

**23rd Meeting of the Forum of
Food Law Enforcement Practitioners
Draft Minutes
Sweden, 6/7 June 2005**

DAY 1

1. PARTICIPANTS

Organisations from the following countries

Austria, Belgium, Czech Republic, Finland, Germany, Republic of Ireland, Malta, The Netherlands, Sweden, Switzerland, United Kingdom

Observers

JRC - European Commission, EWFC,

Special Guests

Dr Stuart Slorach, Deputy Director General, National Food Administration, Sweden
Sarah Jones, Researcher, CMi Consulting/Cardiff University, College of Medicine
Kaarin Goodburn, Food Safety & Technology Management Consultant, Chilled Food Association

Apologies

Denmark, France, Latvia, Lithuania, Norway, Spain

2. WELCOME

The Chairman, David Statham, welcomed the delegates to Stockholm and thanked colleagues from the Swedish Food Safety Authority for hosting the meeting. The Chairman hoped that all delegates would enjoy the meeting. Having welcomed the group the Chairman introduced the opening speaker, Dr Stuart Slorach, Deputy Director General of the National Food Administration in Sweden and Chair of the European Food Safety Authority (EFSA) Management Board.

3. OPENING ADDRESS

Dr Stuart Slorach, Deputy Director General, National Food Administration, Sweden

Dr Slorach welcomed all the delegates to Sweden. He said that currently there were many challenges for food control across Europe, as a result of both new requirements and the widening of the European Community. He felt that networking was poor and that FLEP could assist greatly in this area, although he hoped that more southern Member States could be encouraged to participate.

Dr Slorach went on to talk about the role of the Swedish National Food Administration and its key responsibility for ensuring food safety and quality. He also noted that increasing globalisation was bringing new challenges that could have significant impact, such as avian flu. Dr Slorach highlighted three areas of current focus in Sweden.

- **Improving diet**

Sweden was developing a Green Keyhole system which aimed to identify levels of fat, fibre, sugar and salt in order to provide simple information so that customers could make informed changes about the food that they ate.

- **Publication of hygiene information**

Dr Slorach noted that the Danish Smiley project had been discussed at previous meetings and said that Sweden was considering taking a similar route. The proposals would relate to catering and retail businesses and government would need to decide how or whether publication of inspection reports was appropriate.

- **Food hygiene training**

Dr Slorach also talked about verification of food hygiene training for businesses. Consideration was being given to the development of a licensing system; similar to the issue of driving licences.

Dr Slorach finished his address by wishing delegates a good meeting, noting that the agenda contained a number of significant issues that merited detailed discussion, and hoped that everyone would enjoy their time in Sweden.

The Chairman thanked Dr Slorach for his address and delegates adjourned for a conference photograph.

4. MINUTES OF THE LAST MEETING

The Minutes were agreed as a correct record.

5. MATTERS ARISING

HACCP Symposium - The steering group recommendations were passed on to the delegates, i.e. that the conference would be programmed for October and would run over one and a half days. The conference would be aimed at policy makers and focus particularly around such issues as the Commission guidance on the flexibilities available within Article 5 of Regulation 852/2004.

6. ANY OTHER BUSINEES TO BE DISCUSSED ON THE SECOND DAY

The Netherlands proposed discussion of ways to raise the profile of FLEP.

The Chairman responded that the Steering group was keen to encourage wider representation at the meetings. He suggested that two approaches could be taken to stimulate further interest.

1. A short questionnaire could be sent to contacts seeking information about attendance and asking for suggestions about issues they would like to see discussed at future meetings.
2. Bi-lateral meetings with colleagues could be used to promote FLEP and invite participation.

The Chairman also asked delegates for other suggestions and proposed that the issue be discussed further on the following day.

The Chairman also reported on steering group suggestions for future working groups:

- Import controls, e.g. products of non-animal origin and charging regimes
- Charging for official controls

- On-farm inspections
- Publication of inspection results
- The dividing line between registration and approval of premises

Belgium commented that there had been considerable discussion in the Standing Committee on Para red and this provided a good platform through which FLEP could feed information and views.

The Irish Republic asked that flexibilities within the new European legislation such as use of the terms “localised”, “marginal” and “restricted” be considered, given that the EU did not intend to offer an interpretation of such terms.

8. MANAGEMENT FAILURES LINKED TO FOOD POISONING OUTBREAKS

Sarah Jones, University of Wales College of Medicine

Sarah Jones gave a brief overview of the project, sponsored by the Food Standards Agency (FSA), that had been carried out into outbreaks in England. The Health Protection Agency (HPA) had provided a list of outbreaks to the researchers who carried out all the data collection. The investigation considered a number of issues including type and strength of management. The hypothesis that was used was that management failure led to operational failures which subsequently gave rise to food poisoning outbreaks.

One outbreak cited, involving Salmonella, was linked to cross contamination and poor temperature control (operational failures) but these happened when an agency chef was in place and there had been changes to the menu without any amendment to the HACCP plan (management failures).

Methodology – The method used was a matched case controlled study. It was piloted with a relevant group.

Case – A case was identified as a catering business that was associated with an outbreak.

Control – This was a similar business in the same area, which had not experienced an outbreak.

The aim was to identify management risk factors associated with the outbreaks under study. It was intended that the knowledge gained from this project would be used to provide guidance to assist environmental health practitioners (EHPs) in inspecting business premises and targeting action to avoid future occurrences.

Guidance to industry – Guidance would also be drawn up for business but it was anticipated that this would be mainly practical and operational advice.

Business recruitment – The HPA advised the researchers of ongoing outbreaks. The first issue was to identify whether or not the business met the case definition. The pilot exercise also looked at “unofficial notifications”.

Liaison with EHPs – It was necessary to build up a good partnership relationship with EHPs as only they could provide information about the exact case details.

