II

(Acts whose publication is not obligatory)

EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY

RECOMMENDATION OF THE EFTA SURVEILLANCE AUTHORITY

No 54/04/COL

of 30 March 2004

concerning a coordinated programme for the official control of foodstuffs for 2004

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the Agreement on the European Economic Area (EEA), and in particular Article 109 and Protocol 1 thereof,

Having regard to the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice, and in particular Article 5(2)(b) and Protocol 1 thereof,

Having regard to the Act referred to at point 50 of Chapter XII of Annex II to the EEA Agreement (Council Directive 89/397/EEC of 14 June 1989 on the official control of foodstuffs [1]), as adapted to the EEA Agreement by Protocol 1 thereto, and in particular Article 14(3) thereof,

After consulting the EFTA Foodstuffs Committee assisting the EFTA Surveillance Authority,

Whereas:

(1) 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 designed to improve the harmonised implementation of the official controls by the EEA States.

(2) Such programmes should place emphasis on compliance with the foodstuffs legislation in force under the EEA Agreement, which is particularly designed to protect public health and consumer interests, and to ensure fair trade practices.

(3) Article 3 of the Act referred to at point 54n of Chapter XII of Annex II to the EEA Agreement (Council Directive 93/99/EEC of 29 October 1993 on the subject of additional measures concerning the official control of foodstuffs [2]) requires the laboratories referred to in Article 7 of Directive 89/397/EEC to comply with the criteria set out in European Standard EN 45000 series, now replaced by EN ISO 17025:2000.

(4) The results from the simultaneous implementation of national programmes and coordinated programmes may provide information and experience on which to base future control activities and legislation.

(5) The participation of Iceland and Liechtenstein in the programmes in parts A and B of the scope of this Recommendation will have to be evaluated with respect to their exemptions from Chapter I of Annex I to the EEA Agreement,

HEREBY RECOMMENDS TO THE EFTA STATES:

1. During 2004, to carry out inspections and controls including, where indicated, taking samples and analysing such samples in laboratories, with the aim of:

   — assessing the bacteriological safety of cheeses made from raw or thermised milk,

[1] OJ L 186, 30.6.1989, p. 23.

[2] OJ L 290, 24.11.1993, p. 14. Directive as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

— assessing the bacteriological safety of fresh refrigerated poultry meat as regards thermophilic *Campylobacter*,

— assessing the bacteriological and toxicological safety of spices.

2. Although sampling and/or inspection rates are not set out in this Recommendation, to ensure that those rates are sufficient to provide an overview of the subject under consideration.

3. To provide information as requested following the format of the record sheets set out in the Annexes to help enhance the comparability of results. This information should be sent to the EFTA Surveillance Authority at the latest by 1 May 2005 accompanied by an explanatory report which should include comments on the results and on the enforcement measures taken.

4. Foodstuffs to be analysed under this programme should be submitted to laboratories complying with Article 3 of Directive 93/99/EEC. However, if such laboratories do not exist in the EFTA States for certain analysis included in this Recommendation, the States may nominate other laboratories providing the capacity to carry out these analyses.

SCOPE AND METHODS

A. **Bacteriological safety of cheeses made from raw or thermised milk**

1. *Scope of the programme*

Contaminated cheeses made from raw or thermised milk have been responsible for outbreaks of food poisoning in humans by several types of bacteria such as *Salmonella, Listeria monocytogenes*, verotoxigenic *Escherichia coli* and *Staphylococcal* enterotoxins.

A long tradition of production and consumption of raw milk cheeses exists in the EEA. In order to continue this tradition while ensuring food safety, considerable improvements have been made in the system of production, collection and storage of raw milk used for the production of cheeses. Particular attention is paid by the concerned food operators in terms of hygiene and control along the entire process of production.

