

COMMISSION OF THE EUROPEAN COMMUNITIES

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COMMISSION COMMUNICATION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT

Completing the internal market by 1992 :

- Current situation regarding the monitoring of foodstuffs in the Member States and action programme for cooperation at Community level in this area
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Subject : **Completing the internal market by 1992 :**

- . Current situation regarding the monitoring of foodstuffs in the Member States and action programme for cooperation at Community level in this area.**

In the context of measures concerning completion of the internal market by 1992, the Commission presented to the Council and Parliament a proposal for a Council Directive on the official inspection of foodstuffs¹.

The first stage in the drawing up of this Directive was a survey carried out in the Member States on the general monitoring policy and the organization thereof in each Member State with a view to identifying these aspects that required harmonization. The Commission undertook to transmit a report on the results of this survey; at the same time it promised to bring out to programme of work intended to encourage cooperation between the national departments responsible for inspection and to permit exchanges of national officials. In transmitting the documents attached herewith, the Commission is fulfilling its undertaking.

Annex I sets out in the form of summary tables the situation regarding inspection as carried out at present by the various Member States.

¹ COM(86)747 final, see in particular point 2 of the explanatory memorandum

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Annex 2 outlines the thinking on which development of the Commission's cooperation programme was based and describes its general approach. It should be noted that :

- this programme will be financed from funds already earmarked for completion of the internal market by 1992 ;
- alongside the exchanges of officials, the Commission is envisaging the possible mutual recognition of analytical inspection methods used in the various Member States, provided that their equivalence is established by an official European association of food chemists (to be set up).

AMEY I

FOODSTUFFS INSPECTION IN EEC COUNTRIES

1. STAGES AT WHICH THE INSPECTIONS ARE PERFORMED

A. At the production stage:

- On the plant

- On the processes:

= Upstream of the production line

= Along the production line

= At the end of the production line

- On materials:

= Raw materials

= Intermediate products

= Finished products

= Other

B. At the marketing stage:

- Wholesale distribution

- Retail distribution

At the frontier in the case of imported products

Special checks carried out on products intended for export

	B	D	DK	E	F	GB	GR	I	IRL	L	NL	P
								+			+	+
	+	+	+	+	+	(11)	-	(16)	-	+	(20)	(25)
	+	+	+	+	+	(11)	+	(14)	+	-	+	+
	+	+	+	+	+	(11)	+(14)	+	±	+	+	+
	+	+	+	+	+	(11)	+(14)	+	+	+	+	+
											+	
	+	+	+	+	+	(11)	+(14)	+	±	+	(21)	+
	+	+	+	+	+	(11)	+(14)	+	+	+	+(21)	+
	+	+	+	+	+	(11)	+(14)	+	+	+	+(21)	+
	(7)	(3;7)		(7)	(9)				(7)		(7)	
	+	+		+	+	(11)	+	+	+	+	+	+
	+	(4)	+	+	+	(11)	+	+	+	+	(20)	+
	+	+	+	+	+	(11)	+	+	+	+	+(22)	+
	(1)	+(4)	(5)	+	+	(12)		+	(17)	+(19)	+(23)	+
	(2)	-	(6)	+(8)	+(10)	(13)	+(15)		(18)	-	+(24)	+(8)

+ yes; - no; ± rarely, not systematically or to a limited extent;
(n) see note n; empty box = no information available.

Notes to 1

- (1) Inspection at the frontier is not systematic. The customs authorities are asked to report foodstuffs which are harmful or are declared harmful which are destroyed, rejected or declared sound by the Foodstuffs Inspectorate or the Ministry of Health.
- (2) No. Health certificates are issued on request.
- (3) Yes. Additives, packaging materials.
- (4) Under certain conditions and in certain cases.
- (5) Yes, for meat, dairy products and peanuts.
- (6) Special checks are made of the important products for export: meat, dairy products. In other cases special checks may be carried out when requested by import authorities or firms.
- (7) Yes. Checks on containers, packages, packaging materials; checks on transport, storage and preservation conditions.
- (8) Yes. There is particular emphasis on quality control of traditionally exported products (fruit and vegetables, preserved food, wines, etc.). Special checks may be made at the request of importing countries.
- (9) Yes. On all ingredients of a foodstuff and on materials in contact with it.
- (10) Yes, as regards fruit and vegetables, and by sampling or on request as regards other products.
- (11) At present in the UK the law requires food to be of the nature, quality and substance as sold to the consumer. Inspection and sampling in the factory are usually a result of complaint or inspection in the retail sector, but the law is currently being reviewed and the likelihood is that controls will be transferred to a much greater extent to the production stage. Currently, the law in the United Kingdom requires weights and measures checks to be carried out in the factory at all stages of the production line, and this procedure is likely to be incorporated in any new food legislation.
- (12) Checks on imported products are, in the first instance, the responsibility of the Port Health Authority. However, UK operates a "Home authority" strategy whereby the local authority in whose area products are imported or manufactured bear the main responsibility for ensuring compliance with the law.
- (13) No, unless at the request of the exporter. On such a request, a certificate of compliance with the UK law can be granted.