Data collection – Face to face interviews were carried out using a standard protocol that had been previously piloted. The information had been identified and received from a number of sources including published national data, business investigations, EHP investigations and the knowledge of the researchers. The approach was informal, as the researchers were not enforcers, they were based at the University of Cardiff and they were

seeking “your side of the story”. Businesses were asked what they thought had gone wrong and good, frank discussions resulted. Information was gathered on a number of issues as follows:

- **Business characteristics** – this looked at the type of business, the type of cuisine and the type of service offered
- **Staff structure and employment** – this looked at the tiers of management and whether full time and/or part time staff were employed
- **Management** – this considered training both in food safety and professional craft training. It also considered the methods of communication involved in such training.
- **Operational practices** – this considered the methods employed, the foods used and the types of suppliers involved. It also investigated whether or not any food safety management systems were in place and if these were fully documented.
- **Unusual events** – this sought information on variations from normal practice such as use of a relief manager or change in methods and menus.
- **Variables (exploratory)** – this sought information on customer groups, i.e. whether vulnerable people were involved.

Initially a pilot was carried out, over a period of one year. The main study considered some 180 outbreaks. Of these, 98 fell within the case definition, however, only 88 were eventually considered in full.

Results – Of the outbreaks investigated 18% had been identified unofficially. For the majority, less than ten people were involved. The businesses had been subject to a range of interventions from the enforcement authorities including prosecution, provision of advice or, in some cases, no action at all. Participation levels in the study were high with 90% of cases and 96% of controls giving full evaluation and information. Results showed definite seasonal patterns linked to outbreaks, with some 90% of the outbreaks occurring in August.

Total number of reported cases – The range of outbreaks studied included both large and small numbers.

Outbreaks – There was a strong link to the actual concentration of food businesses in the area. Outbreaks in the south west appeared to be linked to shared regional egg suppliers. In London, there were fewer outbreaks compared to the number of businesses but it was hypothesised that this might be due to the transient nature of the population.

Method of analysis – Both unmatched and matched univariate analysis was carried out, looking for variables associated with food borne disease outbreaks. It was adjusted for potential confounders in the hypothesis groups.

Risk factors identified

- Business characteristics – where dinner was served outbreaks were more likely.
- Staff employment and structure – full time staff were more likely to be involved in outbreaks.
- Staff management – the use of casual staff was more likely to be linked to an outbreak.
- Staff sickness - illness in the 14 days before the outbreak was linked to outbreaks.
- Staff accommodation on site was also linked to outbreaks.
- Kitchen managers trained to intermediate food hygiene level were more likely to be linked to outbreaks. This did not demonstrate that food hygiene training was inadequate as there were a number of other factors that might have contributed to such a finding, e.g. the training had been undertaken a long time ago. However, this raised questions about the content of food hygiene training and whether or not it was too theoretically based and how it related to actual kitchen practice and management

- Operational practices – it was found that raw chicken was more likely to be linked to an outbreak than other products. Hot display buffets with poultry and shellfish were also highly associated with outbreaks. Where a regional egg supplier was used the risk of an outbreak also appeared higher.
- Unusual events – Where relief managers were employed there was a likelihood of an outbreak occurring. Similarly a change in the menu and preparation processes was more strongly linked to outbreaks than controls.

Protective factors – It was found that it was less likely that an outbreak would occur in the following circumstances:

- Where the cost of a meal for two was less than £21.00 (excluding dinner), e.g. fish and chips, pizza, carvery, regenerated ready meals.
- Where the manager/owner worked in the kitchen.
- Where food was collected directly from the supplier.

Conclusions

The findings were complex and would require considerable and careful interpretation. However, the study highlighted:

- The pivotal role of the kitchen manager and chef, which had significant implications for training
- The use of regional suppliers as a risk factor

Next steps

The research team were not aware of any similar studies having been carried out and it was proposed that the findings would be used to develop guidance and protocols for inspectors. There was a need to fully understand the data and to use it for issues such as the implementation of HACCP systems. Further consultation with stakeholders would be required to discuss the issues and identify areas for action.

Delegates responded with interest to this study, raising a number of queries particularly where findings appeared counter intuitive. It was concluded that this was a very detailed study that raised considerable challenges for current understanding and practice.

9. ILLEGAL DYES

The discussion covered a variety of illegal dyes but focused particularly on Sudan 1 and Para red. The aim was to gain an understanding of the different approaches amongst the member states. Particular consideration was given to decisions to withdraw and recall and whether or not these were linked to specific levels of contamination in raw materials and/ or composite products.

Austria

The key issues were:

- Does the contamination pose a risk to health?
- How should the issue be handled?

The Austrian risk assessors believed that, in the case of Sudan dyes, there was no risk to health posed by the level of contamination. However, there was a legal requirement for withdrawal i.e. Regulation 178/2002 states that “food shall not be placed on the market if it is unsafe.” There are two limbs to the definition of “unsafe” - firstly “injurious to health” and secondly “unfit for human consumption”. As a consequence the illegal dyes could be withdrawn under the definition of “unfit for human consumption”.

A guideline amount of 0.8 parts per million was identified as the trigger level for recall, although this was not seen to pose a risk to health. Food authorities gave advice to the operators to withdraw products and food inspectors supervised the process.

Belgium

The Belgium Food Safety Authority took a view that if the level of contamination was less than 100 parts per billion, there was not a risk to health and as a consequence notification and recall should not be required. There were also analytical difficulties as the limit of detection was 400 parts per billion for many laboratories. For raw products, a limit of 400 parts per billion was set and above this level, withdrawal was required. Even if this level was found it did not immediately mean that composite products that contained the contaminated material would be withdrawn. There would need to be complicated calculations to identify the actual level in finished products. Only if this was found to be above 100 parts per billion would withdrawal be required.

Czech Republic

A considerable number of problems were identified and a large number of media articles written on the subject. There were difficulties in detection levels. However, one laboratory has now been accredited to deal with identification of illegal dyes.

Finland

Customs laboratories have been charged with identification and analysis of Sudan 1, 2, 3 and 4 for a number of years. When illegal dyes are found, the products are taken off the market. However, there were only a small number of cases. Para red is a matter of concern currently; there is an agreed method but levels of detection are not clear.

