

Factual modifications

FVO report No: **DG (SANCO) 2012-6365 – MR DRAFT**

Date: FROM 23 TO 27 APRIL 2012

Remarks of the NFCSO (National Food Chain Safety Office):

Text to be modified		Proposed text	Notes, explanation
Page No, paragraph	Text to be modified (Quoted)		
Page 1, point 1, second paragraph	The FVO audit team was accompanied throughout the audit by representatives from the Central Competent Authority (CCA), the Ministry of Rural Development (MRD) ...	The FVO audit team was accompanied throughout the audit by representatives from the Central Competent Authority (CCA), the National Food Chain Safety Office (NFCSO) ...	Clarification. The FVO audit team was accompanied throughout the audit by representatives from the National Food Chain Safety Office (NFCSO). The NFCSO works under the direction of the Ministry of Rural Development but is not part of that Ministry.
Page 1, point 1, third paragraph	The opening meeting was held on 23 April 2012 with the representatives of the three CCAs (MRD, Hungarian Authority for Consumer Protection (HACP) and NPHMOS) in Budapest.	The opening meeting was held on 23 April 2012 with the representatives of the three CCAs (MRD and NFCSO under the MRD , Hungarian Authority for Consumer Protection (HACP) and NPHMOS) in Budapest.	Clarification. The NFCSO works under the direction of the Ministry of Rural Development but is not part of that Ministry.
Page 1, point 2, table	Initial and Final Meeting with the representatives of MRD, NPHMOS and HACP.	Initial and Final Meeting with the representatives of MRD, NFCSO , NPHMOS and HACP.	Clarification. The NFCSO works under the direction of the Ministry of Rural Development but is not part of that Ministry.
Page 3, point 5.2.1, third paragraph	A detailed description of the responsibilities and organisation of the three CAs relevant for the scope of this audit (MRD,	A detailed description of the responsibilities and organisation of the three CAs relevant for the scope of this audit (MRD and NFCSO under the MRD , NPHMOS and HACP) ...	Clarification. The NFCSO works under the direction of the Ministry of Rural Development but is not part of that Ministry.

	NPHMOS and HACP) ...		
Page 3, point 5.2.1, fourth paragraph	The MRD is the CCA responsible for official controls in relation to food safety and food quality requirements.	The NFCSO under the MRD is the CCA responsible for official controls in relation to food safety and food quality requirements.	Clarification. The NFCSO works under the direction of the Ministry of Rural Development but is not part of that Ministry.
Page 3, point 5.2.1, fourth paragraph	The Governmental Decree 22/2012 which entered into force on 15 March 2012 introduced changes to the organisation and structure of the MRD.	The Governmental Decree 22/2012 which entered into force on 15 March 2012 introduced changes to the organisation and structure of the NFCSO under the MRD.	The Governmental Decree 22/2012, which entered into force on 15 March 2012, introduced changes to the organisation and structure of the NFCSO. The NFCSO works under the direction of the Ministry of Rural Development but is not part of that Ministry.
Page 3, point 5.2.1, fifth paragraph	Official controls in relation to the specific requirements for pesticides and contaminants in IF, FOF, and BFs ... part of the food safety competences of the NFCSO within the MRD.	Official controls in relation to the specific requirements for pesticides and contaminants in IF, FOF, and BFs ... part of the food safety competences of the NFCSO under the MRD. Official controls (on the spot) are carried out by the district offices (DO) of the County Government Offices Directorate for Food Chain Safety and Animal Health (CGO-DFCSAH) under the NFCSO.	Clarification. The NFCSO works under the direction of the Ministry of Rural Development but is not part of that Ministry. Official controls (on the spot) are carried out by the district offices (DO) of the County Government Offices Directorate for Food Chain Safety and Animal Health (CGO-DFCSAH) under the NFCSO.
Page 3, point 5.2.1, fifth paragraph	Official controls over labelling and compositional criteria in IF, FOF, and BFs (provided in the 3 above- mentioned Directives) can also be performed by the MRD representatives as part of the controls in relation to food quality.	Official controls over labelling and compositional criteria in IF, FOF, and BFs (provided in the 3 above- mentioned Directives) can also be performed by the NFCSO under the MRD representatives as part of the controls in relation to food quality.	Clarification. The NFCSO works under the direction of the Ministry of Rural Development but is not part of that Ministry.
Page 5, point 5.2.2,	'Ministerial Decree 36/2004 gives competences to both the	'Ministerial Decree 36/2004 gives competences to both the NFCSO under the	Clarification. The NFCSO works under the direction of the Ministry of Rural

