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**OVERVIEW REPORT ON A SERIES OF MISSIONS
IN CERTAIN MEMBER STATES TO
ASSESS THE CONTROL MEASURES IN PLACE FOR IMPORT CONTROLS
ON
FOOD OF NON-ANIMAL ORIGIN
AND TO
MONITOR COMPLIANCE WITH COMMISSION DECISIONS IMPOSING
SPECIAL
CONDITIONS ON THE IMPORT OF CERTAIN PRODUCTS REGARDING
MYCOTOXIN AND SUDAN DYES ADULTERATION**

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<u>ABBREVIATIONS & SPECIAL TERMS USED IN THE REPORT</u>	

CA	Competent Authority
CCA	Central Competent Authority
CN	Combined Nomenclature
ELISA	Enzyme Linked Immuno-Sorbent Assay
EU	European Union
FBO	Food Business Operator
FVO	Food and Veterinary Office
HPLC	High Performance Liquid Chromatography
HACCP	Hazard Analysis and Critical Control Points
ISO	International Organisation for Standardisation
MS	Member States
NCP	National Contact Point
OJ	Official Journal of the European Union
RASFF	Rapid Alert System for Food and Feed
SANCO	Health and Consumers Directorate-General
SOP	Standard Operating Procedure

1. EXECUTIVE SUMMARY

This is a detailed overview report on a series of missions undertaken between May 2006 and September 2008 by the European Commission's Food and Veterinary Office (FVO). The series consisted of thirteen missions to certain Member States (MS) to assess controls at import of products of non-animal origin, and in particular compliance with the relevant Commission Decisions relating to mycotoxins and Sudan dyes adulteration.

A first series of missions was carried out between 2002 and 2005 in major importing MS. This series identified weak controls at the import stage in some MS.

The main findings of the second series of missions indicated that the import controls have improved significantly since the last series, in particular as regards sampling and sample preparation and controls on non-compliant consignments. However, weaknesses were found with regard to controls on commodities not included in the relevant Commission Decisions but considered at risk, system of audits, Rapid Alert System for Food and Feed (RASFF) notifications, laboratories and reporting of analytical results.

Controls on products of non-animal origin to be imported that are included in Commission Decisions 2006/504/EC and 2005/402/EC are adequate in most MS.

For products not affected by Commission Decisions but with a known risk, the depth and scope of the checks at import point varies between MS. The majority of MS include none, or very few commodities at a low frequency of controls, while others include a large range of commodities and have risk-based frequencies established.

Rejected consignments are not always notified to the RASFF system or notified with significant delays.

The laboratories visited were performing satisfactorily, with three exceptions where problems were identified as regards quality control procedures and accreditation. Deficiencies were also noted concerning the reporting of the recovery factor and the measurement of uncertainty.

Most of the recommendations made to MS during the last series were found to have been either partially or fully addressed.

The nature of deficiencies noted during this series of missions did not give rise to health concerns that would require urgent action. Those recommendations from the first series which needed to be further addressed were revised and additional recommendations were made to address any additional points identified.

All MS except one (due to recent mission) provided action plans in respect of the recommendations made in individual reports. The action taken by the Commission services in respect of the findings of this overview report are outlined in section 11.

2. INTRODUCTION

This series of missions was undertaken from May 2006 to September 2008 by the FVO of the European Commission's Directorate-General for Health and Consumers (SANCO). The series consisted of 13 missions. All these inspections were typically of one week and usually consisted of a team of two inspectors and one national expert from a MS authority. The programme involved meetings with central and local CAs, visits to the main import points, observing aflatoxin sampling procedures, visits to processing establishments and visits to official laboratories undertaking official analysis.

Reports on individual missions are available on the Directorate-General's website:

http://ec.europa.eu/food/fvo/index_en.htm

Details on specific reports (mission references, dates and individual links to SANCO website) are available in annex 1.

Obviously, this report can only reflect the status observed at the time of the mission, although some systems may have improved in the meantime. Occasionally, the information obtained was not complete on every aspect for all MS due to the recent introduction of Regulations (EC) No 882/2004 and No 852/2004 at the beginning of the series and the changes in the relevant Commission Decisions. Apart from this, it is possible to identify the more problematic areas in each individual report.