Germany

Illegal dyes have been identified as a problem for the last three years. There have been several hundred analyses undertaken which have identified a number of contaminated products. There appear to be some gaps in the Customs control of products and in testing within smaller enterprises. To make the situation worse, forged analytical certificates have been found. Recently a conference was held in Bonn to discuss the issues. In particular, contaminated spices have been found in products coming from other Member States, e.g. France and the United Kingdom, but it is believed that contamination by illegal dyes is a Europe wide problem.

Malta

Problems had been identified with Sudan 1, in particular in products from the United Kingdom. This finding however was not surprising as the UK is the largest trading partner for Malta. Good withdrawal systems are in place, operated by producers and importers. For third country imports, considerable amounts of analysis have been undertaken but these have not identified contamination with Sudan products. The case of Para red is less clear and it is not possible at this stage to identify whether or not a problem exists in Malta. The laboratory analysis has been contracted out to the Central Science Laboratory in the United Kingdom however Malta hopes soon to have its own accredited laboratories. The sampling programme for this year will consider illegal dye contamination in products on the local market.

The Netherlands

In the last two years, a large number of examinations have been carried out on products particularly from eastern countries such as Turkey. Contamination levels up to 500 parts per billion have been found.

Republic of Ireland

Ireland does not have a large number of third country imports; most imports come through other Member States such as the United Kingdom and the Netherlands. Ireland has reacted to problems in the United Kingdom. There have been some issues identified in

ethnic products such as palm oils. A large amount of sampling for illegal dyes is carried out as part of the routine sampling process. A memorandum of understanding exists between the Food Safety Authority of Ireland and Customs and Excise in relation to import checks. Customs and Excise inform inspectors of red route products. The Food Safety Authority risk analyses the information provided by Customs and Excise and divides products into two categories. Category 1 products require action, Category 2 products only require information to be provided. The Food Safety Authority will direct local authorities and other agencies as to the appropriate action to be taken.

Sweden

For the past two years, Sweden has been looking for Para red contamination in products but as yet has not found it. If a RASFF alert is received about illegal dye contamination, then the Food Safety Authority will advise operators to withdraw products and where necessary enforce withdrawal. At present, the Food Safety Authority is considering putting into place a programme designed specifically to reach small importers.

Switzerland

Switzerland also has been carrying out sampling for illegal dye contamination. Some 200 samples have been analysed but less than ten positive cases have been found. Levels of tolerance have been set and these will result in a variety of actions being taken. This will include warnings and the imposition of fines, to alert businesses to the need to test proactively for the presence of illegal dyes. Such activities apply to both raw and composite products.

United Kingdom

There have been well-documented problems with Sudan 1 and Para red. Some 69 products have been contaminated with Para red and this has been widely publicised. The Food Standards Agency works closely with local authorities and industry to ensure effective withdrawal. Food alerts for action have been sent to local authorities who are requested to advise businesses on withdrawal and ensure that effective action is taken. Separately, the Food Standards Agency has worked with industry to trace products and withdraw them from the market. There has been considerable debate about the levels at which withdrawal should take place. Currently, analysis is carried out using an HPLC method and this can detect levels of 0.5 parts per million. The United Kingdom is leading a Europe-wide working group to consider the different methods of analysis available and whether or not it would be appropriate to have trigger levels for withdrawal. Spain and France are participating in this group and it is hoped that conclusions will be reached shortly.

Further comments

United Kingdom

In future, EFSA will carry out risk assessments on Para red and identify whether or not a health risk exists. At present the scientific advice is that if a genotoxic carcinogen is present, there can be no safe limit. This raises a number of questions and in particular whether or not this means that all products that contain the contaminated material must be withdrawn, even if the contamination is below levels of detectability. The issue of risk assessment will need to be considered very carefully. It should also be noted that contamination has not only been found in spices, but also in other products, such as palm oil. In the United Kingdom, considerable amounts of sampling have been taking place at the ports. It has been found that contamination is present in some cases even where certification states that the product is not contaminated. There can be a very wide range of analytical methods across the different Member States and there is a need to work on appropriate methodologies and a consistent approach to analysis. One particular issue that highlights this need is a shipment of chilli powder that was accompanied by a certificate stating that it was free from Sudan 1, yet further analysis (in the United Kingdom) identified a presence of 800 parts per million.

Illegal dyes are a large problem for all the Member States and FLEP can play a significant role in informing the risk management approaches to the issue by learning from the representatives from each Member State.

United Kingdom

In English law, non permitted colours or preservatives are deemed to make the product “unfit”. The level of presence therefore is not an issue and it cannot be considered as “fit” just because the level may be low. It might be possible to tailor requirements if the products were not genotoxic. One way forward might be to consider the issue of “critical difference”. This is a concept that is utilised in CEN EC 194 in relation to food contact materials. Products might be found analytically but they could be deemed not to be “legally present” if the levels did not exceed levels of acceptability. If such an approach was taken in respect of contamination by illegal dyes this might assist matters.

A number of other illegal dye issues have been identified including the blending of a variety of different colours to give the required product colour. It does not appear that anyone has yet considered this issue of colour mixing. It is perceived that Para red and Sudan 1 will not be the end of the problem as Toluidine red is already an emerging issue. The costs of withdrawal to industry are significant and issues around risk and levels of acceptability will need to be addressed carefully. Even if this is possible the potential for fraudulent certification will need to be included in any control strategies.

United Kingdom

Industry was not happy about the withdrawal of products contaminated with Sudan 1 however the United Kingdom law is clear and in the Worcester sauce case, any product containing it was deemed to be “unfit”. Industry voluntarily withdrew the products. There was no need to enforce withdrawal. Whilst the normal requirement in the United Kingdom is that industry will advertise withdrawals, in the Sudan 1 case, as there were more than 500 products involved, it was agreed that the information could be made available on websites.

Belgium

The first analysis carried out on contaminated products in the United Kingdom identified levels of 15 parts per million. Where LCMS standards have been used levels of 30 parts per billion have been identified demonstrating considerable variation in detection sensitivity. Test methods are getting more sensitive and this will need to be considered if levels of acceptability are to be considered.

