

Competent Authority comments on the draft report, received 16/9/2013

Comments that the ASAE has made on the draft report of the DG(SANCO)/2013-6658 Mission that took place in Portugal, from 29 de April to 08 de May 2013, under the scope of Contaminants' Control.

1. Point 5.2.3, on page 9, second paragraph of the sub-point "The PNCA", refers the following:

"The PNCA is drafted by the ASAE Food Research and Planning Centre and transferred to the Food Risk and Laboratory Division which prepares, monthly, sampling orders taking into account currently available resources of the ASAE laboratory (see section 5.2.5). Based on this information the Division of Research and Operational Planning (Divisão de Estudos e Planeamento Operacional, DEPO) prepares the orders for the Regional Units."

And in the translated version: "The PNCA is prepared by the Office of Technical and Expert ASAE and transferred to the Division of Food Risks and Food Safety Laboratory, which prepare monthly orders of sampling taking into account the resources currently available laboratory ASAE (see section 5.2.5). Based on this information, the Division of Research and Operational Planning (DEPO) prepares orders for regional units.

Our answer to point 58 of the report delivered in the final meeting of the mission was the following:

"The DRA elaborates monthly planning and, based on this information, the DEPO (Division of studies and operational planning-food area) prepares the orders with the operational planning for the Regional Units."

Although it may have been a lapse, it is important to clarify that **there is no "Food Risk and Planning Centre"** and the former Office Technical Expert currently corresponds to the Division of Food Risks - DRA, which belongs to the Department of Food Risk and Laboratories, and which prepares the monthly planning, taking into account the availability of the Laboratories of the ASAE.

2. Also in point 5.2.3, on page 10, table 3, the first line, refers 29 planned actions. It should also be referred that the correct number of **planned actions is 229**, corresponding to 51%.

3. In point 5.2.8, on the third paragraph, it is referred that if the concentration of the non-compliant sample represents a risk for public health, the process is sent to DEPO to elaborate an order of operations:

"If the concentration found in the sample represents a risk to human health, the case is directed to the Control Division which orders an on the spot follow-up inspection."

Competent Authority comments on the draft report, received 16/9/2013

On the other hand, paragraph 7 of page 12 refers "When a sample is found non-compliant, test results are sent to the DEPO that prepares operational orders for the RD inspectors to perform a follow-up inspection(s) and/or additional sampling."

Our reply to point 123 of the report delivered in the final meeting, was the following:

"Whenever there is a result that does not comply, the sampling process (with analytical and technical advice Bulletin) is sent to the DEPO, which draws up an order of operations for inspectors of the Regional Units to execute. Depending on the fact of the technical opinion considers that there is any risk for public health or not, the non-compliance will be considered as infraction or crime. During the inspection of the operators involved, the inspectors must determine whether or not there was shipping of the product to other Member States or third countries and report that information to the UNO (national unity of operations, which belongs to DEPO) for RASFF. The results of the inspection and all other representations are registered in the GestASAE computer platform and controlled by UNO.

We reiterate that the way of action of ASAE is **to draw up an order of operations, whenever a non-compliant result is detected, either laboratorial or on the labeling, even if it does not represent risk to public health.**

4. In the 5.ª Paragraph, on page 13 of the translated version refers "Analytical reports are sent to the regional directorates (DR) of the ASAE who collected the sample and the compliant results are reported to OESA involved."

Our reply to point 66 of the report delivered in the final meeting, was the following:

"The analytical reports are sent to the DRA. If there is a non-compliant result, the entire process of sampling is sent to the DEPO, who prepares operation order for the inspectors of the Regional Units, execute (inspections) namely, UR of the sampling point and of the region of the operator responsible for the introduction of the product on the market. The results compliant are object to notification to the respective economic operators. "

It should be clarified that the analytical reports are only sent to Regional Units when there is a non-compliant result, along with the entire process and the order of operations.

5. Concerning the criteria of selection of establishments to control under the supervision of the ASAE plan, has not been added to our response to point 70 of the report delivered at the final meeting.

Page 11, point "Inspections performed by ASAE" the draft report in its translated version, "ASAE performs checks to processing establishments and distribution AONA based on the following selection criteria: non-compliance under the PNCA, other types defaults and risks inherent in the activity."

Competent Authority comments on the draft report, received 16/9/2013

Our response to point 70 of the report delivered at the final meeting was: "In addition to the above criteria are still enumerate the following:

1. Performance in areas not supervised;
2. Performance to the level of crimes with possible repercussions on public health and / or consumer confidence;
3. Acting on the more denounced and claimed matters;
4. Acting on matters arising from commitments and / or legal requirements;
5. Performance in local high concentration / surging consumer;
6. Performance due to seasonality;
7. Inspection of 90% of parishes with more than 2000 inhabitants;
8. Products most exported by Portugal. "