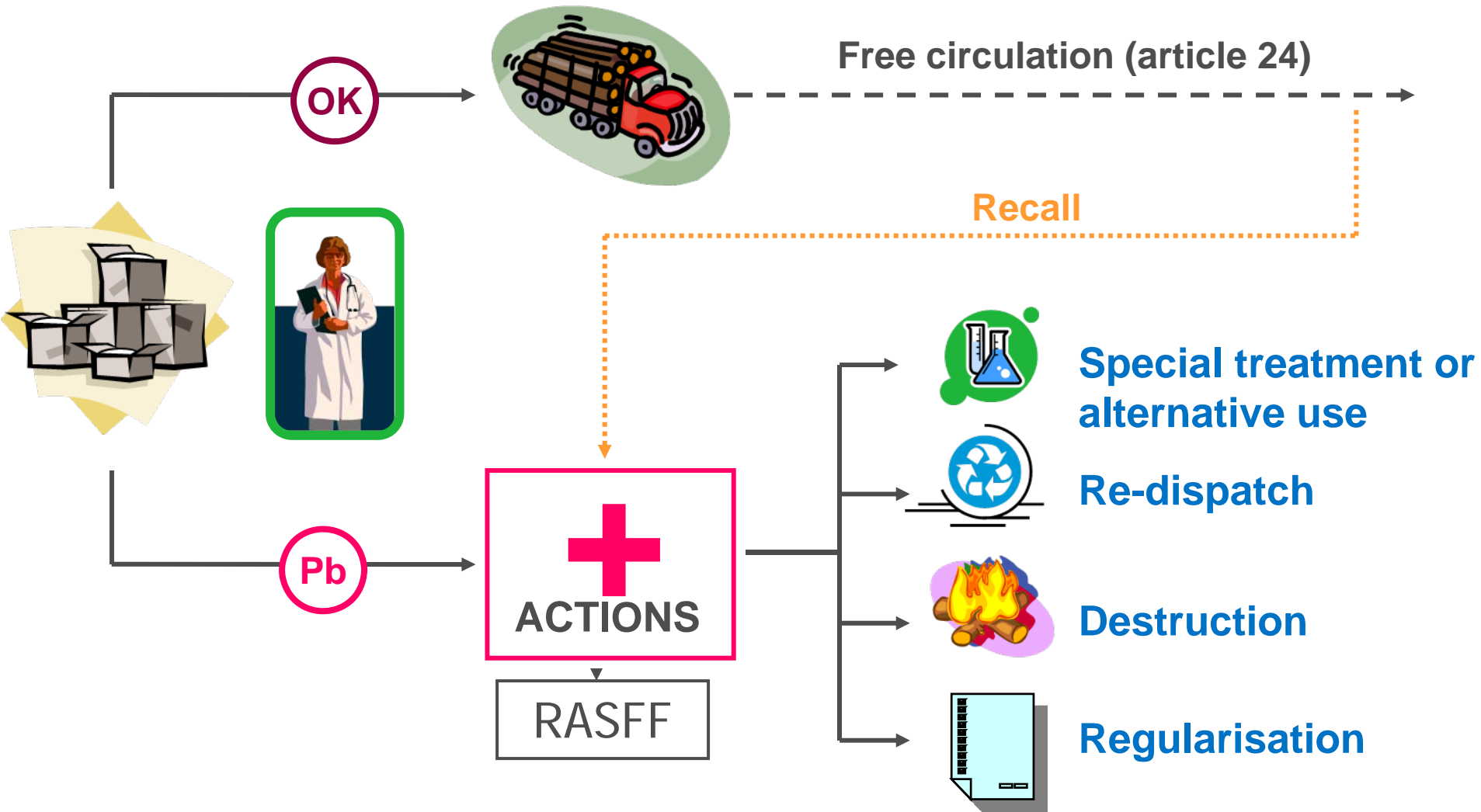
- On basis of each Member State's 'single, integrated, multi-annual national control plan' and annual reports on implementation of the plan.
- General and specific audits by the Commission's Food and Veterinary Office.

# Regulation (EC) 882/2004 on official F&F controls (16)

## **What conditions apply to imports from third countries?**

- General import conditions.
- Commission guidelines on food imports.
- Specific import conditions.
- Community controls in third countries.