United Kingdom

There is considerable work on-going in relation to methodology and this is a critical issue. However, investigation has shown that the LCMS method can produce varying results. At present, it is not clear as to the full implications of increasingly sensitive analytical methods. In the Sudan 1 case, decisions were made on fairly high levels.

Ireland

The legislation in Ireland is very similar to the United Kingdom. Ireland took very similar decisions and approaches to the United Kingdom, also using the Food Safety Authority website for publication of information and details.

United Kingdom

Investigations into the Worcester sauce contamination with Sudan 1 were ongoing and as yet no decisions have been made about prosecution. The Worcester sauce was produced from chilli powder that had been imported into the Member States before the Commission controls were imposed in 2003. A further complicating factor was that Worcester sauce takes over a year to produce.

United Kingdom

There are critical differences in the analytical methods used and these can produce very different levels of detection and determination.

The issue of limits of detection led to considerable discussion with varying opinions being expressed. It was felt that sharing the different methods and levels of detection between Member States would be particularly helpful. However, one delegate made the point that even where another Member State had found contamination; each Member State would need to confirm this independently. In the opinion of that delegate it was better to stick with one agreed validated method. The Netherlands stated that in addition to product testing, microscopic identification was being used as a precursor to the detailed analysis. Study of crystalline structure gave a good indication as to whether or not illegal dyes were present.

A further general discussion took place and the reasons for contamination were discussed. It was believed that a strong colour added value to certain spices providing an incentive to carry out fraudulent activity. Measures to discourage fraud would need detailed consideration. Detection of illegal dyes is a particular concern as it can be like looking for a needle in a haystack. One area that would need to be addressed is the responsibility of industry in ensuring that products placed on the market are not contaminated.

10. TRACEABILITY

Jan van Kooij from the Netherlands gave a presentation on traceability and considered three elements.

1. The general food law and traceability
2. Guidance on traceability
3. The interpretation in the Netherlands

He informed the Forum that a legal obligation was provided through Article 18 to identify from whom and to whom products were supplied. This required systems and procedures to be put in place.

Internal traceability – The regulations themselves did not require internal traceability but the guidance encouraged its implementation.

Type of information kept (category 1) – The information to be kept would include details of supplier and customer – name, address and nature.

Date of transaction – This was not within the regulation but was often kept.

Type of information (category 2) – Within this category of information details such as volume of product or quantity and batch number were often kept.

Speed of information provision

Category 1 products – Notification and action were required to be immediate, i.e. the provision of details on customer name, supplier and date of transaction.

Category 2 products – Information was required as soon as reasonably practical in relation to category 2 issues.

Time of record keeping

In general the requirement was for five years. It was noted that Worcester sauce, deeply implicated in the Sudan 1 incident, had a long time for production and was often kept for

many years. Record keeping was seen to be required for shelf life plus six months. For highly perishable products, it was deemed to be six months after manufacture/delivery.

Article 19 Notification, Withdrawal, Recall

Key definitions from Article 14 related to unsafe food, which was broken down into two elements.

- Injurious
- Unfit

It was noted that previously the definitions were injurious and unfit for consumption. Of these, the only requirement to withdraw would have been in the case of injurious products. The situation had therefore changed.

The Netherlands approach

For products injurious to health, the operator is required to:

- Immediately notify the food safety authority. Notification must be within four hours.
- Withdraw products
- Inform consumers

For unfit products, where substances are above the legal limit, e.g. in relation to additives and colourings, but not injurious then food business are required to:

- Withdraw products
- Inform consumers
- Inform the food authority on the action that they have carried out

VWA (Food authority) action after notification

Injurious

- Check action of food business operators
- Check withdrawal
- Send out information on the RASFF system

Unfit

- Check if injurious to health
- Check adequacy of withdrawal and proportionality of action
- If proportionate, ask for distribution lists for advice to be issued through the RASFF system

OTHER ISSUES

Article 19.2

Retailers are only required to advise the competent authority if the matter has not been caused by them, providing they have not imported the products. A number of problems can be seen as a result of this. Primarily that the member state competent authority may only become aware of the problem through an RASFF alert, extending the timescales involved.

Para Red case

On 12 April 2005, the Dutch advised that paprika powder from Spain contained some 15 parts per million of Para Red. This did not appear to be injurious but did appear unfit. The Dutch National Institute for Health, which has set a level of 1% presence in ready-to-eat foods, stated that no health problems would be expected. However, there was no direct testing of levels.

The VWA accepted the product as unfit and, as a consequence, informed other Member States through the RASFF system. If the product had not been notified to the VWA, other Member States would not have become aware of this contamination issue. It would be expected if chilli etc was used that the level should always be below 1%.

Further action

The food business operator removed paprika powder from the market. The Spanish authorities were advised of the problem via the RASFF system. Para Red analysis had begun in a variety of different spices but as yet had not found to be present.

On 8 May 2005, the United Kingdom published a list of contaminated products on the Food Standards Agency's website, based on traceability. The meeting of the Standing Committee of the European Union was due on 10 May 2005 and it had been expected that such topics would be considered. The outcome of that meeting would be awaited with interest.

11. DISCUSSIONS ON NOTIFICATION AND TRACEABILITY

Groups were given a number of propositions for discussion and then asked to report back to the plenary session. The propositions were:

1. All products containing a forbidden substance, even at the lowest molecular level, should be withdrawn from the market even if there is no risk to health.
2. For unfit products, it is more effective for enforcement organisations to concentrate on the origin of the food fraud rather than chase withdrawals.
3. The use of the RASFF system is becoming unmanageable. Should alternative provisions be made for lower risk or information only notifications?
4. Enforcement officers should only look for contamination above 0.5 parts per billion and should focus action where fraudulent activities were identified.
5. A product is unfit for consumption, and as a result of this is unsafe, if it fails to comply with legislative standards for additives, colourings, contaminants and/ or contains residues of pesticides for which there are no accurate reference values. This proposition must be considered in the context that there is no identified health risk.

