

EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY

RECOMMENDATION OF THE EFTA SURVEILLANCE AUTHORITY

No 154/1999/COL

of 2 July 1999

concerning a coordinated programme for the official control of foodstuffs for 1999

THE EFTA SURVEILLANCE AUTHORITY,

HAVING REGARD to the EEA Agreement, and in particular Article 109 and Protocol 1 thereof,

HAVING REGARD to the Surveillance and Court Agreement, and in particular Article 5(2)(b) and Protocol 1 thereof,

HAVING REGARD to the Act referred to in point 50 of Chapter XII of Annex II to the EEA Agreement on the official control of foodstuffs (Council Directive 89/397/EEC), and in particular Article 14(3) thereof,

AFTER CONSULTING the EFTA Foodstuffs Committee assisting the EFTA Surveillance Authority,

Whereas it is necessary with a view to the sound operation of the European Economic Area, to arrange for coordinated food inspection programmes within the EEA;

Whereas such programmes place emphasis on compliance with the foodstuffs legislation in force under the EEA Agreement, the protection of public health, consumer interests and fair trade practices;

Whereas simultaneous implementation of national programmes and coordinated programmes can provide information and experience on which to base future control activities;

Whereas Liechtenstein shall comply with the provisions of the acts referred to in Chapter XII of Annex II to the EEA Agreement by 1 January 2000; whereas Liechtenstein was to do its utmost to comply with the provisions of the acts referred to in that Chapter by 1 January 1997; whereas therefore Liechtenstein is included in this Recommendation for 1999;

Whereas the European Commission, in its recommendation of 22 December 1998 concerning a coordinated programme for the official control of foodstuffs for 1999, has recommended the Member States of the European Union to apply a corresponding programme,

HAS ADOPTED THIS RECOMMENDATION:

It is recommended that during 1999 Iceland, Liechtenstein and Norway should take samples and/or carry out inspections, undertaking laboratory analyses for:

- (a) Ochratoxin A in coffee,
- (b) Additives in foodstuffs.

1. Although sampling rates have not been set, Iceland, Liechtenstein and Norway should ensure that the number of samples taken is sufficient to provide an overview of the subject under consideration in each State. Suggestions will be made for the methods of analysis.
2. Iceland, Liechtenstein and Norway should provide information as requested following the format of the record sheets provided in the Annex to help enhance the comparability of results.

3. Ochratoxin A in coffee

The aim of this element of the programme is to survey the enforcement actions taken by Iceland, Liechtenstein and Norway when unacceptable amounts of a toxic substance are found for which no specific maximum limit exists. However, according to EEA and national food legislation, food intended for human consumption must be safe and, notably, Article 2 of the Act referred to in point 54f of Chapter XII of Annex II to the EEA Agreement laying down Community procedures for contaminants in food (Council Regulation (EEC) No 315/93), prohibits the selling of foodstuffs with excessive amounts of contaminants from the public health viewpoint and in particular at a toxicological level.

Ochratoxin A is considered to be a potent nephrotoxic agent, a carcinogen and having genotoxic properties. No specific maximum limit for ochratoxin A in coffee has been fixed in the EEA Agreement nor, for most of the EFTA States, at national level.

Available scientific data do not clearly indicate the effects of different processes like roasting on the reduction of the ochratoxin contents. Furthermore, raw coffee is sold to a limited extent directly to the consumer. Therefore all types of coffee (raw, roasted, ground, instant, etc.) should be controlled for ochratoxin A contamination.

Sampling should be executed following the provisions laid down for the official control of aflatoxins in groundnuts and derived products by Commission Directive 98/53/EC ⁽¹⁾.

4. Additives in foodstuffs

Several Directives regulate the use of additives in foodstuffs (Directive 94/35/EC ⁽²⁾, amended by Directive 96/83/EC ⁽³⁾, dealing with the use of sweeteners; 94/36/EC ⁽⁴⁾, dealing with the use of colours; 95/2/EC ⁽⁵⁾, amended by Directive 96/85/EC ⁽⁶⁾, dealing with the use of additives other than colours and sweeteners).