- (14) Yes. Systematic health check; other checks occasionally.
- (15) Yes. This check is systematic on all food products.
- (16) Yes. General hygiene in the production, storage, transport, distribution and sale of foodstuffs is monitored by the regions and by the carabinieri food adulteration squad (Nucleo Antisofisticazioni - NAS).
- (17) Some imported products are examined at the frontier, but this is frequently for tariff purposes.
- (18) Yes: meat products. Other products: on request. An export certificate is issued after the analysis.
- (19) Yes: meat and meat products, seafood, dairy products, wines and musts.
- (20) By Rijkskeuringsdienst van Waren (RW), Rijksdienst voor de Keuring van Vee en Vlees (RKVV), Algemene Inspectie Dienst (AID) and a number of foundations charged with a.o. quality assurance and grading.
- (21) Inspection services are entitled to inspect at all production stages and to investigate all materials (from the point of view of hygiene and good manufacturing practice), but the inspection of final products by RW is covered by jurisdiction only in so far as these products are brought into trade or are intended for trade.
- (22) The inspection of retail distribution is only a task for RW.
- (23) Only RKVV and AID have inspection activities at the frontier or at the point of import.
- (24) Only RKVV, AID and Rijkskwaliteitsinstituut voor Land- en Tuinbouwprodukten (RLT) laboratories are charged with export inspections.
- (25) These checks are not carried out systematically.
- (26) Normally the production line and materials are not checked. A check can be carried out following a complaint.

2. TYPES OF CHECKS CARRIED OUT

The checks carried out relate to:

- Documents:

= Accounting

= Commercial

= Technical

= Other

- Production (physical, chemical, microbiological and organoleptic tests):

= Production and product hygiene

= Product quality (composition, authenticity, etc.)

- Firms' internal inspection systems

	B	D	DK	E	F	GB	GR	I	IRL	L	NL	P
											+	
	+	+	±	±	+	(6)	(4)	+	(12)	+	(13)	±
	+	+(17)	±	±	+	(6)	(4)	+	±	+	+(13)	±
	+	+	±	±	+	(6)		-	±	+	+(13)	±
	+(5)	+(1)	±	(4)	+(5)	(6)	-	+(5)	±	+	+(13)	±
											+	
	+	+	+	+	+	(7)	+	+(10)	+	+	(14)	+
	+	+	+	+	+	(8)	±	+(11)	+	+	+(14)	+(16)
	+(3)	+(2)	+(3)	+(3)	+	(9)	-	+(3)	-	-	(15)	+

+ yes; - no; ± rarely, not systematically or to a limited extent;
 (n) see note n; empty box = no information available.

Notes to 2

- (1) Accompanying documents in the case of exchange traffic.
- (2) Technical documents, including laboratory inspection log, temperature recorder, etc.
- (3) Is taken into consideration where it exists.
- (4) As the case requires, a subsidiary measure.
- (5) On all of the documents of all types likely to facilitate the completion of the checks.
- (6) All types of documents are inspected when carrying out investigations emanating from complaints or inspections at the retail sector with a view to establishing who is responsible for any alleged offences.
- (7) Production and product hygiene checks are the responsibility of environmental health officers.
- (8) Product quality, composition and authenticity are the responsibility of trading standard officers and, in both instances, samples are taken and submitted to a public analyst or government chemist, as appropriate.
- (9) The UK law requires companies to maintain proper records and those records are then inspected when carrying out an inspection to establish who is responsible for breach of the law, and as to whether any appropriate defences, e.g. warranty, can be established by the company.
- (10) Comes under the regional authorities and the carabinieri food adulteration squad (NAS).
- (11) Comes under the fraud department of the Ministry of Agricultural and Forestry.
- (12) Documents are mainly checked for Customs and Excise reasons.
- (13) Checks of documents are practically only carried out by RKVV, AID and RLT.
- (14) These checks are mainly carried out by RW, RKVV and RLT. The task of AID is only inspection and sampling; samples taken by AID are investigated by RLT which is in fact a laboratory.
- (15) Some of the activities of the foundation charged with quality assurance and grading are related to good manufacturing practice of industry. Some of the industrial activities in this field and of marketing organizations (e.g. the dairy sector) have developed their own inspection systems which may be checked by the official governmental organizations.

