

FOOD SAFETY ISSUES, WITH FOCUS ON CONTAMINANTS - THE IMPORTANCE OF QUICK BUT RELIABLE ANALYTICAL RESULTS FOR AN EFFECTIVE ENFORCEMENT OF EU LEGISLATION

Frans Verstraete^{1*}

¹ European Commission, Brussels, Belgium

*Corresponding author - E-mail: Frans.Verstraete@ec.europa.eu, Phone: +32 476 619 758

General principles and objectives

The EU legislation on contaminants in food fulfils two essential objectives: **the protection of public health and removal of internal barriers to trade within the EU.**

Legislation on contaminants

Council Regulation (EEC) No 315/93 of 8 February 1993 laying down community procedures for contaminants in food¹ is the framework for the Community action on contaminants.

This Framework Regulation provides that food containing a contaminant in an amount which is unacceptable from the public health viewpoint shall not be placed on the market (food can only be placed on the market when it is safe).

Furthermore it is foreseen that

- contaminant levels shall be kept as low as can reasonably be achieved by following good practices at all stages of the production chain
- in order to protect public health, maximum levels for specific contaminants shall be established where necessary;
- the consultation of a scientific body (EFSA) for all provisions which may have an effect upon public health is mandatory.

Based on this framework Regulation, maximum levels for several contaminants have been established by Commission Regulation (EC) No 1831/2003 of 22 September 2003 setting maximum levels for certain contaminants in foodstuffs².

Enforcement of EU legislation on contaminants in food

In the EU we have a comprehensive set of feed and food safety legislation on contaminants in food to protect public health.

But legislation is only effective in protecting public health if the enforcement is effective and if legislation is uniformly applied across the EU. The establishment of uniform sampling and analysis procedures in that respect is of major importance.

Regulation (EC) 853/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules³ provides the regulatory framework for sampling and analytical procedures.

This Regulation provides that sampling and analysis methods used in the context of official controls shall comply with relevant Community rules or,

- (a) if no such rules exist, with internationally recognised rules or protocols, for example those that the European Committee for Standardisation (CEN) has accepted or those agreed in national legislation; or,
- (b) in the absence of the above, with other methods fit for the intended purpose or developed in accordance with scientific protocols.

¹ OJ L37, 13.2.1993, p. 1

² OJ L 364, 20.12.2006, p. 5

³ (OJ L 165, 30.4.2004, p. 1

In case such methods do not exist, validation of methods of analysis may take place within a single laboratory according to an internationally accepted protocol.

The Commission can take specific measures as regards

- a) methods of sampling and analysis, including the confirmatory or reference methods to be used in the event of a dispute;
- (b) performance criteria, analysis parameters, measurement uncertainty and procedures for the validation of the methods;
- (c) rules on the interpretation of results.

EU-RL/NRL networks have been established for several contaminants and are of major importance for the effective application of feed and food safety legislation. The need for co-operation, support and assistance for in many cases complex analysis is self evident.

Several enforcement approaches strategies can be followed including the use of screening methods eventually in combination with confirmatory methods etc.

In the presentation specific attention will be paid to the different enforcement approaches and the requirements for sampling and analytical methodology used in these approaches and the importance for the risk manager to have quick but above all reliable analytical results to take a decision on appropriate control measures.

Keywords: contaminants, enforcement, screening methods, confirmatory methods