# Imports - decisions by competent authority



**TABLE 1: ALERT NOTIFICATIONS**

**How detected**

- official control on the market
- consumer complaint
- company's own check

**Status**

product (to be):

- relabelled
- no stock left
- recalled from consumers
- withdrawn from the market
- destroyed

## TABLE 1: ALERT NOTIFICATIONS

<b>NOTIFIED BY</b>	<b>REASON FOR NOTIFYING</b>
Finland	too high and undeclared sulphite in yoghurt coated apricots from Netherlands
Germany	high zinc in strawberry flavoured food supplement from Luxembourg
Slovenia	lead in buckwheat flour from Slovenia, raw material from China, via Austria
Luxembourg	Listeria and S. Saint Paul in veal and turkey meat from Germany, via France
Germany	lead and tin in canned olives stuffed with spicy chilli paste from Spain
Belgium	migration of lead and nickel from coffee machine Italy, via the Netherlands
UK	E. coli and L. monocytogenes in vacuum packed sausage from Hungary
France	spoilage of milk for infants from the Netherlands
Italy	aflatoxins in white maize flour from Colombia, via France
Cz	migration of formaldehyde from melamine children's dinner set from China
France	histamine in frozen tuna from Sri Lanka, via the Netherlands
UK	Listeria monocytogenes and Listeria Welshimeri in vacuum packed pork ear roll from Lithuania

## TABLE 2: INFORMATION NOTIFICATIONS

### How detected

- official control on the market
- border control - consignment released
- consumer complaint
- company's own check

### Product to be:

- withdrawn from the market
- destroyed
- detained
- returned to dispatcher
- no action taken

### Status

#### Distribution

- on the market (possible)
- distribution restricted to notifying country
- no distribution / product
- distribution restricted to notifying country
- distribution on the market (possible)
- no stock left
- information on distribution not (yet) available

## TABLE 2: INFORMATION NOTIFICATIONS

<b>NOTIFIED BY</b>	<b>REASON FOR NOTIFYING</b>
Germany	amitraz in fresh pears from Turkey
Italy	melamine in biscuits from China
France	mercury in frozen marlin from Vietnam
Slovenia	fruits muesli from Italy infested with insects
UK	melamine in almond and chocolate flavour stick biscuits from China
Italy	undeclared sulphite in frozen prawns ( <i>Penaeus keraturus</i> ) from Tunisia
Latvia	unauthorised and unlabeled irradiation of food supplement from the US
Spain	suspicion of <i>Salmonella</i> (laying hens tested positive) in fresh eggs from Spain
Germany	amitraz in fresh pears from Italy
Germany	amitraz in fresh pears from Turkey
Germany	fenvalerate, parathion-methyl and omethoate in honey pomelos from China
Spain	suffocation risk of fruit jelly cups from China containing carrageenan
UK	<i>Bacillus</i> spp. and <i>Staphyl. aureus</i> in farinheira pork sausages from Portugal

## TABLE 2: INFORMATION NOTIFICATIONS

NOTIFIED BY	REASON FOR NOTIFYING
UK	<a href="#">too high count of Enterobacteriaceae in dog chews from Brazil</a>
France	unauthorised colour Sudan 4 in palm oil from Senegal
Netherlands	Salmonella in sweet basil ( <i>Ocimum basilicum</i> ) from Thailand
Netherlands	Salmonella in water spinach ( <i>Pomoea aquatica</i> ) from Thailand
Netherlands	Salmonella in horopa leaf ( <i>Ocimum basilicum</i> ) from Thailand
Netherlands	Salmonella in peppermint ( <i>Mentha cordifolia</i> ) from Thailand
Italy	best before date exceeded of frozen cooked king crab from Chile, via the NL
Netherlands	Salmonella in Mexican coriander ( <i>Eryngium foetidum</i> ) from Thailand
UK	melamine in strawberry flavour stick biscuits from China
Denmark	Campylobacter in chilled whole free-range chicken from France
Slovak R.	too high content of peroxide in porcine lard from Austria

**TABLE 3: BORDER REJECTIONS**

**ACTION (TO BE) TAKEN**

**product (to be):**

- redispached
- destroyed
- detained
- redirected
- re-processed (e.g. blanching)