Group report back

Proposition 1 – A variety of views were expressed including

- Given the variation in analytical approaches and understanding of health risks, withdrawals should not be on the basis of presence at the lowest molecular level.
- Whilst the principle was agreed, there should be a reasonable limit identified in respect of the extent of withdrawal, i.e. withdrawals should not be pursued right to the end of the supply and distribution chain.

Proposition 2

- If the product is unfit, removal from the market should be pursued as far as possible.
- If the product has been imported, action should be taken against the importer.
- There is a need for improved networking to achieve effective action. This might be official or informal. The network might involve FLEP, Member States, Customs and enforcement practitioners. It was suggested that there could be a role for the Food and Veterinary Office (FVO) in this area.

Proposition 3

- A variety of views were expressed ranging from satisfaction with the current arrangements to significant concerns. The resources devoted to maintaining and monitoring the RASFF system varied considerably between Member States. Those

Member States concerned about the manageability of the system suggested that the alternative would be two systems.

System 1 – the RASFF system for products injurious to health, where action is required

System 2 – a separate system for passing on information, from which each Member State would determine the most appropriate course of action to be taken.

Proposition 4

- It was seen to be beneficial to focus resources on import rather than chasing products at retail level.
- Given the key role of importers it was felt that enforcement action should be instigated at lower levels than might be considered for retailers.
- The need to strengthen systems for importers was identified. It was felt that there was a key role for the Commission in addressing this matter.
- The need to standardise detection methods, quantification and understanding of levels of uncertainty was highlighted.
- The issue of fraud for profit was identified as significant. In such cases it was believed that enforcement should be rigorous.

Proposition 5

- Action proportionate to the infringement was identified as essential. Judgement would need to be made on a “case by case basis”. EFSA should provide a lead on such matters.

At the conclusion of the feedback, the Chairman proposed that notes from the discussion be taken forward to the next Steering Group meeting, with the intention of providing a fuller report at the following meeting for agreement by the Forum. Subject to this agreement, the report might be forwarded to the Commission

12. UPDATES FROM MEMBER STATES

The Netherlands - Reorganisation is ongoing in the Netherlands and there has been considerable reduction in staffing at the KVV. Whereas this previously had 2500 employees, from January it will have 1800 employees. Activities in slaughterhouses are decreasing substantially. There will be a greater focus on import controls and non food consumer products and activities on alcohol and tobacco control. The food and feed activities across the board are decreasing.

Switzerland - There have not been any further organisational changes but there have been legislative changes. Switzerland will be creating a bi-lateral treaty with the European Union. The food sector will be required to have equivalence with European regulations for export. Switzerland will seek to incorporate other regulations into Swiss law, for instance EC167/2002. The work involved is complex but it is anticipated that new legislation will come into force on 1 January 2006.

United Kingdom - A review is taking place in the United Kingdom of all government regulators – the Hampton Review – which is supported by the Treasury. The aim is to reduce the number of regulators, to create efficiency and value for money, from 40 to 7, through a combination of regulatory agencies. The Food Standards Agency will take on some new responsibilities, e.g. the Wine Standards Board. The review is still ongoing and there are some possibilities that the Food Standards Agency will gain additional responsibilities. The intention is to complete the changes within the next two years.

DAY 2

13. UPDATE FROM JRC – OLE OSTERMANN

Ole Ostermann gave an update on the activities of the JRC on feed and food analysis. The mission of the JRC was to provide customer driven scientific support. The customers were DG Sanco and national control laboratories. There is proactive research ongoing. Method development and validation are the main aims however harmonisation, proficiency testing and reference materials also provide areas of work. The JRC will also act as a helpdesk.

New activities involve partnership with European reference material producers. A new community reference laboratory for food additive authorisation was created from November 2004. This will evaluate and validate methods and report to EFSA. All additives will need to be re-assessed by the end of 2007 and as a result a heavy workload is anticipated. Development activity is being carried out on identification of validation of methods for food safety.

Meat and bone meal methods are being considered. The main method is microscopy but ELISA methods are being assessed together with the use of markers for banned animals. However, as yet, these are unauthorised. Additional work is being undertaken in relation to mycotoxins with the aim of producing CEN standards. Trials are ongoing on methods of validation for detection of GMOs and the production of reference materials.

Acrylamide – Monitoring is ongoing and a new EU database is being put together. Three proficiency tests have been prepared, two of which have been validated. High levels of acrylamide have been confirmed in potato chips, lower levels in coffee beans, crisp breads, french fries and breakfast cereal. The majority of the data is being received from Germany.

Food safety methods – Work is ongoing on smoke flavourings, with the aim of detecting PAHs.

Semi carbazide – Semi carbazide detection is being addressed. It is a metabolite and marker for nitro furans however it can also be found in foods that have not had contact with such a chemical. It is not clear as to how this is occurring.

Food allergens – Five ELISA test kits have been validated for peanuts in matrices and two dipstick methods have also been created. Work is progressing towards creating a reference material. Milk allergens and gluten in food are also being studied.

Organic food – JRC is looking at traceability issues within organic production. A holistic approach is being trialled, e.g. bio-crystallisation. Software will be required to distinguish between different crystallisation patterns.

Cocal toolbox – The work has now progressed to look at milk chocolate.

Sparkling wine – JRC is looking at characterisation through isotopic detection methods.

A number of questions were raised by the audience. Austria asked about the sensitivity of peanut allergen methods. The United Kingdom was also interested in allergenicity testing and particularly in relation to heat treated and non-heat treated material. CEN was working on the requirements for manufacturers to notify laboratories when changes were made to ensure that accreditation was maintained.

14. WORKING GROUP REPORTS

a) Managing on effects

It was reported that the group had carried out a discussion on peer reviews with a member of the pilot study. A further meeting was to be arranged. The initial findings were that peer review was extremely helpful; however, it took considerable time. The activity itself took one week and then there was further time required to prepare a report. In Holland, a study had been carried out and results presented to the Director General of the Food Authority. The Director General believed that the results were positive and felt that value was added through audit from an international group of experts.