The aim of this element of the programme is to investigate the microbiological safety of cheeses made from raw or thermised milk, in order to promote a high level of consumer protection and to collect information on the prevalence of pathogenic and indicator micro-organisms in those products. This investigation concerns a one-year programme and will be followed up, during its second year, by a wider programme on the bacteriological safety of cheeses. The purpose of this wider programme is to establish the baseline contamination in other categories of cheeses in order to be able to draw meaningful conclusions on the specific risk of raw or thermised milk cheeses. The results of the investigations of this part on raw and thermised milk cheeses will be analysed and provided taking account of the results of the general overview in this sector becoming available after the second year.

2. *Sampling and method of analysis*

The investigations should concern fresh, soft and semi-hard cheeses made from raw or thermised milk. The competent authorities of the EFTA States should take representative samples of these products, both at the production level and the retail level, including imported products, with a view to testing for the presence of *Salmonella, Listeria monocytogenes* and thermophilic *Campylobacter* and enumeration of *Staphylococcus aureus* and *Escherichia coli*. If *Listeria monocytogenes* is detected, the number of these bacteria should be enumerated. When samples are taken at retail level, tests may be limited to the presence of *Salmonella* and thermophilic *Campylobacter* and enumeration of *Listeria monocytogenes*. The samples, of 100 g minimum each or of one cheese if less than 100 g, should be handled hygienically, placed in refrigerated containers and sent immediately to the laboratory for analysis.

Laboratories should be allowed to use a method of their choice provided that its level of performance matches the aim to be achieved. However, the most recent version of standard ISO 6785 or EN/ISO 6579 is recommended for the detection of *Salmonella*, the most recent versions of standards EN/ISO 11290-1 and 2 are recommended for detection of *Listeria monocytogenes*, the most recent version of ISO 10272:1995 is recommended for the detection of thermophilic *Campylobacter*, the most recent version of EN/ISO 6888-1 or 2 is recommended for the enumeration of *Staphylococcus aureus* and the most recent version of standard ISO 11866-2,3 or ISO 16649-1,2 is recommended for the enumeration of *Escherichia coli*. Additional equivalent methods recognised by competent authorities may also be used.

The overall level of sampling should be left to the judgement of the competent authorities of the EFTA States.

The results of the controls should be recorded on the model record sheet set out in Annex I.

B. **Bacteriological safety of fresh refrigerated poultry meat as regards thermophilic *Campylobacter***

1. *Scope of the programme*

Thermophilic *Campylobacter* are a leading bacterial cause of food-related illness in humans. The number of reported human cases have been rising during recent years and epidemiological studies show that poultry meat is an important source of infection and that a significant proportion of fresh poultry meat for human consumption is contaminated with these bacteria.

There is currently not enough scientific information to set a criterion in the legislation in force under the EEA Agreement for *Campylobacter* and further studies are under development to further understand the epidemiology of this pathogen and the role played by other animal products and other food in general.

The aim of this element of the programme is to assess the microbiological safety of fresh poultry meat for *Campylobacter* in order to promote a high level of consumer protection and to collect information on the prevalence of these bacteria in such products.

2. *Sampling and method of analysis*

The investigations should concern fresh refrigerated poultry meat, in particular chicken and turkey. The competent authorities of the EFTA States should take representative samples of these products, both at the slaughterhouse level and the retail level, including imported products, with a view to testing for the presence of thermophilic *Campylobacter*. The samples, of 10 g each taken from neck skin before carcasses are chilled or, when samples are taken at retail level, 25 g or 25 square centimetres from breast meat, should be handled hygienically, placed in refrigerated containers and sent immediately to the laboratory for analysis. In addition, for a better comparability of results, it is recommended to carry out the sampling during the period from May to October.

Laboratories should be allowed to use a method of their choice provided that its level of performance matches the aim to be achieved. However, the most recent version of standard ISO 10272:1995 is recommended for the detection of thermophilic *Campylobacter*. Additional equivalent methods recognised by competent authorities may also be used.

The overall level of sampling should be left to the judgement of the competent authorities of the EFTA States.

The results of these controls should be recorded on the model record sheet set out in Annex II.