sixth paragraph	MRD and the NPHMOS county and local representatives ... ‘	MRD and the NPHMOS county and local representatives ... ‘	Development but is not part of that Ministry.
Page 5, point 5.2.2, sixth paragraph	‘No evidence of co-ordination was seen between the NPHMOS and MRD representatives...’	‘No evidence of co-ordination was seen between the NPHMOS and NFCSO under the MRD representatives...’	Clarification. The NFCSO works under the direction of the Ministry of Rural Development but is not part of that Ministry.
Page 5, point 5.2.2, eighth paragraph	‘...the MRD laboratories for testing ...’	‘...the NFCSO laboratories for testing ...’	Clarification. The NFCSO works under the direction of the Ministry of Rural Development but is not part of that Ministry.
Page 5, point 5.2.2, eighth paragraph	‘... when compositional criteria are tested by the MRD representatives as part of the food quality controls they use their own laboratory capacity.’	‘... when compositional criteria are tested by the NFCSO under the MRD representatives as part of the food quality controls they use their own laboratory capacity.’	Clarification. The NFCSO works under the direction of the Ministry of Rural Development but is not part of that Ministry.
Page 5, point 5.2.3, second paragraph	‘... representatives at country and district...’	‘... representatives at county and district...’	Clerical error.
Page 6, point 5.2.5, second paragraph	‘...by the MRD representatives...’	‘...by the NFCSO under the MRD representatives...’	Clarification. The NFCSO works under the direction of the Ministry of Rural Development but is not part of that Ministry.
Page 6, point 5.2.3, third paragraph	‘Training on specific ... Ministry of Rural Development representatives ...’	‘Training on specific ... NFCSO under the MRD representatives ...’	Clarification. The NFCSO works under the direction of the Ministry of Rural Development but is not part of that Ministry.
Page 6, point 5.2.4, second paragraph	<i>‘The BF operators visited produce composite products and according to the provisions of Regulation (EC) No 853/2004 such FBOs do not require</i>	<i>‘The BF operators visited use raw meat and according to the provisions of Regulation (EC) No 853/2004 such FBOs require approval. In practice, according to the provisions of Regulation (EC) No 853/2004,</i>	The BF operators visited use raw meat and according to the provisions of Regulation (EC) No 853/2004 such FBOs require approval . In practice, according to the provisions of Regulation (EC) No 853/2004,

	<i>approval. In practice, according to the national provisions, both operators were approved by the MRD representatives.'</i>	<i>both operators were approved by the CGO-DFCSAHs.'</i>	both operators were approved by the CGO-DFCSAHs.
Page 6, point 5.2.5, second paragraph	'The MRD CCA...'	'The NFC SO under the MRD CCA... '	Clarification. The NFC SO works under the direction of the Ministry of Rural Development but is not part of that Ministry.
Page 18, point 7, first paragraph	'A closing meeting was held on 27 April with the representatives of the three CCAs, the MRD, the HACP and the NPHMOS.'	'A closing meeting was held on 27 April with the representatives of MRD the three CCAs, MRD and NFC SO under the MRD , the HACP and the NPHMOS.'	Clarification. The NFC SO works under the direction of the Ministry of Rural Development but is not part of that Ministry.

Remarks of the HACP:

Text to be modified		Proposed text	Notes, explanation
Page No, paragraph	Text to be modified (Quoted)		
Page 4	'The HACP within the Ministry of National Economy is responsible for official controls in relation to unfair commercial practices including misleading labelling. However, according to the information provided by the CCA, the HACP did not perform any activity in relation to BFs, IF, FOF during 2010 and 2011. The control plan for 2012 does not include such activities either.'		In the Hungarian version, ' Ministry of National Economy ' is translated as 'Ministry of National Resources'.

	<p>‘The BF producers are currently placed in the highest risk category with an annual inspection which was found to be correctly implemented on the spot. In addition to the yearly comprehensive inspection, extra targeted inspections were carried out by the local and county NFCSO representatives (e.g. for official sampling). No official controls are carried out at BF producer level by the other two CAs although they have responsibilities in this regard.’</p>	<p>‘No official controls are carried out at BF producer level by the NPHMOS although it has responsibilities in this regard. The HACP does not have responsibility in this regard. The HACP is responsible for controls on labelling and advertising and for unfair commercial practices.’</p>	<p>In our opinion, the last sentence of the paragraph needs to be amended as across, because the HACP is not competent in this regard.</p>
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Remarks of the Ministry of Human Resources: (remarks on the Hungarian draft report)

Text to be modified		Proposed text	Notes, explanation
Page No, paragraph	Text to be modified (Quoted)		
Whole report			<p>In the Hungarian version, the name of the NIFNS (OÉTI) is incorrect in some places, e.g. in the list of abbreviations on page 4. It should read ‘<i>Országos Élelmezés- és Táplálkozástudományi Intézet</i>’ and not ‘<i>Országos Élelmiszer- és Táplálkozástudományi Intézet</i>’. It should be written out and abbreviated the first time it occurs (on page 4), and only the abbreviation should then be used throughout (e.g. on page 6).</p>