Measuring effects – The Netherlands are producing a report on various areas, e.g. food inspection and environmental health and this will be translated and discussed within the working group.

Follow-up – A further meeting is planned for September/October. It is proposed that FLEP considers setting up a workshop on “Sharing methods to achieve compliance”. A peer review report will also be produced. A research proposal will also be put together to take the work further and EU funding will be sought.

b) Transparency

Initial results were presented in Malta and the FLEP Forum asked for follow-ups to take place. A further questionnaire had been sent out to 12 Member States of whom nine responded. Overall, only Denmark provided full inspection results. However, six of the nine respondents said that publication of results was a key issue at present. Comments were received from delegates as follows:

Belgium – Belgium representatives had visited Denmark and felt that the Smiley system was well implemented. Consumers were asked about the value of “Smileys” however they did not appear to be that interested in the value they produced. This contradicted the food authority findings that 85% of consumers supported the scheme. In Belgium, the politicians have agreed that a form of publication of inspection results will be implemented. It will be left up to the food agency to devise a scheme. It is likely that this will only cover retail and catering and will only identify positive issues.

Proposed follow-ups

- Organise FLEP mini seminar
- Each Member State to prepare a paper for the next FLEP meeting
- Prepare overall report

The delegates then discussed the presentation. It emerged that the Belgium scheme would be voluntary and would cover hygiene, notification and traceability. Overall it would provide a self checking system. The members of the Forum were then asked about the proposed follow-ups and the general view was that a report should be put together on current practice for discussion at the next meeting. It was hoped that the United Kingdom would have information from the pilot scheme it was intending to trial by that time.

c) Food inspector qualifications

A presentation was given on food inspector qualifications. The information had been provided through a survey sent out to the Member States. There was some discussion around the issue at the Forum and the working party was asked to drill further down into the answers in order to provide a more detailed view of the current situation

d) Gluten report

The Forum was advised that a detailed questionnaire had been sent out on gluten issues and that 12 out of 28 questionnaires had been completed and returned. There were no particular issues raised by the Forum and the Chairman suggested that the report be published on the website.

e) Food industry hygiene training

A questionnaire had been sent out by the Czech Republic; however, the response rate had been low. There was a huge variation across the Member States with a minimum age for participation in food business ranging from 16 to 21. Some Member States required health certificates (2). A common feature was the requirement for food hygiene training (83%). The decisions were taken on what was required by a variety of different stakeholders. The split was generally between industry, government and professional bodies. Training was required in 57% of responses before starting, others were within three months and some 30% required refresher training. Training was assessed in house, on the job or externally. About 50% was in-house, 33% externally, and the rest on the job. Courses were delivered by a variety of providers including the labour office, the municipality, the chamber of commerce, professional associations and private and educational bodies. In response to a question within the document, the view was proposed that there was no additional training need for special or high risk candidates. This response was from 67% of the Member States however two countries dissented.

A number of comments were made about this presentation. A representative from the Netherlands stated that different levels of qualification and educational attainments were required for food businesses. Other comments were made that Sweden was developing a new system as was Finland. It was generally felt that it was important for inspectors to be able to assess the level/appropriateness of the training and education.

A delegate from the United Kingdom noted that the presentation from Sarah Jones on management factors associated with outbreaks of food poisoning had highlighted the need to ensure that the training was correct if food poisoning risk was to be diminished. A question was also asked about whether there was any association between the different training available and the different levels at which it was required. The Chairman suggested that the Member States could reply to this question and the working group would then review the answers.

f) Benchmarking of inspection services

A presentation was given by Jan van Kooij. There was considerable variation in approaches to inspection, frequency of inspection and financing of inspection. There was a considerable amount of discussion around the findings of this working group and the Forum asked the Chairman of the working group to carry out further investigation in greater detail in some areas.

15. KEYNOTE ADDRESS

CHILLED FOOD - GETTING IT RIGHT

Kaarin Goodburn, Food Safety & Technology Management Consultant, Chilled Food Association

Kaarin Goodburn talked about the aims and objectives of the Association. The range of activities covered by the Association was considerable from salads, soups, pizzas, deli products, to ready meals. Predominantly, the products were multi-component and ready to eat. The unique characteristics of chilled food were identified as the following.

Products were minimally processed. Hygiene was an essential issue and processing and chilling were needed to be carefully controlled if products were to meet shelf lives. The products usually involved limited automation; they were generally of short shelf life, i.e. two days to two weeks and, as a consequence, could not be positively released. The emphasis therefore was on good manufacturing practice (GMP) and hazard analysis and critical control point systems (HACCP). The largest amount of chilled food across the European Union was sold in the United Kingdom, which had some 65% of the European market. The key focuses of the Association were on technology and hygiene and safety. The Association aimed to develop and promote standards of excellence and membership was competence based. The strategy of the organisation was to provide standards to regulatory bodies and promote those standards through its customer member base. There is also a European Chilled Food Federation and this has produced hygiene and safety guidelines for 2005/06.

European Consumer Food Federation - The members of the Association were from Belgium, Finland, France, Germany, Italy, Netherlands, Switzerland and the United Kingdom. The findings from the ECFF visits were that the extent of automation was greater in Europe, possibly related to product type. An invitation to membership had been extended to members from the accession countries. Malta and Slovenia had demonstrated interest but the rest had not taken up the offer.

United Kingdom - In the UK, 95% of chilled food products are "own label" e.g. Tesco, Sainsbury's etc. In this arena, hygiene is safety critical and there is some 30% of product churn (change) per annum. In the UK, chilled shelf life is based on quality issues, i.e. likelihood of spoilage. The shelf life allowable in the UK is the lowest in Europe. Retailers are responsible for maintaining their own chill chains and generally distribution is very good. The "just in time" approach is used particularly for shorter shelf life products.