## TABLE 3: BORDER REJECTIONS

<b>NOTIFIED BY</b>	<b>REASON FOR NOTIFYING</b>
Greece	spoilage of walnuts from India
Bulgaria	Vibrio cholerae in frozen skinless pangasius fillets from Vietnam
Lithuania	too high content of colour E 160b in cookies from Ukraine
Greece	aflatoxins in raw pistachios from Turkey
Italy	bad state of preservation of fresh plantain from Ghana
Italy	aflatoxins in pistachio kernels from Turkey
Italy	too high level of total migration from stainless steel knives from China
Austria	aflatoxins in dried figs from Turkey
Poland	aflatoxins in blanched groundnut kernels from Argentina
Germany	aflatoxins in dried figs from Turkey
Netherlands	aflatoxins in shelled peanuts from China
Netherlands	aflatoxins in shelled peanuts from China
Netherlands	aflatoxins in groundnuts from China

## TABLE 3: BORDER REJECTIONS

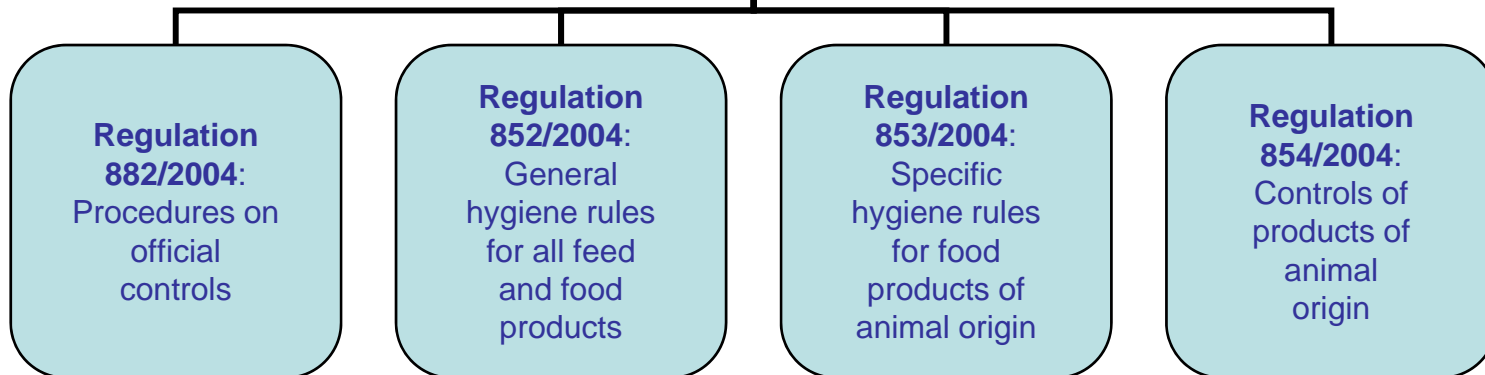
NOTIFIED BY	REASON FOR NOTIFYING
Greece	spoilage of walnuts from India
Austria	aflatoxins in whole hazelnuts from Turkey
Italy	too high level of total migration from plastic food cover
Italy	presence of bacterial inhibitor in frozen blanched shrimps from India
Belgium	nitrofuran (metabolite) in frozen freshwater shrimps from Bangladesh
France	bad temperature control of and absence of health certificate(s) for frozen monkfish fillets from China
UK	aflatoxins in assorted baklava from Lebanon
Poland	<a href="#">Salmonella in flax oilcakes from Ukraine</a>
Cyprus	benzo(a)pyrene, unsuitable organoleptic characteristics, VOCs and fluoride in fluoride-added baby water from Puerto Rico, via Switzerland
Netherlands	aflatoxins in groundnut kernels from China
Netherlands	aflatoxins in groundnut kernels from China
Italy	aflatoxins in dried figs from Turkey
Italy	high content of cyanide in bitter apricot kernels from Turkey

# Overview of EU food safety legislation

The General Food Law Regulation constitutes the framework of European food law. It establishes that all food marketed in the EU must be safe. It lays down requirements on transparency in the food chain.

**Regulation (EC)  
178/2002:  
General food law**

These principles form a horizontal framework, on which other food legislation in the EU is based.



Detailed measures on chemical and microbiological safety, e.g. additives, residues, contaminants, GMO, labelling, hygiene, welfare, etc. etc.

# For further information

European Commission  
DG Health and Consumer Protection  
Directorate website at:

[http://ec.europa.eu/food/index\\_en.htm](http://ec.europa.eu/food/index_en.htm)