(16) The responsibility of firms and, sometimes, the State.

(17) Apart from the manufacturing processes.

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3. STAFF QUALIFICATIONS

For sampling and on-the-spot checks:

Belgium:

- Inspecteurs (inspectors): graduates, qualified scientists. Inspection of industrial production and wholesale trade. They have the cooperation of the checkers.
- Contrôleurs (checkers): grade B civil servants (junior executive officers). No basic scientific training. Technical training within the department to which they belong. Inspection at retail and craft-manufacturing level.

Federal Republic of Germany:

- Graduates: basically in food chemistry, veterinary medicine, and occasionally doctors of medicine.
- Lebensmittelkontrolleure (food inspectors): two years' training or experience in the food industry (or other) + successful participation in a specific training course.

Denmark:

- Graduates.
- Officials having received ad hoc training.

Spain:

- Foreign trade: graduates, persons with non-university higher education (inspectors and chemical engineers).
- Quality control: graduates, persons with non-university higher education (body of quality inspectors).
- Health checks: graduates, persons with non-university higher education (doctors, veterinary surgeons, pharmacists).
- Other checks: persons with non-university higher education.

France:

- Inspecteurs (inspectors) (grade A): graduates of universities and "grandes écoles" (specialist institutes offering university-level qualifications).
- Contrôleurs (checkers) (grade B): persons with secondary education, vocational training or qualifications from university-level technical institutes.

Both grades receive in-house training (specialized training centre).

United Kingdom:

- Sampling Officers qualified by examination and authorized by the local authorities to carry out sampling and on-the-spot checks (documents, products, etc.).

Greece:

- Chiefly chemists, and in their absence civil servants. For health checks: medical doctors, veterinarians, but also health inspectors (upper secondary education and technical training within their departments).

Italy:

- Production and processing checks and inspection: Carabinieri food adulteration squad (NAS).

Ireland:

- Environmental Health Inspectors undergo a four-year training course, while Veterinary Officers are qualified Veterinary Surgeons who have undergone a five-year university course.
- The analyses are carried out under the direction of a graduate-level scientist.

Luxembourg:

- Officials responsible for sample-taking and in situ inspection, professionally qualified in their field of activity.

The Netherlands:

- RW, RKVV, AID and foundations responsible for quality assurance and grading: requirement is an inspection service diploma of medium technical standard, for which official courses are provided.

Portugal:

In the field:

- Inspectors: graduates.
- Checkers: persons having intermediate-level qualifications with specific training and periodic updating courses.

In the department:

- Inspectors and checkers.

Health checks:

- Graduates (doctors, veterinary surgeons, etc.) with the collaboration of officials with intermediate-level qualifications.

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4. POWERS OF INSPECTORS

Authorized to:

- enter production premises, warehouses, etc.
- consult documents
- gain access to production processes and recipes
- gain access to raw materials and finished products

B	D	DK	E	F	GB	GR	I	IRL	L	NL	P
+	+	+	+	+	(4)	+	+	+	+	+	+
+	(1)	+	+	+	(4)	+	+	+	+	(3)	+
+	+	+	+	+	(4)	+	+	+	+	+	+
+	-	+	+	+	(4)	+	+(4)	+	+	+	-
+	+	+	+	+(2)	(4)	+	+	+	+	+	+

+ yes; - no; (n) see note n; empty box = no information available.