3. OBJECTIVES OF THE SERIES OF MISSIONS

The objective of the missions was to evaluate, in the context of the import controls on food and feed of non-animal origin:

- implementation of Regulation (EC) No 882/2004 of the European Parliament and of the Council;
- implementation of Regulation (EC) No 178/2002 of the European Parliament and of the Council; and
- implementation of Commission Decisions imposing special conditions on the import of certain products concerning mycotoxin contamination and Sudan dyes adulteration in foodstuffs.

Additionally, the mission team followed up on action taken by the CAs in response to recommendations made by the FVO in the previous missions.

4. LEGAL BASIS FOR THE MISSIONS

The missions were carried out under the general provisions of Community legislation and other general provisions of Community legislation, specifically:

- Regulation (EC) No 882/2004 of the European Parliament and of the Council, in particular Article 45.

5. OTHER RELEVANT LEGISLATION

Other relevant legislation is listed in Annex 2.

6. BACKGROUND TO PRESENT REPORT

Information on food and feed found to have public health implications is disseminated in the form of notifications through the Rapid Alert System for Food and Feed (RASFF) to all MS and to the exporting country.

There were approximately 3600 RASFF messages for mycotoxins from January 2005 to January 2009. The implicated products included peanut and peanut products, pistachios, hazelnuts, Brazil nuts, almonds, dried fruits, spices, coffee and cereals. For Sudan dyes, there were 290 RASFF notifications from January 2005 to January 2009.

A series of missions was carried out by the FVO between 2002 and 2005 to major importing MS to assess controls at import on food products of plant origin. Seventeen MS were visited and three of these were the subject of additional follow-up inspections.

This series of missions identified weak controls at the import stage in some MS. In particular, the following major problems were identified:

- Deficiencies concerning the application of Commission Directive 98/53/EC regarding sampling and sample preparation (now repealed by Regulation (EC) No 401/2006).
- Non-compliant consignments were in general rejected and returned to the country of origin or a third country with little supervision by the CA.
- A significant volume of products of plant origin, such as peanuts and cereals, entered the Community for use in either feed material for wild birds or in compound feedingstuffs. In many MS the control of feedingstuffs was undertaken by a different CA or the responsibilities of the CA were not clear, making it possible for feed to enter the food chain.

As a result of the findings in this first series, it was decided to carry out a second mission series in thirteen MS to assess controls at import of products of non-animal origin, and in particular compliance with the relevant Commission Decisions relating to mycotoxins and Sudan dyes adulteration.

This second series also included the assessment of controls carried out over imported consignments where the intended use was not clear and controls over consignments imported as feed that could be diverted to the food chain. Moreover, the series also covered the controls on non-compliant food consignments that have been destined to the feed chain and could be redirected to the food chain again.

The intention was to follow up the recommendations in previous reports. The MS were selected according to volumes of imports and shortcomings found in previous missions. The last two MS to join the EU were also included.

With regard to the observations made in the previous overview report, the following issues have been addressed in the majority of MS:

- The use of TARIC codes to enable identification, also in order to facilitate communication with the customs authorities.
- The adherence to minimum requirements for the designated import points as regards infrastructure, human resources, sampling equipment and laboratory.
- Sampling procedure and preparation of the sample to be followed for the official control on aflatoxins.
- The legal right for operators to obtain a second opinion in the event of the official sample being found to be non-compliant.
- The availability of different options to be followed for non-compliant consignments.

Official inspections of premises which use nuts/groundnuts/dried fruit generally include the assessment of own-checks (such as sampling, private analysis, storage conditions, etc.) on aflatoxins (or mycotoxins), which should be identified as a hazard when implementing HACCP.

7. PUBLIC HEALTH INFORMATION

Mycotoxins

Mycotoxins are naturally occurring metabolites produced by certain species of moulds (e.g. *Aspergillus* spp, *Fusarium* spp), which develop at high temperatures and humidity levels and may be present in a large number of foods.

This group of toxins includes a number of compounds of varying toxicity and frequency in food. Some mycotoxins are known to be carcinogenic: Aflatoxin B1 in particular is a potent genotoxic carcinogen and, even at extremely low levels, increases the risk of liver cancer.

