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Food and Agricultural Import Regulations and Standards

EU Traceability Guidelines

2005

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Report Highlights:

Traceability has become mandatory throughout the EU on January 1, 2005 as part of the general food law. A guidance document on the implementation of this requirement was made available on the SANCO website. The document confirms that from the EU's legal point of view, the requirement for traceability is limited to ensuring that businesses are at least able to identify the immediate supplier of the product in question and the immediate subsequent recipient. The document recognizes that EU importers often demand trading partners to apply traceability systems beyond the legal requirements. Traceability is intended to allow targeted withdrawals. We therefore also included in this report the procedure from the food and feed controls regulation for handling foods rejected at the EU border.

Includes PSD Changes: No
Includes Trade Matrix: No
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[E3]

The complete guidance document on traceability can be found on DG SANCO's website at http://europa.eu.int/comm/food/food/foodlaw/guidance/guidance_rev_7_en.pdf

[Regulation \(EC\) N° 178/2002](#)*  pdf (general food law) has laid down general principles and requirements applicable to all food legislation in order to ensure a high level of health protection and the effective functioning of the internal market. It includes a number of requirements, including traceability. The implementation from 1st January 2005 has given rise to numerous questions in particular from E.U. food chain operators and third country trading partners. The Commission's Health and Consumer Protection Directorate General has set up a Working Group with experts from Member States in order to examine these issues. A guidance document on the implementation of these general requirements has been developed by the working group and was approved by the Standing Committee on the Food Chain and Animal at its meeting of 20 December 2004.

RELEVANT ARTICLES

The relevant articles of Regulation (EC) N°178/2002 of the European parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food safety Authority and laying down procedures in matters of food safety are articles 11 and 18.

Article 11: Food And Feed Imported Into The Community

Food and feed imported into the Community for placing on the market within the Community shall comply with the relevant requirements of food law or conditions recognized by the Community to be at least equivalent thereto or, where a specific agreements exists between the Community and the exporting country, with requirements contained therein.

Article 18: Traceability

1. The traceability of food, feed, food-producing animals, and any other substance intended to be, or expected to be incorporated into a food or feed shall be established at all stages of production, processing and distribution.
2. Food and feed business operators shall be able to identify any person from whom they have been supplied with a food, a feed, a food-producing animal, or any substance intended to be, or expected to be, incorporated into a food or feed. To this end, such operators shall have in place systems and procedures which allow for this information to be made available to the competent authorities on demand.
3. Food and feed business operators shall have in place systems and procedures to identify the other businesses to which their products have been supplied. This information shall be made available to the competent authorities on demand.
4. Food and feed which is placed on the market or is likely to be placed on the market in the Community shall be adequately labeled or identified to facilitate its traceability, through relevant documentation or information in accordance with the relevant requirements of more specific provisions.
5. Provisions for the purpose of applying the requirements of this Article in respect of specific sectors may be adopted in accordance with the procedure laid down in Article 58(2).

GUIDANCE FOR EXPORTERS

The newly released document provides the following guidance with respect to third country exporters (in connection with Article 11):

- The traceability provisions of the Regulation do not have an extra-territorial effect outside the EU. This requirement covers all stages of production, processing and distribution in the EU, namely from the importer up to the retail level.
- Article 11 should not be construed as extending the traceability requirement to food business operators in third countries. It requires that food/feed imported into the Community complies with the relevant requirements of EU food law.
- Exporters in trading partner countries are not legally required to fulfil the traceability requirement imposed within the EU (except in circumstances where there are special bilateral agreements for certain sensitive sectors or where there are specific Community legal requirements, for example in the veterinary sector).
- The objective of Article 18 is sufficiently fulfilled because the requirement extends to the importer. Since the EU importer shall be able to identify from whom the product was exported in the third country, the requirement of Article 18 and its objective is deemed to be satisfied.
- It is common practice among some EU food business operators to request trading partners to meet the traceability requirements and even beyond the “one step back-one step forward” principle. However, it should be noted that such requests are part of the food business’s contractual arrangements and not of requirements established by the Regulation

TYPES OF INFORMATION TO BE KEPT

Article 18 does not specify what types of information should be kept by the food and feed business operators (including importers). However, to fulfill the objective of this article the registration of the following information is considered necessary:

- Name, address of supplier, nature of products which were supplied from him
- Name, address of customer, nature of products that were delivered to that customer
- Date of transaction/delivery

In case of a food safety problem, this information should be available immediately to the competent authorities.

It is also highly recommended to keep the following additional information:

- Volume or Quantity
- Batch number, if any
- More detailed description of the product (pre-packed or bulk product, variety of fruit/vegetable, raw or processed product)

TIME OF RECORDS KEEPING

Article 18 equally does not foresee a minimum period of time for keeping records. As a common rule, the guidance document states that the period records need to be kept for taxation purposes (usually 5 years) is sufficient.

However, the document specifies further that:

- For products without a specified shelf life, the general rule of 5 years applies;
- For products with a shelf life above 5 years, records should be kept for the period of the shelf-life plus 6 months
- For highly perishable products, which have a “use-by” date less than 3 months or without a specified date (e.g. fruits and vegetables) destined directly to the final consumer, records should be kept for the period of 6 months after the date of manufacturing or delivery.

WITHDRAWALS

Traceability aims to allow targeted and accurate withdrawals in the case of a food safety problem. The procedure to handle food rejected at the external border of the EU, is included in Articles 19, 20 and 21 of the food and feed controls regulation (Regulation (EC) No

882/2004), which forms together with the general food law and the revised hygiene rules the cornerstone of the new EU food safety approach.

It foresees the following measures as regards non complying consignments:

- order that such feed or food be destroyed
- the use of the feed or food for purposes other than those for which they were originally intended
- subjected to a special treatment.

The special treatment must take place in establishments under the control of the competent authority and may include a

- treatment or processing to bring the feed and food into line with the requirements of Community law, or with the requirements of a third country of re-dispatch, including decontamination, where appropriate, but excluding dilution
- processing in any other suitable manner for purposes other than animal or human consumption.
- re-dispatched outside the Community. Pending re-dispatch of consignments the competent authority shall place the consignments under official control. The food business operator has first to inform the competent authority of the third country of origin or third country of destination, if different, of the reasons and circumstances preventing the placing on the market of the feed or food concerned within the Community. In case the third country of destination is not the third country of origin, the competent authority of the third country of destination has notified the competent authority of its preparedness to accept the consignment.

These provisions in Regulation 882/2004 are applicable from 1 January 2006 onwards.

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Related reports from USEU Brussels:

Report Number	Title	Date Released
E34091	Traceability in Practice	11/22/2004
E34023	Food and Feed Controls	06/21/2004

These reports can be accessed through our website www.useu.be/agri or through the FAS website <http://www.fas.usda.gov/scriptsw/attacherep/default.asp>.