Chilled Food Association standards - Amongst other things, these measure the investment in hygiene and technology. They consider the requirement for a well-managed supply chain and for good manufacturing practice, good hygiene practice and HACCP. Whilst segregation of raw and cooked food is not a legal requirement in high care businesses, the Association wishes to see such separation. There is a portfolio of guidance for industry. This guidance is also used by enforcers. As regards to standards, it was pointed out that the Chilled Food Association accreditation scheme had led to the formation of EFSIS, the European Food Safety Industry Standards. In the 1990s, auditor competencies had been produced by UKAS and incorporated in EN4500. Global standards had also been developed and the Chilled Food Association guidelines were above these in relation to standards required.

Traceability - This was seen to be a non-negotiable subject and traceability was an essential element of a food management system. Effective traceability must be able to link the lot or batch with the source of the products. In respect of traceability and incident management the Chilled Food Association promoted good systems of traceability to source. It would be possible with a lettuce to go back to the field and the seed batch involved. The Association did not however have access to RASFF information and it was felt that this would be helpful in instigating traceability where a contamination problem had been identified. The Association promoted segregation of batches and full internal traceability. In addition, full raw material traceability was generally available if members were to meet Association standards.

Spice - This was the only traded commodity used and it was acknowledged that the production industry - the spice producers - were fairly medieval at the growing end. Most spices were produced in the third world and were dependent on one man and one field. A range of potential contamination existed and questions were raised as to whether or not effective border controls could be possible. Given the large scale production and the

single field/one man ownership situation, it would be essential that good co-ordination was needed if contamination was to be eliminated.

Para Red - The low levels found in products indicated that cross contamination had occurred rather than the Sudan 1 case where levels found indicated that direct fraud for profit gains had been involved. Recent UK incidents demonstrated that good traceability was essential.

Spice - the way forward - It had been identified that there was need to focus on raw material practices and controls at source rather than on finished product recalls. There was a need to link risk assessment, management and communication in areas of problems.

Chilled Food Association and European chilled, fresh food - The aim of the organisations was to promote membership and promote visibility. Currently guidelines were being updated. A temperature requirement survey was being carried out and it was hoped that this would allow influence to be created in respect of the European Commission position and furthermore on the final decisions to be made on the micro criteria requirements.

Reaching out - The organisation was keen to expand membership from trade associations across Europe. The objective was to promote high standards of chilled food to authorities, trade associations and government. Key issues were the promotion of high standards for chilled foods. These were complex and they required considerable investment to achieve and maintain.

The presentation concluded and various comments and questions were raised from the floor. The issue of Sudan 1 was highlighted and Kaarin Goodburn was asked about the potential cost to CFA members of the large scale withdrawal. Kaarin Goodburn replied that CFA members had stopped production of contaminated products. The Chilled Food Association members supplied a number of national retailers and one of these had billed the Chilled Food Association supplier for some £1 million for the administration of the recall. As a result of the Sudan 1 scare, some 10% of the ready meal market had been lost. The normal market in the UK for ready meals was valued at something in the region of £2 billion.

Further questions were asked about the work of the Chilled Food Association including activities to reduce salt. Kaarin Goodburn replied that there was considerable work going on in this area in the UK. Other questions were raised such as whether or not HACCP was appropriate for primary production and, if so, how it could effectively be controlled. Kaarin Goodburn replied that retailers insisted on HACCP for their suppliers and so the producers had no option but to comply. However, it was not possible to completely control nature, e.g. visits by wildlife; however some environmental control systems were in place. In addition to this, salad goods were triple washed to wash off pathogens. However, this did not kill any that were strongly attached to leaves. At present, research was on-going into how to attack pathogen-binding mechanisms. It was also noted that chlorine acceptance was reducing in consumers.

Standards to be reached by Association members were available for free downloading from the Chilled Food Association's website which is www.chilledfood.org/

13. NOTIFICATION AND REPORTING OF FOOD INCIDENTS

A number of presentations were given by Member States.

United Kingdom - The UK reported that a dedicated team was used for notification and reporting of food incidents. There was a large range of incidents and in order to improve reporting it was intended that this should be online from 1 January 2006. A range of information requirements were identified for reporting and it was noted that photographs could help for information and identification. The information was listed and there was detailed consideration of risk management. In 2005, chemical incidents were considerable as a result of Sudan 1. As far as incidents were concerned, there were two levels of alert, one for action and one for information. It was reported that there had been a great increase in the traffic on the RASFF notification system. The Food Standards Agency expected to see an increase in notification as a result of changed legal requirements from 1 January 2005. To date, this expectation was being fulfilled however the Sudan 1 problem was likely to have a significant impact. For the future, there would be monitoring of the activities and the Food Standards Agency would be working closely with industry and local authorities on improving reporting procedures. A task force had been commissioned to strengthen the controls.

A number of questions were raised by delegates and amongst these were the requirements for industry to provide information to consumers. The UK reported that industry was required to advertise in papers etc but information could also be made available on websites. Contamination issues were of particular interest to the media and as a result considerable information was passed to consumers that way. Additionally, display of information of contamination was required at the point of sale. Reporting was both to local authority and the Food Standards Agency however the key focus for industry was the Food Standards Agency in respect of large scale of incidents. A key issue was raised by Kaarin Goodburn that there was a degree of confusion about reporting responsibilities for own label products. Industry believed that the onus was on the brand owner. The FLEP chairman noted that there seemed to be some variation in view across the member states with some saying that reporting was not the retailer responsibility in any circumstance.

Republic of Ireland - Systems had been in place previously for non-animal products and there was now a need to expand this into wider areas. Article 14 introduced the new definitions for food safety and there was considerable variation in view about unfit and unsafe and what should be done in either case. Globalisation had made food components much more complex and the Food Safety Authority of Ireland (FSAI) had circulated the European Union guidance to enforcers and industry. In order to assist common understanding, the Food Safety Authority had consolidated its own guidance and produced frequently asked questions. Guidance note 10 related specifically to product recall and traceability and identified that internal traceability constituted best practice. Code of Practice No 5 related to food incidents. FSAI was also in the process of producing guidance notes on EC regulation 178/2002, intended to define withdrawal and recall and the role of enforcement authorities and industry. Best practice in product recall procedure was being developed with industry. There would be supporting material such as examples of roles and responsibilities and sample recall notices, and press releases. Full contact details of officers at FSAI and full legal details would also be included.