In order to protect public health, it is essential to keep contaminants at toxicologically acceptable levels. The presence of contaminants must be reduced as far as possible by means of good manufacturing or agricultural practices.

In addition, sampling plays a crucial part in determining the precise levels of mycotoxins, which may be very heterogeneously distributed within a lot.

Therefore, EU legislation establishes:

- maximum limits and sampling procedures for mycotoxins in foodstuffs and feed;
- general criteria to ensure that the laboratories in charge of analysis use analysis methods with comparable levels of performance.

Sudan dyes

Sudan dyes have been classified as category 3 carcinogens by the International Agency for Research on Cancer and are not authorised for food use.

Under Commission Decision 2005/402/EC, imported consignments of chilli, chilli products, curcuma and palm oil have to be accompanied by an analytical report confirming the absence of Sudan dyes.

8. MAIN FINDINGS

8.1. General information

The missions aimed to visit main importing EU MS and those MS where major deficiencies were identified during the previous missions.

8.2. Competent Authorities

The CAs responsible for import control are clearly designated in all MS as required by Article 4(1) of Regulation (EC) No 882/2004. Generally, the Ministry of Health is responsible for the control of foodstuffs and the Ministry of Agriculture for the control of feed. In three MS, import of foodstuffs is under the responsibility of a food safety authority.

The involvement of customs mainly concerns notification of specific consignments to the relevant CA at import and their final release after the CAs have given their authorisation. Documentary, identity and physical controls on relevant consignments are carried out by the abovementioned CAs. However, in two MS, customs is responsible for carrying out the documentary checks and in another MS they also carry out the physical checks.

Vertical communication and coordination pathways are established and operate well in all MS between central, regional and/or local level as established by Articles 4(3) of Regulation (EC) No 882/2004, with one exception.

In most MS, horizontal communication and cooperation between the different CAs involved in import controls as established in Article 4(5) and 24 of Regulation (EC) No 882/2004 are adequate and the CAs and customs cooperate closely. However, in three MS, coordination problems were identified between the main CA and customs or between the main CA and the Ministry of Agriculture specifically as regards non-compliant consignments.

Generally, staff are well qualified to carry out their responsibilities and, during the missions, demonstrated their knowledge of legislation requirements. Staff receive appropriate training in line with Article 6 of Regulation (EC) No 882/2004. Some exceptions to this were identified in three MS.

In one MS insufficient human resources were identified which hindered effective import control which is not in line with Article 4(2)(c) of Regulation (EC) No 882/2004.

Most MS have no audit systems in place as required by Article 4(6) of Regulation (EC) No 882/2004 and no audits have been carried out in the area of import controls. In four MS, audits were carried out within the scope of this mission.

Generally, the CAs have adequate procedures for guaranteeing the right of operators to have a supplementary expert opinion in line with Article 11(5) and 11(6) of Regulation (EC) No 882/2004. In three MS this information was not available in the reports.

8.3. Trade information

According to Eurostat data for 2007, Germany was the main importing country of products covered by Commission Decision 2006/504/EC (28.8%), followed by Spain (14.2%). Germany also imported most of the commodities covered by Commission Decision 2005/402/EC relating to Sudan dyes in chilli, chilli products and curcuma. UK imported most of the palm oil.

Germany imported the main EU volumes of commodities coming from Iran and Turkey and the UK imported most of the peanuts from Brazil. Romania is the main importing country for Brazil nuts, the Netherlands for peanuts from China, Italy for peanuts from Egypt and Spain for USA almonds.

See Annex 3 for more information.

8.4. Legislation

In all MS except in one, there is adequate legislation that provides official control powers to control products originating in third countries at import points. In this case, existing official control legislation does not provide adequate official control powers or allocation of competence to official control staff.

In one MS official documents still contain references to Commission legislation that has been repealed, which creates a lack of clarity on legal requirements.

8.5. Import controls

Import procedures for foodstuffs are defined in all MS.

Import controls are mainly based on the foodstuffs covered by Commission Decision 2006/504/EC. The control procedures in place for these types of commodities are clear. Most of the MS comply with the frequency of sampling and analysis laid down in the relevant Commission Decisions, with four exceptions where the frequencies for nuts and dried figs from Turkey were not complied with.