The aim of this element of the programme is to measure how corresponding national legislation to the aforementioned Directives is applied in Iceland, Liechtenstein and Norway; furthermore to survey the enforcement actions taken by these States in case of non-compliance with the legislation.

The control should include inspections in food-processing establishments (checking the recipes) and analyses of samples taken from the market or in food-processing establishments.

The results of the inspections and of the analyses should be recorded accordingly in the sheets provided in the Annex. These record sheets follow the format of the statistical return forms for the annual inspection programmes of Iceland, Liechtenstein and Norway.

The inquiry should focus on a limited number of additives because of practical reasons. As the selection criterion, Iceland, Liechtenstein and Norway should select additives for which exposure assessments, undertaken in Iceland, Liechtenstein and Norway as part of the scientific cooperation, underscore that there are risks of the acceptable daily intake being exceeded.

The presented lists should be used as a guideline to select the priority for the present study. Nevertheless other additives may be of particular relevance for Iceland, Liechtenstein and Norway and could be added to the report.

⁽¹⁾ OJ L 201, 17.7.1998, p. 93.

⁽²⁾ OJ L 237, 10.9.1994, p. 3.

⁽³⁾ OJ L 48, 19.2.1997, p. 16.

⁽⁴⁾ OJ L 237, 10.9.1994, p. 13.

⁽⁵⁾ OJ L 61, 18.3.1995, p. 1.

⁽⁶⁾ OJ L 86, 28.3.1997, p. 4.

As the selection criterion for the categories of products within which these additives are to be sought, the categories presented in the Annex should be selected as they are the main contributors for the intake of the additives under consideration. However, other products are not excluded.

Done at Brussels, 2 July 1999.

For the EFTA Surveillance Authority

HANNES HAFSTEIN

College Member

Table 1.2. — Type of product: roasted coffee (in beans or ground; normal or decaffeinated) EFTA State:

Total number of samples analysed:

Total number of samples rejected:

PRODUCT IDENTIFICATION	ORIGIN / PLACE OF SAMPLING (*)	ANALYTICAL RESULTS FOR OCHRATOXIN A CONTENT			ACTIONS TAKEN (***) NUMBER									
		Not detected (**) Number of samples	< 3µg/kg Number of samples	> or = 3µg/kg Individual values detected	Average value of positive samples (µg/kg)	Median value of positive samples (µg/kg)	None (1)	Verbal warning (2)	Written warning (3)	Improved in-house control required (4)	Sales prohibition (5)	Administrative penalty (6)	Court action (7)	Other (8)
Total:														

Legal basis to determine the conformity of the goods and their eventual rejection:

(*) At point of import: I; Wholesale Trade: W; Retail Trade: R

Method of analysis used (reference: literature, written standard, etc.; keyword description of the procedure; limit of determination) (if different from the proposed method):

(**) The limit of detection of the method used should be indicated:

(***) Comments on action taken: (1) (2) (3) (4) (5) (6) (7) (8)

Other details, indications, difficulties encountered:

Table 1.3. — Type of product: instant coffee (normal or decaffeinated)

EFTA State:

Total number of samples analysed:

Total number of samples rejected:

PRODUCT IDENTIFICATION	ORIGIN / PLACE OF SAMPLING (*)	ANALYTICAL RESULTS FOR OCHRATOXIN A CONTENT			ACTIONS TAKEN (***) NUMBER									
		Not detected (**) Number of samples	< 3µg/kg Number of samples	> or = 3µg/kg Individual values detected	Average value of positive samples (µg/kg)	Median value of positive samples (µg/kg)	None (1)	Verbal warning (2)	Written warning (3)	Improved in-house control required (4)	Sales prohibition (5)	Administrative penalty (6)	Court action (7)	Other (8)
Total:														