Notes to 4

- (1) Yes, including operating and commercial premises, and also dwellings where required in order to prevent an immediate health risk or for pressing reasons of public order. The "Lebensmittel- und Bedarfsgegenständegesetz" (Foodstuffs and Consumer Goods Law) applies.
- (2) Yes, also rooms in factory and business premises.
- (3) Yes, apart from recipes.
- (4) Yes, also, if necessary with the power to seize or stop.
- (5) This covers only RW, RKVV and AID, which services are officially authorized in this respect.
- (6) An inspector who has reasonable cause to believe that an offence has been committed, either as regards composition or labelling, or as regards hygiene, has the necessary power to carry out inspections or checks in relation to premises, documents, processes and methods, raw materials and finished products.

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5. RULES GOVERNING SAMPLING

How many samples must be taken?

Is the value of the samples refunded?

Who bears the costs incurred in drawing up the expert report?

Is there a right of appeal and, if so, is provision made for a second expert report?

Who bears the costs incurred in drawing up the second report?

B	D	DK	E	F	GB	GR	I	IRL	L	NL	P
(34)	(1)	(6)	(27)	(11)	(12)	(16)	(33)	(24)	(18)	(22)	(30)
+	(2)	(7)	(28)	+ (35)	(13)	-	-	+	+(19)	+	(31)
(3)	(3)	(8)	(29)	(3)	(14)	(17)	(20)	(25)	(20)	(23)	(3)
+	+	+	+	+	+	+	+	+	+	+	+
(4)	(4)	(9)									
(5)	(5)	(10)	(32)	(3)	(15)	(3)	(21)	(26)	(3)	(36)	(21)

+ yes; - no; (n) see note n; empty box = no information available.

Notes to 5

- (1) Three samples for animal and plant-based products.
- (2) Yes, not in the case of manufacturer and importer!
- (3) The guilty party, otherwise the State, by decision of the Court.
- (4) Yes: counter-samples mandatory. The control sample is only analysed if the interested party so desires. This will be done by officially-authorized private experts. Producers and importers may dispense with the control sample.
- (5) The person responsible for the goods.
- (6) Varies with the product and the problem. In some cases sampling plans are specified, in other cases an average composition sample shall be taken.
- (7) Not in general. The municipal authorities may refund samples taken in retail shops and generally do so.
- (8) General food control: taxpayers. Special products (meat, dairy products): producers.
- (9) Yes, there is a right of appeal in most cases, with the exception of fresh fish. Decisions based on chemical analysis will always be taken on a verified result, i.e. a result obtained on the same sample in a different laboratory (for microbiological tests this system obviously cannot be applied).
- (10) General food control: taxpayers.
- (11) All official sampling includes three samples (one for the analytical check, the others for the experts' report for judicial purposes); in some cases (perishable goods; goods from which three samples cannot be taken) a single sample is sufficient for the experts' report. A single sample is also required for microbiology or biological purity checks and, in the case of irregular goods, other than tainted products, the experts' report is based on the third set of samples taken.
- (12) A single sample may be taken and this is normally divided into three portions: one for the retailer or seller, one for the public analyst and the third, in the case of dispute, is sent to the Government Chemist.

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- (13) Not normally. Sampling officers usually pay for any samples taken but do have powers of seizure where appropriate.
- (14) The sampling officer, i.e. his employing local authority.
- (15) Normally the cost of the Government Chemist's second report falls upon the guilty party, i.e. the trader, if the Government Chemist finds the sample to be adulterated, or the sampling officer, if the Government Chemist finds the sample to be genuine.
- (16) In duplicate, save a few exceptions.
- (17) The administration.
- (18) One sample, one portion of which is sent to the owner or seller.
- (19) Yes, directly to the owner or seller of the goods.
- (20) Always the State.
- (21) The owner or holder concerned.
- (22) One sample only (exception: analysis of pesticide residues and checking of net weight). Right to a counter-sample.
- (23) The inspection services.
- (24) Based on WHO standards of 2.5 samples per thousand of population (general foodstuffs). One sample in the case of routine sampling; three in most cases if legal action is envisaged.
- (25) Relevant government agency.
- (26) Usually the company or appellant seeking an independent report.
- (27) Three per batch, one for the inspection department, one for the person responsible for the product and one for the definitive analysis.
- (28) Only for sample-taking in the context of retail trade.
- (29) The cost of the control analysis is borne by the party requesting it; those of the initial and definitive analyses are borne by the firm, unless the results of the definitive analysis change those of the first.
- (30) In general, three samples (analysis, independent report, the body responsible for the check). Microbiology check: one sample.