C. **Bacteriological and toxicological safety of spices**

1. *Scope of the programme*

Spices, herbs and vegetables seasonings (spices) are valued for their distinctive flavours, colour and aromas. However, spices may contain high numbers of micro-organisms, including pathogenic bacteria, moulds and yeasts. If not properly treated, they can result in rapid deterioration of food they are supposed to enhance. Spices have been reported to be the primary sources of food borne outbreaks when added to food where further growth of the pathogens was possible. This possibility is greater when spices are used in food which may not be thoroughly heat treated. The contamination with certain strains of moulds can also result in the production of toxins, such as aflatoxins which, if they exceed the levels laid down in the Act referred to at point 54zn of Chapter XII of Annex II to the EEA Agreement (Commission Regulation (EC) No 466/2001 of 8 March 2001 setting maximum levels for certain contaminants in foodstuffs [1]), can provoke serious risks for consumers' health.

The aims of this element of the programme are to assess the bacteriological and toxicological safety of spices, to collect information on the prevalence of pathogenic micro-organisms and to verify that spices placed on the market do not exceed the limits of aflatoxins established in the legislation in force under the EEA Agreement, in order to ensure a high level of consumer protection.

2. *Sampling and method of analysis*

The competent authorities of the EFTA States should take representative samples of spices at import level, at production level/packing establishments, at wholesale level, in establishments using spices in the preparation of food, and at retail level, with a view to testing for:

(a) the count of *Enterobacteriaceae*, the presence of *Salmonella* and enumeration of *Bacillus cereus* and *Clostridium perfringens*.

Enterobacteriaceae count is used as an indicator for possible irradiation or other similar treatments of spices. The samples, of 100 g minimum each or one package if less than 100 g, should be handled hygienically and sent immediately to the laboratory for analysis. Laboratories are allowed to use a method of their choice provided that its level of performance matches the aim to be achieved. However, the most recent version of standard ISO 6579:2002 is recommended for the detection of *Salmonella*, the most recent version of standard EN ISO 5552:1997 is recommended for the enumeration of *Enterobacteriaceae*, the most recent version of standard ISO 7932:1993 is recommended for the enumeration of *Bacillus cereus* and the most recent version of standard ISO 7937:1997 is recommended for the enumeration of *Clostridium perfringens*. Additional equivalent methods recognised by competent authorities may also be used.

[1] OJ L 77, 16.3.2001, p. 1. Regulation as amended by Regulation (EC) No 857/2005 (OJ L 143, 7.6.2005, p. 9).

The overall level of sampling should be left to the judgement of the competent authorities of the EFTA States.

The results of the following controls should be recorded on the model record sheet set out in Annex III, Section 1 and 2;

(b) the levels of aflatoxins in spices, which should not exceed the maximum levels laid down in the legislation in force under the EEA Agreement.

The sampling and analysis should be performed in accordance with the Act referred to at point 54 of Chapter XII of Annex II to the EEA Agreement (Commission Directive 98/53/EC of 16 July 1998 laying down the sampling methods and the methods of analysis for the official control of the levels for certain contaminants in foodstuffs [1]). Pursuant to that Directive, the sample size must be between 1 and 10 kg, depending on the size of the lot to be controlled.

The overall level of sampling should be left to the judgement of the competent authorities of the EFTA States.

The results of the following controls should be recorded on the model record sheet set out in Annex IV to this Recommendation.

This Recommendation is addressed to Iceland, Liechtenstein and Norway.

Done at Brussels, 30 March 2004.

For the EFTA Surveillance Authority

Bernd HAMMERMANN

College Member

[1] OJ L 201, 17.7.1998, p. 93. Directive as last amended by Directive 2004/43/EC (OJ L 113, 20.4.2004, p. 14).