Legal basis to determine the conformity of the goods and their eventual rejection:

(*) At point of import: I; Wholesale Trade: W; Retail Trade: R

Method of analysis used (reference: literature, written standard, etc.; keyword description of the procedure; limit of determination) (if different from the proposed method):

(**) The limit of detection of the method used should be indicated:

(***) Comments on action taken: (1) (2) (3) (4) (5) (6) (7) (8)

Other details, indications, difficulties encountered:

2. ADDITIVES IN FOODSTUFFS

Table 2.1. — Inspections in establishments for the use of additives

EFTA State:

Total number of product inspections:

Total number of infringements:

No.	PRODUCT CATEGORY / SUBCATEGORY	ADDITIVES TO BE SOUGHT AS A PRIORITY	ADDITIVES SOUGHT	NUMBER OF INFRINGEMENTS	ACTIONS TAKEN (*)								
					NUMBER								
					None (1)	Verbal warning (2)	Written warning (3)	Improved in-house control required (4)	Sales prohibition (5)	Administrative penalty (6)	Court action (7)	Other (8)	
1	Dairy products — <i>Unripened cheeses</i>	E200, E202, E203											
2	Eggs and egg products												
3	Meat and meat products, game and poultry — <i>Delicatessen and meat-curing products</i> — <i>Meat products having undergone heat treatment</i>	E249, E250, E251, E252 E473, E474											
4	Fish, shellfish and molluscs — <i>Shellfish and cephalopods</i>	E200, E202, E203 E210 to E213 E220 to E228											
5	Fats and oils												

	PRODUCT CATEGORY / SUBCATEGORY	ADDITIVES TO BE SOUGHT AS A PRIORITY	ADD- ITIVES SOUGHT	NUMBER OF INFRINGE- MENTS	ACTIONS TAKEN (*) NUMBER							
					None (1)	Verbal warning (2)	Written warning (3)	Improved in-house control required (4)	Sales prohibition (5)	Admin- istrative penalty (6)	Court action (7)	Other (8)
6	Soups, broths and sauces — <i>Sauces and seasonings</i> — <i>Emulsified and non-emulsified sauces</i>	E100 E200, E202, E203 E210 to E213										
7	Cereals and bakery products — <i>Fine baker's wares (biscuits, pastry, Viennese breads and buns)</i>	E160b E100 E481, E482 E473, E474										
8	Fruit and vegetables — <i>Dried fruits</i>	E200, E202, E203 E220 to E228										
9	Herbs and spices											
10	Non-alcoholic beverages	E952										
11	Wine											
12	Alcoholic beverages (other than wine)											
13	Ices and desserts — <i>Desserts</i> — <i>Desserts with a low energy value or without added sugar</i>	E160b E100 E481, E482 E473, E474 E952										

	PRODUCT CATEGORY / SUBCATEGORY	ADDITIVES TO BE SOUGHT AS A PRIORITY	ADD- ITIVES SOUGHT	NUMBER OF INFRINGE- MENTS	ACTIONS TAKEN (*) NUMBER							
					None (1)	Verbal warning (2)	Written warning (3)	Improved in-house control required (4)	Sales prohibition (5)	Admin- istrative penalty (6)	Court action (7)	Other (8)
14	Cocoa and cocoa preparations, coffee and tea — <i>Powders for preparing hot beverages</i>	E473, E474 E481										
15	Confectionery — <i>Jams, jellies and marmalades with a low energy value or without added sugar, and similar products</i>	E952 E200, E202, E203 E210 to E213										
16	Nuts and nut products, snacks											
17	Prepared dishes											
18	Foodstuffs intended for special nutritional uses — <i>Fine baker's wares for special dietary uses</i>	E952										
19	Others											

Methods of analysis used (reference: literature, written standard, etc.; keyword description of the procedure; limits of detection and determination) (if different from the proposed methods):