Other areas within the guidance would be the relevant elements of Code of Practice 5 on food incidents and alerts and a flow chart decision tree. The key question would be who should take responsibility in initiating and informing. Separately, there would be defined hazard characterisation. The guidance looked to produce a matrix to decide the responsibility for action. The local authorities would need to be informed in all cases of withdrawal and recall; however, there would not be a mandatory requirement for

notification of FSAI. This procedure would be supported by a 24 hour emergency phone line.

Austria - The official feed and food control laboratories are required to report to competent authorities of the federal provinces (Lander) when problems are identified. When a case of consumer health risk has been identified, food inspectors remove products from the market. All the test results are reported to the ministry. Notification to the European Commission was via the RASFF system and this was carried out routinely. If there was a large health risk, the official warnings were issued by the ministry through television media. In the case of unsafe (rotten) food, this was removed from the market by the inspectors but there was no consumer notification or extra reporting. Article 19, which comes into force on 1 January 2006, will bring in new responsibilities and these will need to be integrated within the requirements of regulation 178/2002. This regulation requires unsafe food to be removed by the business or food inspectors. Food inspectors will control the business activities and it is expected that there will be more notifications. The question was raised as to whether or not the European Commission would be able to handle notification of all unsafe food and whether or not the RASFF system was the right vehicle or whether it should be limited only to issues related to health risks.

Belgium - The situation in Belgium was that there were national and local structures to deal with contingencies, food being only one element of such arrangements. There were lots of similarities and a table was displayed as part of the presentation to illustrate this. There was a permanent crisis management team that reported directly to the Chief Executive Officer of the Food Safety Authority. Notification might be the beginning of an incident and the duty to report was placed on operators to notify the federal food agency. Information was included on press releases and the food agency was required to agree the releases before they were sent out. There was a legal basis for this requirement, a federal decree. For food business operators and privatised bodies and laboratories, there is a requirement to notify and guidance had been produced for small companies. It was suggested there was a need for legal powers and appropriate finance to deal with large, major crises. Accordingly, food business operators were required to put money in to a fund every year to allow for action to be taken in the case of major incidents. This had been introduced after the dioxin crisis.

The communication strategy was identified as a key issue in order to ensure that confusion was eliminated. A number of pitfalls and bottle necks had been identified. Although plans might look good on paper in practice, they were no guarantee of success. Certain issues that contributed to difficulties were lack of media control, appropriate staff control and limited co-operation with industry. The conclusions were that despite some issues, notification was working well in Belgium. In 2004, there had been ten incidents. Industry awareness was good and laboratories were notifying appropriately. The contingencies planning exercise that had occurred as a result of previous problems had provided good basis for changed arrangements.

At the conclusion of the presentations, the Chairman noted that there was considerable variation of arrangements in Member States and felt that it would be useful to come back and discuss the effectiveness of the different arrangements for the future.

14. EWFC - The European Working Committee for Food Inspection and Consumer Protection

The EWFC was established in 1991 in France and has four goals:

- To bring together food and meat inspector associations
- To exchange experience
- To harmonise inspection activities

- To protect consumers

The UK, Germany, Belgium, Cyprus, France, the Netherlands and Austria are involved in the organisation bringing together meat inspectors, food inspectors and food chemists. There have been two large successful congresses held. EWFC has produced guidelines on sampling and inspection as part of a DG Sanco project. These will be used as guidelines for new Member States. The organisation has a website, www.EWFC.org. Currently, France holds the presidency. The General Secretary is Jan Van de Loo. It is intended that every two years there will be a seminar on issues of particular interest and every four years a conference. Training is felt to be a key issue and it was suggested that there could be considerable joint working between FLEP and EWFC. A key concern for EWFC at present is the privatisation of inspections and in particular any impact on the quality of training of inspectors and their independence.

At the conclusion of the presentation the Chairman thanked Jan van de Loo and highlighted the importance of maintaining a good working relationship with EWFC

15. ANY OTHER BUSINESS

The Chairman noted that all the existing working groups would continue and report back, ideally with substantive reports at the next meeting. Consideration was then given to new working groups.

a) New Working Groups

The Forum agreed the following new working groups would be introduced.

(i) Import controls

The Netherlands would chair the group and members would be United Kingdom, Germany, Belgium and possibly France.

(ii) On farm inspection

After considerable debate, it was suggested that perhaps the initial introduction would be a round-table discussion at the next meeting.

(iii) Boundaries between registration and approval

United Kingdom would chair the group and members would be Republic of Ireland, Netherlands and Sweden.

(iv) Clarity of food labelling in more than one language

The group would be chaired by the United Kingdom and its first activity would be to produce a questionnaire seeking the views of member states about the levels of problems within their country and the results would be reported back at the next meeting. As a result of that report, the need for further work would be debated.

b) Further issues

The need to engage better with DG Sanco, particularly in relation to production of guidelines on regulation 882/2004. This was agreed between members and that there should be a general invitation to Willem Daelman to attend future meetings and present on current activities within DG Sanco.

16. CHAIRMAN'S CLOSING REMARKS

The Chairman thanked Peter Brådenmark and colleagues from the National Food Administration, Sweden. The arrangements for the meeting had been excellent. The social programme had been wonderful and the boat trip and dinner had been extremely

good. Further thanks were given to all speakers, especially the guest speakers and observers.

Finally, the Chairman thanked all delegates for their attendance and participation in the debate. The next meeting, the 24th FLEP Forum, would be held on 20/21 March 2006 and it was hoped that this would be in Lithuania. Dates and venue would be confirmed as soon as possible. The Steering Group would meet on 28 October 2005 to discuss the programme for the meeting. The final conclusion was to wish everyone a safe journey home.