The assessment of compliance with the Commission Decision 2005/402/EC relating to Sudan dyes in chilli, chilli products, curcuma and palm oil was positive, with three exceptions. In one MS no samples were analysed at all, in another MS samples were analysed but only for Sudan I and in the latter MS samples were taken but at a very low frequency according to the volume of import of these commodities.

In one MS, foodstuffs subject to Commission Decision 2006/504/EC which are transited via other MS are not always subject to controls as required by the Decision. They are checked by the CA at the Food Business Operator's (FBO) request after customs release.

Despite import controls being mainly based on Commission Decisions, seven MS have identified foodstuffs which are subject to an increased level of official control. The types of commodities chosen and the frequency varied greatly depending on the MS. Some MS require to be notified by customs in connection with an extensive list of commodities whenever those are imported. These commodities are chosen on a risk basis and with an established frequency taking into account associated identified risks, operators' past record, volumes of import and RASFF notifications. Some MS take into account only very few commodities and/or have low frequencies of control.

A few MS do not know the volumes of import of such commodities because they are not notified by customs about this issue. This is due to the lack of requirement for notification from the CAs or due to communication problems with customs.

Towards the end of the mission series a few MS, i.e., the 'draft Commission Regulation establishing a list of feed and food of non-animal origin that is, on the basis of known or emerging risk, to be subject to an increased level of official controls before being imported into the Community as provided for by Article 15(5) of Regulation (EC) No 882/2004' was taken into account in organising such controls.

Generally, CAs carry out official controls in accordance with documented procedures. These procedures contain information and instructions for staff performing official controls. These procedures are regularly updated.

In most MS documentary checks are carried out in accordance with Article 3 of Commission Decision 2006/504/EC. However, in three MS, when assessing relevant files some inconsistencies were found in that some consignments are not accompanied by the results of sampling and analysis and/or a valid health certificate, which was not in compliance with Article 3 of Commission Decision 2006/504/EC.

In another MS, when consignments were not accompanied by the results of sampling and analysis and/or a valid health certificate, the consignment was not re-dispatched or destroyed as established in Article 3(4) of Commission Decision 2006/504/EC.

Physical checks were carried out under appropriate conditions and at a place with access to appropriate control facilities and with the necessary equipment available in most MS, except in three MS where problems were identified, such as the lack of a covered area for unloading of the consignments.

In the event of suspicion of non-compliance, in all MS, the CAs can place the consignments concerned under official detention until they obtain the results of controls which is in line with Article 18 of Regulation (EC) No 882/2004.

All visited premises were aware of mycotoxin issues and were taking what were considered adequate steps in the control of the relevant consignments. Generally, inspectors adequately evaluated the implementation of the traceability system and food safety system based on HACCP principles. However, in one MS a company visited had never been submitted to an inspection, and in another MS the inspector neither fully assessed the HACCP system in place nor traceability.

In three MS it was noted that FBO do not routinely notify the CA where imported consignments are rejected as a result of their own-checks and are not under their immediate control, which is not in line with Article 19 of Regulation (EC) No 178/2002.

8.6. Rapid Alert System for Food and Feed

The systems for the rapid dissemination of information from a central RASFF contact point are adequate.

Eight MS did not notify all rejected consignment to the Commission as required by Article 50(3) (c) of Regulation (EC) No 178/2002, or did so after an excessive delay.

Some confusion was detected in some MS on whether non-compliant products that are not disseminated to other MS, usually those sampled from the marketplace, need to be notified to the Commission or not.

8.7. Procedures for non-compliant lots

Generally, where products are found not to be in compliance, they are rejected and returned to the country of origin.

In most MS there are procedures in place for dealing with non-compliant feed and food lots, such as special treatment, use as feed, re-dispatch and destruction set out in Articles 19 to 21 of Regulation (EC) No 882/2004. However, in six MS not all the options were available, in particular special treatment (treatment or processing to bring the food or feed into line with the requirements of Community law or with the requirements of a third country or processing in any other suitable manner for purposes other than animal or human consumption) and use as feed.