ANNEX I

BACTERIOLOGICAL SAFETY OF CHEESES MADE FROM RAW OR THERMISED MILK

EFTA State: _____

Bacterial groups/criteria (1)	Sampling stage	Product identification	Number of samples	Analysis results (2)			Measures taken (number and kind) (3)
				S	A	U	
Salmonella spp. n = 5 c = 0 Absent in 25 g	Production	unripened soft (fresh) cheese					
		ripened soft cheese					
		semi-hard cheese					
	Retail	unripened soft (fresh) cheese					
		ripened soft cheese					
		semi-hard cheese					
Thermophilic *Campylobacter* n = 5 c = 0 Absent in 25g	Production	unripened soft (fresh) cheese					
		ripened soft cheese					
		semi-hard cheese					
	Retail	unripened soft (fresh) cheese					
		ripened soft cheese					
		semi-hard cheese					
Staphylococcus aureus n = 5 c = 2 m = 1 000 cfu/g M = 10 000 cfu/g	Production	unripened soft (fresh) cheese					
		ripened soft cheese					
		semi-hard cheese					
	Retail	unripened soft (fresh) cheese					
		ripened soft cheese					
		semi-hard cheese					
Escherichia coli n = 5 c = 2 m = 10 000 cfu/g M = 100 000 cfu/g	Production	unripened soft (fresh) cheese					
		ripened soft cheese					
		semi-hard cheese					
	Retail	unripened soft (fresh) cheese					
		ripened soft cheese					
		semi-hard cheese					
				A	P	≤ 100 cfu/g	> 100 cfu/g	
Listeria monocytogenes n = 5 c = 0 Absent in 25 g	Production	unripened soft (fresh) cheese					
		ripened soft cheese					
		semi-hard cheese					
	Retail	unripened soft (fresh) cheese					
		ripened soft cheese					
		semi-hard cheese					

(1) The number of samples to be taken may be reduced when sampling at retail level. When a reduced sampling is made this should be indicated in the report.
(2) S = Satisfactory, A = Acceptable, U = Unsatisfactory, A = Absent, P = Present. As regards *Staphylococcus aureus* and *Escherichia coli*, the result is satisfactory if all the values observed are < m, acceptable if maximum of c values are between m and M, and unsatisfactory if one or more values are > M or more than c values are between m and M.
(3) For reporting enforcement measures it is recommended to use the following categories: verbal warning, written warning, improved in house control required, recall of product required, administrative penalty, court action, other.

ANNEX II

MICROBIOLOGICAL SAFETY OF FRESH POULTRY MEAT (AS REGARDS THERMOPHILIC *CAMPYLOBACTER*)

EFTA State: _____

Bacterial pathogens/ criteria (1)	Sampling stage	Product identification	Number of samples	Analysis results		Measures taken (number and kind) (2)
				Absent	Present	
Thermophilic *Campylobacter* n=5 c=0 Absent in 25 g	Production	Fowl/chicken				
		Turkey				
	Retail	Fowl/chicken				
		Turkey				

(1) The number of samples to be taken may be reduced when sampling at retail level. When a reduced sampling is made this should be indicated in the report.

(2) For reporting enforcement measures it is recommended to use the following categories: verbal warning, written warning, improved in house control required, recall of product required, administrative penalty, court action, other.

ANNEX III

SECTION 1

BACTERIOLOGICAL SAFETY OF SPICES

EFTA State: _____

Bacterial groups/criteria (1)	Sampling stage	Product identification	Number of samples	Analysis results (2)			Measures taken (number and kind) (3)
				S	A	U	
Salmonella spp. n = 5 c = 0 Absent in 25 g	Import or production/ packaging or wholesale	*Capsicum* spp.					
		Piper spp.					
		Nutmeg/ginger/curcuma					
		Other spices and herbs					
	Establishment (using large amount of spices for food preparation)	*Capsicum* spp.					
		Piper spp.					
		Nutmeg/ginger/curcuma					
		Other spices and herbs					
	Retail	*Capsicum* spp.					
		Piper spp.					
		Nutmeg/ginger/curcuma					
		Other spices and herbs					
Bacillus cereus n = 5 c = 1 m = 1 000 cfu/g M = 10 000 cfu/g	Import or production/ packaging or wholesale	*Capsicum* spp.					
		Piper spp.					
		Nutmeg/ginger/curcuma					
		Other spices and herbs					
	Establishment (using large amount of spices for food preparation)	*Capsicum* spp.					
		Piper spp.					
		Nutmeg/ginger/curcuma					
		Other spices and herbs					
	Retail	*Capsicum* spp.					
		Piper spp.					
		Nutmeg/ginger/curcuma					
		Other spices and herbs					