- (31) No, in the case of checks in connection with fraud; yes, in the case of certain checks connected with quality control.
- (32) The party which requests it.
- (33) Four: one for the laboratory, one for the owner, two for the authorities. If the sampling is carried out at retail level: five (the fifth sample is intended for the producing company).
- (34) Normally three: one for analysis, one for the control check (if the person responsible so desires), one for the office of the Clerk of the Court (as a reserve).
- (35) Except where the product does not conform.
- (36) On the party in default.

PROGRAMME OF COOPERATION IN THE FIELD OF THE
OFFICIAL INSPECTION OF FOODSTUFFS

1. MEETINGS OF NATIONAL FOOD INSPECTORS

The proposal for a Council Directive on the official inspection of foodstuffs (document COM(86)747 final of 23 December 1986) aims to harmonize the general principles of foodstuffs inspection, but at the same time it leaves the Member States some room for manoeuvre as regards the actual inspection procedures so as to avoid interfering with existing structures and methods; they have stood the test of time so it would be inexpedient to make any great changes.

Moreover, the practical problems that the inspection services have to deal with can vary substantially from country to country depending on local rules and conditions; as a result there are obviously differences in working methods at national level.

In these circumstances it is advisable to give the officials responsible for inspections in each Member State the opportunity to meet at regular intervals their opposite numbers from other Member States in order to pool ideas and experience and at the same time organize a scheme for study trips to the national inspection services; in this way the inspectors from each Member State would come to know the working methods and appreciate specific problems in countries other than their own.

Besides extending the scope of the national inspection services' expertise and helping to solve difficulties at national level, this exchange of information on foodstuffs inspection methods and problems will, in the final analysis, inevitably contribute to the free movement of the products subject to inspection.

The same guidelines will be followed by the Commission in its work in the field of veterinary inspection, plant health and animal nutrition.

2. RECOGNITION AT COMMUNITY LEVEL OF NATIONAL METHODS OF ANALYSIS

These exchanges of visits and information should represent the first stage of a wider-ranging action; the subsequent stage would cover the harmonization of inspection methods, notably for sampling and analysis.

Methods of analysis in particular have so far been harmonized by means of directives. However, there are numerous drawbacks to this system:

- firstly, it is too expensive and too laborious;
- secondly, it is extremely slow, so that a method may well have been superseded by the time its is adopted;
- finally, it does not allow for rapid adaptation to technical progress, very frequent in the field of analytical chemistry.

It would accordingly be advisable not to confine itself to this system and adopt the principle whereby national analytical inspection methods will be considered equivalent for the purposes of the free movement of foodstuffs, provided that such equivalence had been established at Community level. Methods thus recognized would be incorporated into an official code which would be the authoritative text.

3. INITIATIVES TAKEN AND TO BE TAKEN

3.1 Exchange programme for inspectors

For the reasons outlined at 2, the Commission will organize a programme of study trips and workshops for foodstuffs inspection specialists from the different Member States. Initially the programme is to run for four years and in due course it will be formalized; during this period

it will be financed from funds already existing. The programme will proceed as follows:

- an annual meeting between the Commission and government experts from the various Member States will be held in order to identify specific areas of interest on which to concentrate the year's work. (During this meeting each Member State will indicate the areas in respect of which it is prepared to receive officials from other countries on study trips);
- during the year a number of inspection officials will make study trips to the inspection services of another Member State in order to familiarize themselves with their methods, preferably in the area chosen as the topic for the year;
- at the end of the year a workshop will be held to enable results and experience to be discussed and general conclusions to be drawn.

The number of participants in this work is to be divided proportionately between the Member States (the greater the country's population, the more participants it will send).

The first stage of this action should begin towards the end of the year/early 1988; its objective will be to lay the foundations for future activities and acquire experience for later work.

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3.2 Setting up a European Association of Food Analysts

Once we have adopted the principle that official recognition should be given at Community level to the methods of analysis whose equivalence has been established, a decision still has to be taken on which body should be responsible for the said establishment.

The best way of solving the problem would be to set up a Community body responsible for assessing the equivalence of national methods and to develop a single Community method if the need should arise.

For economic reasons it would not be advisable to set up an ad hoc Commission department. It would be preferable to establish a "European Association of Food Analysts" in the form of a private-law association, financed by the Commission and working on the basis of contracts.

Preliminary informal contacts with a view to setting up such an association have already been made with the interested categories at national level and their reaction was favourable. A feasibility study is in progress.