In three MS there is no compliance with the requirements laid down in Article 21 of Regulation (EC) No 882/2004: (i) the requirement whereby the destination of a re-dispatched consignment has to be agreed with the FBO responsible for the consignment and he must first inform the CA of the third country of destination, nor with the requirement (ii) that if the country of destination is not the third country of origin, the CA of the destination country has stated it is prepared to accept the consignment.

Three MS have facilities for special treatment to bring the food into line with the requirements of Community law.

The mission team noted that in four MS when a decision is taken to use a food consignment as feed, feed inspectors put into place controls to prevent diversion back into the food chain. Importers are requested to submit all commercial documents to demonstrate the chain of delivery of the consignment. Some problems with the labelling were identified in two MS, as the original labelling was kept whereas the label should have been amended to reflect the change of intended use.

Examples of best practice were seen in different MS where, in the context of use of non-compliant food as birdfeed, the CAs issued a list of facilities that are approved to accept wild birdfeed. In another case, when rejected food consignments were dispatched to other MS to be used as feed, the CA was informing the relevant CA in the other MS. However, they expressed difficulties in identifying the responsible CA in another MS to whom to send such information.

In one MS there are no provisions for cooperation between the CAs to avoid any diversion into the food chain of a consignment of vegetable origin imported as feed. Furthermore, there are no provisions in place to ensure that a non-compliant food consignment that is suitable for feed is actually diverted to feed and not diverted back to the food chain. In any case, no evidence was ever seen of diversion of feed consignments to the food chain in any of the MS visited although this issue was identified as a potential problem in the last mission series.

8.8. Sampling procedures

The point of sampling is generally within the port area, in warehouses under customs control or at importers' premises.

The sampling procedure for aflatoxins described in Commission Regulation (EC) No 401/2006 was correctly applied in all MS, except in two. In one case the weight of the samples was not adequate and in the other no aggregate sample was available, (incremental samples were taken to produce three laboratory samples of 10 kg).

Adequate sampling equipment was available in all MS.

8.9. Laboratory services

Generally CAs have access to adequate laboratory capacity. The methods of analysis comply with relevant EU legislation, and laboratories are accredited according to EN ISO/IEC 17025, adequately staffed and equipped. However, in four MS not all laboratories are accredited. In one MS the mycotoxin analysis revealed major deficiencies in relation to the legal requirements of Regulation (EC) No 401/2006 (in particular point 4.4 of its Annex II), and in three MS some laboratories are not accredited to EN ISO/IEC 17025.

Except in two MS – where deficiencies were detected as regards homogenisation of the samples for aflatoxins analysis, there were no difficulties in complying with the procedure of sample preparation and grinding.

In one MS no evidence was kept of the validation of the ELISA screening method used before confirmatory quantitative analysis with HPLC. (The accreditation body raised non-conformances regarding the specificity of the ELISA method at lower concentrations). In two MS, the ELISA method was used by the laboratories and no confirmation by HPLC was available.

In six MS deficiencies were detected with regard to reporting of the recovery and/or the measurement uncertainty in that they were not reported in the analytical reports as required by Annex II, point 4.4, of Commission Regulation (EC) No 401/2006.

In one MS there is no analytical capability for the analysis of Sudan dyes and in another MS there is analytical capability only for Sudan I, in consequence Decision 2005/402/EC cannot be implemented.

The method for the analysis of Sudan dyes is not fully validated and not included within the accreditation scope in three MS.

9. CONCLUSIONS

General observations

As the conclusions set out below cover the totality of the mission series and take account of the different approaches in MS, they may not be identical to those set out in the individual mission reports.

9.1. Competent authorities' performance

- (1) The CAs responsible for import control are clearly identified in each MS.
- (2) Vertical communication and coordination pathways are established and operate well. Efficient and effective horizontal coordination is ensured within the CAs and between all CAs involved in most MS.
- (3) Staff are well qualified to carry out their responsibilities. Training was adequate in all but three MS.
- (4) Insufficient human resources were identified in one MS.
- (5) Most MS do not carry out audits in the area of import controls in the context of Article 4 of Regulation (EC) No 882/2004.
- (6) Adequate procedures are in place to guarantee operators' rights in line with Article 11(5) and 11(6) of Regulation (EC) No 882/2004.