(1) The number of samples to be taken may be reduced when sampling at retail level. When a reduced sampling is made this should be indicated in the report.
(2) S = Satisfactory, A = Acceptable, U = Unsatisfactory. As regards *Bacillus cereus* and *Clostridium perfringens* the result is satisfactory if all the values observed are < m, acceptable if maximum of c values are between m and M, and unsatisfactory if one or more values are > M or more than c values are between m and M.
(3) For reporting enforcement measures it is recommended to use the following categories: verbal warning, written warning, improved in house control required, recall of product required, administrative penalty, court action, other.

SECTION 2

BACTERIOLOGICAL SAFETY OF SPICES

EFTA State: _____

Bacterial groups/criteria (1)	Sampling stage	Product identification	Number of samples	Analysis results (2)			Measures taken (number and kind) (3)
				S	A	U	
Clostridium perfringens n = 5 c = 1 m = 100 cfu/g M = 1 000 cfu/g	Import or production/ packaging or wholesale	*Capsicum* spp.					
		Piper spp.					
		Nutmeg/ginger/curcuma					
		Other spices and herbs					
	Establishment (using large amount of spices for food preparation)	*Capsicum* spp.					
		Piper spp.					
		Nutmeg/ginger/curcuma					
		Other spices and herbs					
	Retail	*Capsicum* spp.					
		Piper spp.					
		Nutmeg/ginger/curcuma					
		Other spices and herbs					
Enterobacteriaceae n = 5 c = 1 m = 10 cfu/g M = 100 cfu/g	Import or production/ packaging or wholesale	*Capsicum* spp.					
		Piper spp.					
		Nutmeg/ginger/curcuma					
		Other spices and herbs					
	Establishment (using large amount of spices for food preparation)	*Capsicum* spp.					
		Piper spp.					
		Nutmeg/ginger/curcuma					
		Other spices and herbs					
	Retail	*Capsicum* spp.					
		Piper spp.					
		Nutmeg/ginger/curcuma					
		Other spices and herbs					

(1) The number of samples to be taken may be reduced when sampling at retail level. When a reduced sampling is made this should be indicated in the report.
(2) S = Satisfactory, A = Acceptable, U = Unsatisfactory. As regards *Bacillus cereus* and *Clostridium perfringens* the result is satisfactory if all the values observed are < m, acceptable if maximum of c values are between m and M, and unsatisfactory if one or more values are > M or more than c values are between m and M.
(3) For reporting enforcement measures it is recommended to use the following categories: verbal warning, written warning, improved in house control required, recall of product required, administrative penalty, court action, other.

ANNEX IV

TOXICOLOGICAL SAFETY OF SPICES

EFTA State: _____

Sampling stage	Product identification	Number of samples	Analysis results						Measures taken (number and kind) [1]
			Aflatoxin B1 (µg/kg)			Aflatoxin total (µg/kg)			
			< 2	2-5	> 5	< 4	4-10	> 10	
Import or establishment for packaging or wholesaler	*Capsicum* spp.								
	Piper spp.								
	Nutmeg/ginger/ curcuma								
	Other spices and herbs								
Establishment (using large amount of spices for food preparation)	*Capsicum* spp.								
	Piper spp.								
	Nutmeg/ginger/ curcuma								
	Other spices and herbs								
Retail	*Capsicum* spp.								
	Piper spp.								
	Nutmeg/ginger/ curcuma								
	Other spices and herbs								

[1] For reporting enforcement measures it is recommended to use the following categories: verbal warning, written warning, improved in house control required, recall of product required, administrative penalty, court action, other.