Objectives (table on page 1)			The audit took place not in the retail centre but in the place of distribution – in the dm shop – so the location of the audit should be given as follows: ‘BFs, IF and FOF retail <i>place of distribution</i> ’
5.2.1. Audit findings (page 4)	‘A Nemzeti Erőforrás Minisztérium szervezetén belüli NFH a tisztességtelen kereskedelmi gyakorlatokkal, köztük a megtévesztő címkézéssel kapcsolatos hatósági ellenőrzésekért felelős.’ [‘The HACCP within the Ministry of National Resources is responsible for official controls in relation to unfair commercial practices including misleading labelling.’]	‘A Nemzetgazdasági Minisztérium szervezetén belüli NFH a fogyasztókkal szembeni tisztességtelen kereskedelmi gyakorlatokkal, köztük a megtévesztő címkézéssel kapcsolatos hatósági ellenőrzésekért felelős.’	‘Ministry of National Economy’ should be translated as ‘ <i>Nemzetgazdasági Minisztérium</i> ’ and not ‘ <i>Nemzeti Erőforrás Minisztérium</i> ’ [literally ‘Ministry of National Resources’]. We request that the text in brackets on page 4, ‘under the coordination of the NPHMOS’, be deleted as it is incorrect. Under the relevant legislation, the NPHMOS is understood to include the NOCMO and the national institutes, i.e. the NIFNS as well.
5.2.2. Audit findings (page 5)	‘The NPHMOS representatives carry out official controls only at retail level and at the headquarters of the involved company. No controls are carried out at distribution level.’	‘The NPHMOS <i>county and local</i> representatives carry out official controls at <i>the place of distribution</i> and at the headquarters of the involved company.’	Reason for the change: as referred to on page 11 of the draft report, in the Hungarian terminology the retail level is the same as the distribution level.
5.2.5. Audit findings	‘The NIFNS is the CA who receives the notifications of the IF and FOF and other	‘The NIFNS is the CA who receives the notifications of the IF and FOF and other food intended for specific nutritional	

(page 7)	food intended for specific nutritional purposes before their first placing on the Hungarian market. None of the CCAs uses this information in planning the official monitoring activity.'	purposes before their first placing on the Hungarian market. This information, <i>which is available to the public on the NIFNS website, can be used when planning the official monitoring activity.'</i>	
Page 7	'According to the CCA, stages 1 and 2 IF and FOF are sold only in pharmacies in Hungary.'	'According to the CCA, stages 1 and 2 IF and FOF are sold <i>not only in pharmacies, but also in drugstores and food stores</i> in Hungary.'	
5.3. Audit findings (page 11)	'The NIFNS under the co-ordination of the NPHMOS carries out nutritional characteristics testing at the request of the FBOs. Up to now the NPHMOS have not carried out the testing of IF, FOF and BFs as part of their routine official control activities. This was identified as a priority for the 2012 plan and starting in June such testing is envisaged to take place. This laboratory was not accredited at the time of the FVO audit. However, according to the CCA, it is currently going through the accreditation process.'	'The NIFNS under the co-ordination of the NPHMOS carries out nutritional characteristics testing at the request of the FBOs. Up to now the NPHMOS have not carried out the testing of IF, FOF and BFs as part of their routine official control activities. This was identified as a priority for the 2012 plan and starting in June such testing is envisaged to take place. <i>The NPHMOS local representative carrying out the on-the-spot check brought the sample into the county laboratory for testing, although the laboratory was not accredited at the time of the FVO audit. However, according to the CCA, it is currently going through the accreditation process.'</i>	

Page 12	<p>‘There is no official laboratory capacity in the country to test for all the compositional criteria required for in relation to BFs, IF, FOF.’</p>	<p><i>‘The NIFNS accredited laboratory has operated in the country with accredited status continuously since 2001, i.e. also in April 2012, when the FVO audit was carried out. The accreditation methods used by the laboratory have changed over the years. Nowadays, it is accredited to measure the following ingredients with regard to IF, FOF and BFs:</i></p> <ul style="list-style-type: none"> <i>- protein content</i> <i>- carbohydrate content</i> <i>- fatty acid distribution</i> <i>- vitamin A content</i> <i>- vitamin E content</i> <i>- dietary fibre content</i> <i>- zinc, copper, iron and manganese content.</i> <p><i>A copy of the NIFNS laboratory’s accreditation certificate was produced during the audit.’</i></p>	
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