9.2. Legislation

- (7) MS had an adequate official control framework in legislation to perform import control checks on food of plant origin, except in one MS where adequate implementing measures for Regulation (EC) No 882/2004 are not in place.

9.3. Import controls

- (8) Import procedures are well defined in all MS.
- (9) Controls on products of non-animal origin to be imported that are affected by Commission Decisions 2006/504/EC and 2005/402/EC are adequate in most MS, with some exceptions where the set control frequencies were not achieved, in particular for commodities from Turkey.
- (10) Seven MS carry out checks on products not affected by Commission Decisions but with a known risk as required by Article 15(1) of Regulation (EC) No 882/2004. However, these checks varied greatly, with some including very few commodities and low-frequency controls whereas others included a wide range of commodities and frequencies based on a risk assessment.
- (11) Provisions of the relevant EC legislation on documentary checks are properly implemented, with a few exceptions. Consignments are not always re-dispatched or destroyed as established in Article 3(4) of Commission Decision 2006/504/EC.
- (12) In most MS physical checks are carried out under appropriate conditions, at a place with access to appropriate control facilities and with adequate equipment available, as laid down in Articles 4(2)(d) and 16(3) of Regulation (EC) No 882/2004. However, in a few MS no covered area was available for unloading and sampling of consignments.
- (13) In most MS, inspectors adequately evaluated the implementation of food safety management systems based on HACCP principles at the processor premises, as required by Article 5(1) of Regulation (EC) No 852/2004.
- (14) In a few MS, FBOs do not routinely inform the CAs in cases of imported food that is found to be non-compliant on the basis of own-checks and it is not under their immediate control as required by Article 19 of Regulation (EC) No 178/2002.

9.4. Rapid Alert System for Food and Feed

- (15) All MS have established adequate structures of communication for RASFF notifications.
- (16) A number of MS do not systematically notify rejected consignments as required by Article 50(3)(c) of Regulation (EC) No 178/2002. Moreover, in three MS unacceptable delays in the submission of notifications to the Commission were identified.

9.5. Procedures for non-compliant lots

- (17) In most cases, rejected contaminated products are sent to a third country or returned to the country of origin. The entry of products for alternative use (such as animal feed), or for subsequent sorting, is rare, with current lots for sorting only noted in three MS.
- (18) There are clear procedures for dealing with non-compliance. However, in some MS not all options are available as set out in Articles 19 to 21 of Regulation (EC) No 882/2004.
- (19) In few MS the requirements established in Article 21 of Regulation (EC) No 882/2004 as regards re-dispatch of consignments are not complied with.
- (20) No evidence was found of feed entering the food chain in any of the MS visited. However, in a few MS coordination of the different CAs was not sufficient and procedures put in place were not clear enough.

9.6. Sampling procedures

- (21) In most MS the sampling observed did comply with the procedure described in Commission Regulation (EC) No 401/2006.

9.7. Laboratory services

- (22) Whilst most MS used official control laboratories accredited to EN ISO/IEC 17025, there were cases of use of non-accredited official laboratories in four MS. In those MS, the method used was often not validated.
- (23) In all MS (except two), at the laboratories visited preparation of the sample for aflatoxin analysis was carried out as described in Annex II to Regulation (EC) No 401/2006.
- (24) Deficiencies were noted with regard to reporting of the recovery factor and measurement uncertainty as required by Annex II, point 4.4, to Commission Regulation (EC) No 401/2006.
- (25) In two MS qualitative ELISA methods for aflatoxin detection were used without confirmation with HPLC. In another MS confirmation with HPLC was carried out but no evidence of proper validation of the ELISA method was available which is not in compliance with Annex II of Regulation (EC) No 401/2006 as these methods do not meet the performance criteria detailed in section 4.3.1 of Annex II.
- (26) In three MS the method used for analysis of Sudan dyes is not included within the accreditation. In two MS there is no analytical capability to enable the implementation of Commission Decision 2005/402/EC.
- (27) There were no noted deficiencies in the analysis of samples for Sudan dyes in the MS where this was assessed.

10. RECOMMENDATIONS

To Member State authorities

The following is a list of the main recommendations made to Member States (MS), although these were not made to every MS.