(*) Comments on action taken: (1) (2) (3) (4) (5) (6) (7) (8)

Other details, indications, difficulties encountered:

Table 2.2. — Samples and analyses for additives

EFTA State:

Total number of samples taken:

Total number of infringements:

	PRODUCT CATEGORY / SUBCATEGORY	ADDITIVES TO BE SOUGHT AS A PRIORITY	ADD- ITIVES SOUGHT	NUMBER OF INFRINGE- MENTS (*)	ACTIONS TAKEN (**) NUMBER							
					None (1)	Verbal warning (2)	Written warning (3)	Improved in-house control required (4)	Sales prohibition (5)	Admin- istrative penalty (6)	Court action (7)	Other (8)
1	Dairy products — <i>Unripened cheeses</i>	E200, E202, E203										
2	Eggs and egg products											
3	Meat and meat products, game and poultry — <i>Delicatessen and meat- curing products</i>	E249, E250, E251, E252										
4	Fish, shellfish and molluscs — <i>Shellfish and cephalopods</i>	E200, E202, E203 E210 to E213 E220 to E228										

	PRODUCT CATEGORY / SUBCATEGORY	ADDITIVES TO BE SOUGHT AS A PRIORITY	ADD- ITIVES SOUGHT	NUMBER OF INFRINGE- MENTS (*)	ACTIONS TAKEN (**) NUMBER							
					None (1)	Verbal warning (2)	Written warning (3)	Improved in-house control required (4)	Sales prohibition (5)	Admin- istrative penalty (6)	Court action (7)	Other (8)
5	Fats and oils											
6	Soups, broths and sauces — <i>Emulsified and non-emulsi- fied sauces</i>	E200, E202, E203 E210 to E213										
7	Cereals and bakery products — <i>Fine baker's wares (biscuits, pastry, Viennese breads and buns)</i>	E160b										
8	Fruit and vegetables — <i>Dried fruits</i>	E200, E202, E203 E220 to E228										
9	Herbs and spices											
10	Non-alcoholic beverages	E952										

	PRODUCT CATEGORY / SUBCATEGORY	ADDITIVES TO BE SOUGHT AS A PRIORITY	ADDITIVES SOUGHT	NUMBER OF INFRINGEMENTS (*)	ACTIONS TAKEN (**) NUMBER							
					None (1)	Verbal warning (2)	Written warning (3)	Improved in-house control required (4)	Sales prohibition (5)	Administrative penalty (6)	Court action (7)	Other (8)
11	Wine											
12	Alcoholic beverages (other than wine)											
13	Ices and desserts — <i>Desserts</i> — <i>Desserts with a low energy value or without added sugar</i>	E160b E952										
14	Cocoa and cocoa preparations, coffee and tea											
15	Confectionery — <i>Jams, jellies and marmalades with a low energy value or without added sugar, and similar products</i>	E952 E200, E202, E203 E210 to E213										

	PRODUCT CATEGORY / SUBCATEGORY	ADDITIVES TO BE SOUGHT AS A PRIORITY	ADD- ITIVES SOUGHT	NUMBER OF INFRINGE- MENTS (*)	ACTIONS TAKEN (**) NUMBER							
					None (1)	Verbal warning (2)	Written warning (3)	Improved in-house control required (4)	Sales prohibition (5)	Admin- istrative penalty (6)	Court action (7)	Other (8)
16	Nuts and nut products, snacks											
17	Prepared dishes											
18	Foodstuffs intended for special nutritional uses — <i>Fine baker's wares for special dietary uses</i>	E952										
19	Others											

Methods of analysis used (reference: literature, written standard, etc.; keyword description of the procedure; limits of detection and determination) (if different from the proposed methods):

(*) Values detected should be indicated.

(**) Comments on action taken: (1) (2) (3) (4) (5) (6) (7) (8)

Other details, indications, difficulties encountered: