

COMMISSION OF THE EUROPEAN COMMUNITIES

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COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND TO THE EUROPEAN PARLIAMENT

Official control of foodstuffs
Execution of Council Directive 89/397/EEC

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AND TO THE EUROPEAN PARLIAMENT

Subject: Official control of foodstuffs. Execution of Council Directive 89/397/EEC.

INTRODUCTION

1. The Council Directive 89/397/EEC of the 14 June 1989 on the official control of foodstuffs⁽¹⁾ deals with the general principles governing the carrying-out of food control and allows for the adoption, if necessary, for specific provisions. Some of these provisions are mentioned in article 13 which was introduced in the Directive at the request of the European Parliament. It reads as follows:

"In order to ensure that the application of this Directive is uniform throughout the Member States, the Commission shall, within one year of its adoption, make a report to the European Parliament and to the Council on:

- a) the current standard of training provision for food inspectors in the Member States;
- b) the possibility of establishing Community provisions on what should constitute the basic and further training of inspectors;
- c) the possibility of establishing Community quality standards for all laboratories involved in inspection and sampling under this Directive;
- d) the possibility of establishing a Community inspection service, including opportunities for all institutions and persons involved in the inspections to exchange information."

Having made a number of enquiries and following the Rome symposium⁽²⁾ in December 1989 the Commission consulted with Member States and has reached the conclusions mentioned below.

(1) OJ nr L 186 of 30. 6.1989, p. 23.

(2) Commission Symposium on the official food control directive for Member States.

THE CURRENT STANDARD OF TRAINING PROVISION FOR FOOD INSPECTORS

2. The professional function of a "food inspector" in the various Member States is not clearly defined. In some Member States the term inspector applies to the academically trained and in others that is not the position. The Commission therefore avoids the use of the term food inspector but suggests for the purposes of this document a more appropriate term "food control official".
3. Personnel involved in the official control of foodstuffs be it in the inspection of premises or in the laboratory have professional qualifications and training either at an academic or a non academic level.
4. The table at annex I summarises the actual situation for personnel involved in food control.

COMMUNITY PROVISIONS ON THE TRAINING OF FOOD CONTROL OFFICIALS

5. Although there may not be much point at this time in drawing up detailed Community requirements for the training of food control officials, the Commission nevertheless considers it essential to define areas in which personnel responsible for official food control must have received training to an appropriate professional level. This brings to mind such areas as human or veterinary medicine, chemistry, microbiology, food science, food hygiene, food composition and law. The Commission will shortly present proposals to this end.
6. Once these requirements have been established at Community level, the modalities of it can be left to the Member States themselves.
7. In addition the Community has accepted the need for additional training and as part of that process it is funding a five year study tour/exchange programme involving some 200 food control officials.

The Community is evaluating the results of the first year of exchanges and it is its intention to organize annual seminars where personnel of the Member States, involved in official food control, can become more aware of the European dimension of their professional activities.

QUALITY STANDARDS FOR LABORATORIES

8. There are already Community provisions concerned with the establishment with the principles of Good Laboratory Practice (Directive 87/18/EEC⁽³⁾) and the monitoring of their compliance (Directive 88/320/EEC⁽⁴⁾) in relation to the testing of chemicals. In conjunction with the EN 45000 series⁽⁵⁾, it is considered that this legislation constitutes a satisfactory model on which to develop analogous provisions assuring the quality control of tests carried out on food.
9. Currently, food control in the Member States is based on the relevant national provisions and is carried out by the competent bodies using laboratory tests. In order to avoid barriers to trade and to ensure consumer protection as well as the unnecessary duplication of laboratory tests, mutual recognition of the laboratory results obtained by the control bodies should be regarded as an essential precondition for unrestricted trade in foodstuffs between the Member States. In addition these laboratory results serve not only as the basis for legal proceedings within a Member State but also - under the rapid alert system - as the basis for Community measures.
10. For these reasons a system of quality standards should be introduced for all those laboratories which have been entrusted by the competent authorities with the control of foodstuffs. Such a system should comply with generally accepted and standardised norms so that the quality of the test data can be guaranteed. The Commission will shortly present a proposal on this matter.

(3) OJ L 15 of 17. 1.1987, p. 29.

(4) OJ L 145 of 11. 6.1988, p. 35.

(5) CEN/CENELEC The joint European Standards Institution

METHODS OF ANALYSIS

11. According to Directive 85/591/EEC⁽⁶⁾ there is a possibility of harmonizing methods of analysis but there is a general consensus that this possibility should only be used in exceptional circumstances. As the Commission has already pointed out in its communication to the Council and the European Parliament of 13 October 1987 there are a number of drawbacks to this system including inflexibility, technical difficulties and the sheer volume of the work involved. Moreover it would be against the principle of subsidiarity. The Commission believes that instead the principle of equivalent methods should be adhered to as long as the criteria set out in article 2.1 and the annex to Directive 85/591/EEC are complied with.

12. Such an equivalence should be established at Community level by an independent body which should be made responsible for the recommendation of European methods of analysis. These will have to comply with strict criteria to be sanctioned in conformity with standardised European procedures. Steps have already been taken to establish a European Association of Food Analysts to carry out the technical work of standardisation. The procedural aspects of standardisation will be carried out in accordance with the European Standard's body's consultation rules and consensus building procedures.

COMMUNITY INSPECTION SERVICE

13. The Commission believes that there are a number of arguments in favour of establishing a small group of Community officials entrusted with food control functions. Such a group could be envisaged in an auditing role and contribute to the uniform application of community law including the rules of the treaty concerning the free movement of goods. It may also be able to mediate and help to resolve problems between Member States which in turn may contribute to the greater acceptance of products emanating from other Member States.

(6) OJ L 372 of 31.12.1985, p. 50.

Comparable models already exist in other fields of the food sector including fisheries, fresh meat, fruit and vegetables and wine (see references in annex II). The Commission will shortly present a proposal for a Council Act on these matters.

14. Moreover, it would be necessary to lay down some rules in order to create an administrative mutual aid system between Member States and the Commission in relation to information obtained during inspections. Similar rules apply in the field of customs and agriculture⁽⁷⁾.

CONCLUSION

15. The Commission will present proposals along the lines described in this document, early next year.

(7) Council Regulation nr 1468/81 of 19 May 1981.

OJ L 144 of 2. 6.1981, p. 1.

Council Directive nr 89/608 of 21 November 1989.
OJ L 351 of 2.12.1989, p. 34.

ANNEX I

BASIC EDUCATION PRESENTLY REQUESTED BY THE MEMBER STATES
FOR PERSONNEL OF PUBLIC FOOD CONTROL SERVICES

1. Agents of food control "on the spot"

General remark. In the most part of Member States, routine control of foodstuffs is performed by non-academic people. The intervention of the academics is requested when it is required for special reasons.

Member State	Education of academic level: Kind of degree	Education of non-academic level: Kind of qualification
B	Chemical or agricultural engineer	Food control official (school-leaving not necessarily of a technical-type, and instruction in the service to which they are attached)
D	Medical doctor Veterinarian Food chemist	Food control official (school-leaving certificate + 24 months of specific instructions)
DK	Veterinarian Bromatologist (food engineer) Pharmacist Chemist Chemical engineer	Food technicians including butchers, bakers, cooks, policemen, other technicians
E	<u>Health control:</u> - medical doctor - veterinarian <u>Quality control:</u> - technical engineer <u>Foreign trade:</u> - technical engineer	Personnel of middle level (basic qualification not specified)
F	Chemist Food scientist Microbiologist Agronomist Jurist Economist Sciences humaines	Food control official (High school, vocational or technical school) instruction in the service to which they are attached.

GR	Chemist For health control: medical doctor, veterinarian	For health control and food control officials (high school diploma + instruction in the service to which they are attached).
I	Medical doctor Veterinarian Chemist Pharmacist Biologist Agronomist	Technical school diploma "Carabinieri" (military police) of the NAS ("anti- adulteration group"); instruction in the service to which they are attached
IRL	Veterinarian "Environmental Health Officer" (with a basic instruction in service)	High school certificate
L	Chemist Chemical engineer Pharmacist Veterinarian	High school certificate
NL	Chemist Microbiologist Veterinarian	High school certificate
P	Medical doctor Veterinarian Agronomist Health engineer	High school certificate Specialization in the service to which they are attached
UK	Veterinarian "Public Analyst" with scientific qualification of academic level. Environmental Health officer and Trading Standard Officer with a scientific, technical or juridical qualification of academic level	High school, vocational of technical school. Instruction in the service to which they are attached

2. Agents of laboratory control

General remark. In all the Member States, conceptional and managerial work is mainly performed by academicians, the analytical and laboratory work is others performed by non-academicians.

Member State	Education of academic level: Kind of degree	Education of non-academic level Kind of certificate
B	Chemist Pharmacist Civil engineer	Technical personnel with an appropriate educational background (high school; vocational or technical school). Instruction in the service to which they are attached
D	Scientists with an appropriate background (medical doctors, veterinarians, chemists, biologists, pharmacists...).	Technical personnel with a more specialized education
DK	Veterinarian Chemist Pharmacist Biologist Chemical engineer	Technical personnel with an appropriate educational background
E	Scientists with an appropriate background (medical doctors, veterinarians, chemists, biologists, pharmacists...)	Technical personnel with an appropriate technical background. Laboratory technicians.
F	Chemist Microbiologist	Technical personnel with an appropriate educational background
GR	Chemist Medical doctor Veterinarian	Technical personnel with an appropriate educational background
I	Medical doctor Veterinarian Biologist Chemist Pharmacist	Technical personnel with an appropriate educational background

IRL	Chemist Microbiologist	Technical personnel with an appropriate educational background
L	Chemist Pharmacist	Technical personnel with an appropriate educational background
NL	Microbiologist Chemist Veterinarian	Technical personnel with an appropriate educational background
P	Medical doctor Veterinarian Chemist Agronomist	Technical personnel with an appropriate educational background
UK	Composition and/or contami- nation : Public Analysts or Government Chemists, with an academic background. Microbiologie : Public Analysts. In the Public Health Laboratories: Medical doctors and biologists.	Technical personnel with an appropriate educational background

N.B. The term "Engineer" does not have the same meaning in all of the Member States. In the most part of them, an engineer has a basic academic instruction; but it is not necessarily so. Throughout this paper, the term "Engineer" always refers to academicians or equivalent.

A N N E X I I

References mentioned in point 13:

- Commission Decision 85/446/EEC, of 18 September 1985 concerning the on-the-spot inspections to be carried out in respect of the Intra Community trade in fresh meat.
OJ L 260 of 2.10.1985, p. 19.
- Council Regulation (EEC) nr 2241/87 of 23 July 1987 establishing certain control measures for fishing activities.
OJ L 207 of 29. 7.1987, p. 1.
- Council Regulation (EEC) nr 1319/85 of 23 May 1985 on the reinforcement of supervision of the application of Community rules on fruit and vegetables.
OJ L 137 of 27. 5.1985, p. 39.
- Council Regulation (EEC) nr 2048/89 of 19 June 1989 laying down general rules on controls in the wine sector.
OJ L 202 of 14. 7.1989, p. 32.

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