- (1) Ensure efficient and effective coordination between the Ministry of Health and the Ministry of Agriculture in the area of import controls.
- (2) Continue to develop training programmes to ensure that staff performing official controls receive appropriate training for their area of competence, as established in Article 6 and Annex II of Regulation (EC) No 882/2004.
- (3) Ensure that all CAs have a sufficient number of suitably qualified and experienced staff so that official controls can be carried out efficiently and effectively as laid down in Article 4(2) (c) of Regulation (EC) No 882/2004.
- (4) Ensure that the official controls referred to in Article 15(1) of Regulation (EC) No 882/2004 include at least a systematic documentary check, a random identity check and, as appropriate, a physical check, in accordance with Article 16(1) of Regulation (EC) No 882/2004.
- (5) Comply with Article 1 of Commission Decision 2002/80/EC with regard to frequency of sampling of dried figs from Turkey (Commission Decision 2002/80/EC has been repealed by Commission Decision 2006/504/EC).
- (6) Ensure that samples taken pursuant to Articles 2(4) and 3(1) of Commission Decision 2005/402/EC include analysis of Sudan I, II, III and IV.
- (7) Ensure that official controls are organised in the light of potential risks in line with Article 15(1) of Regulation (EC) No 882/2004 and not only concentrating on foodstuffs affected by Commission Decisions 2006/504/EC and 2005/402/EC.
- (8) Ensure that documentary checks are properly carried out in accordance with Article 3 of Commission Decision 2006/504/EC.
- (9) Ensure that unloading and sampling of consignments are carried out in accordance with Article 16(3) of Regulation (EC) No 882/2004.
- (10) Ensure that official controls adequately assess the HACCP principles as established in Article 10(2) (d) of Regulation (EC) No 882/2004 and the traceability requirement.
- (11) Ensure that the provisions of Article 19 of Regulation (EC) No 178/2002 regarding notification of non-compliant food products are complied with.
- (12) Ensure that all possible options for non-compliant lots are available to the importer as set out in Article 19(1)(a) of Regulation (EC) No 882/2004.

- (13) Ensure that non-compliant products sent to a third country are re-dispatched under the conditions specified in Article 21 of Regulation (EC) No 882/2004.
- (14) Ensure that non-compliant consignments intended for use as feed are identified in accordance with Article 5 of Council Directive 96/25/EC.
- (15) The CAs should ensure that all designated laboratories comply with Article 12 of Regulation (EC) No 882/2004, or make use of the derogation provided for in Article 18 of Commission Regulation (EC) No 2076/2005.
- (16) Ensure that analytical results are reported corrected or uncorrected for recovery, and that the manner and level of recovery are reported as required by Regulation (EC) No 401/2006, Annex II, point 4.4.

For all the individual reports the relevant MS provided an action plan in relation to the recommendations made. In three cases the action taken was assessed in the context of a follow-up mission.

11. ACTION TAKEN BY COMMISSION SERVICES

11.1. Follow-up of mission recommendations

For each mission a copy of the Final Report was sent to the national CAs with a request for an action plan indicating the steps envisaged to address the report's recommendations.

A deadline was set for the receipt of these plans and the response of the CAs was analysed. Where it was considered that a response did not address the issues raised, the Commission's services actively pursued the matter with the authorities concerned.

11.2. Additional action by Commission Services

Before the mission series started, an informative meeting was organised at the FVO with the relevant national experts from the different MS that would be involved in the future missions. At this meeting, an overview of the findings of the previous mission series was presented, and an update on the relevant legislation was given together with some training as regards feedingstuffs controls. Information on FVO procedures was also provided.

The new Commission Regulation (EC) No 669/2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC - was published on 24 of July 2009, and applies since 25 January 2010. It lays down rules concerning the increased level of official controls to be carried out pursuant to Article 15(5) of Regulation (EC) No 882/2004, and gives MS guidance on the implementation of import controls on commodities not included in Commission Decisions.

The Commission services have developed and frequently updated a guidance document for use by CAs and concerning harmonised implementation of EU legislation on aflatoxins. This guidance document explains in detail the provisions of EU legislation and provides guidance for the different situations that occur in practice.

This guidance document is available on the following website:

http://ec.europa.eu/food/food/chemicalsafety/contaminants/aflatoxins_en.htm