



## International Symposium on Safety Management of Imported Foods Taipei, 20-21/06/2013

### Import food regulations and control in Belgium

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**Our task is  
to preserve the safety  
of the food chain and the  
quality of food in order  
to protect the health of humans,  
animals and plants.**

**The Food Agency**  
Belgian Federal Agency for the Safety of the Food Chain

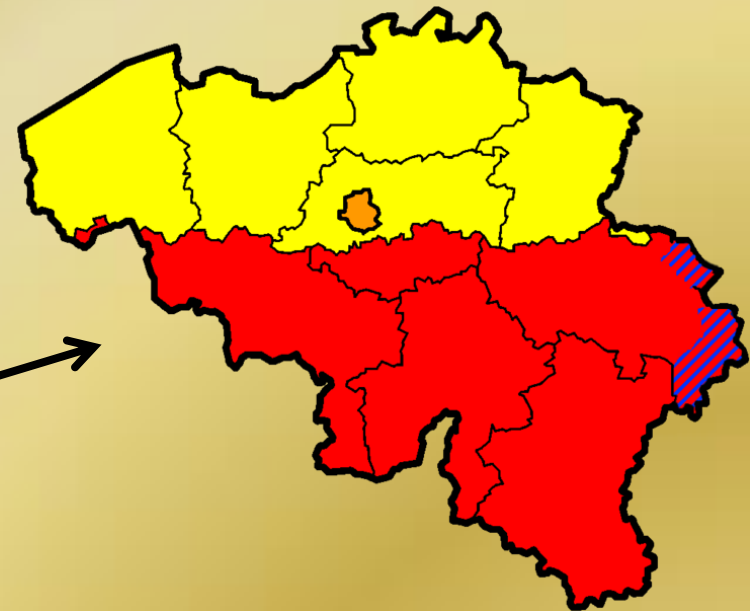


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# Belgium's food regulatory system



Three levels:  
Federal, Regional,  
Communal

# Belgium's food regulatory system

- Different interests:
  - Federal state:  
public interest = public health, food and feed safety, animal and plant health [animal welfare]
  - Regions: (provinces)  
regional interest = agriculture, environment, waste, [animal welfare]
  - Communes:  
Local interest



# Belgium's food regulatory system

- Main competent authorities

- Federal state:

- Federal Agency for the safety of the Food Chain (FASFC)

- Federal Public service for Health, Safety of the Food Chain and Environment (FPS-HSFCE)

- Federal Agency for Medicines and Health Products (FAMHP)

- Regions: Flanders Region, Walloon Region, Brussels-Capital Region





# Belgium's food regulatory system

- FPS of Public Health, Food Chain Safety and Environment (= former Ministry)

In charge of

- Product standards (fertilisers, pesticides, feed, food) and standards for contaminants
- Animal health standards
- Plant protection standards
- Animal welfare standards and control policy
- Smoking ban
- [Animal welfare]
- Information on competences



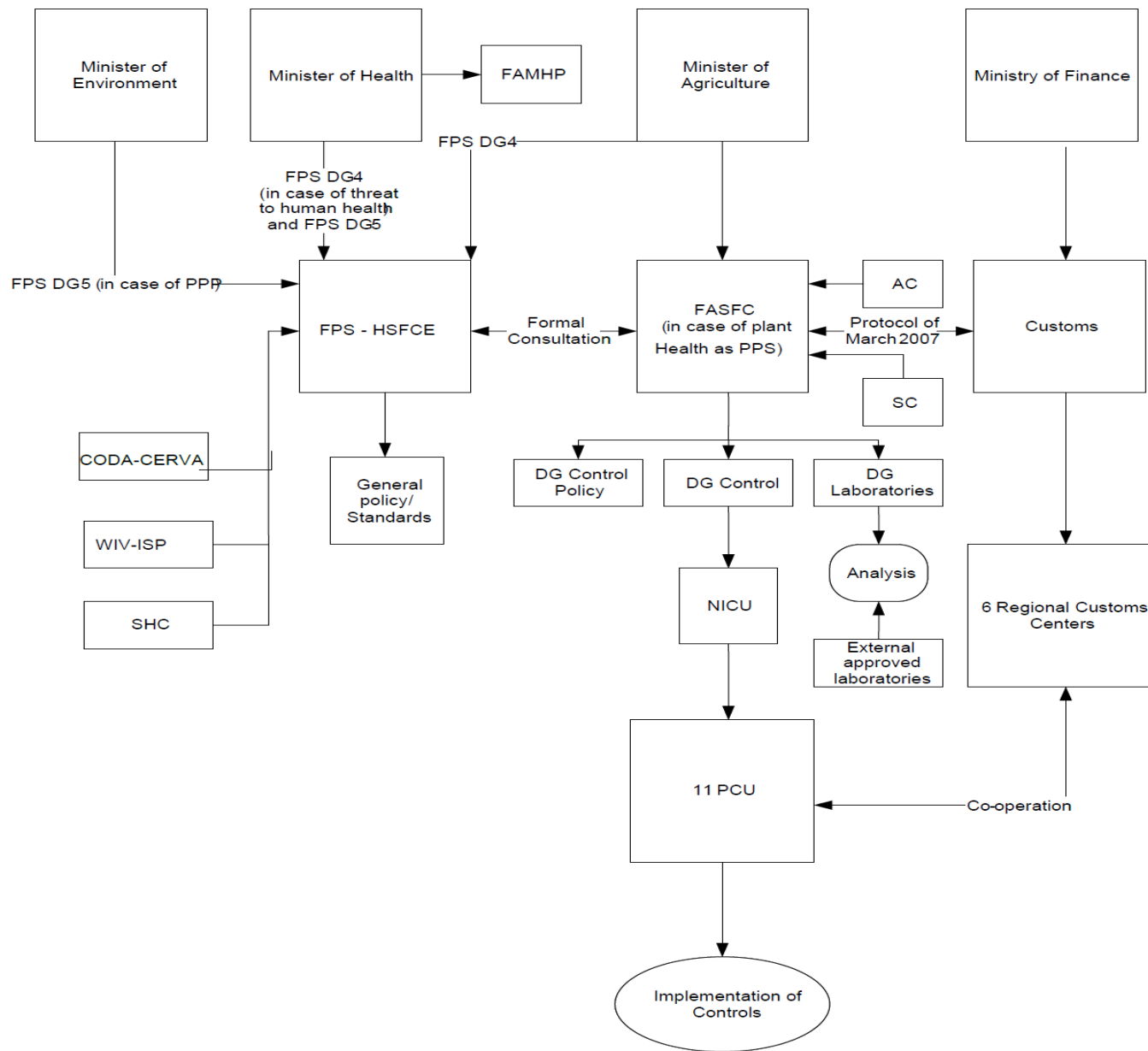
# Belgium's food regulatory system

- FASFC: the FOOD AGENCY

In charge of

- Operational regulations
- Registration, autorisation, approval of operators
- Certification
- Prevention, awareness raising and information
- Laboratories
- Monitoring of the different steps of the chain (products and production processes)







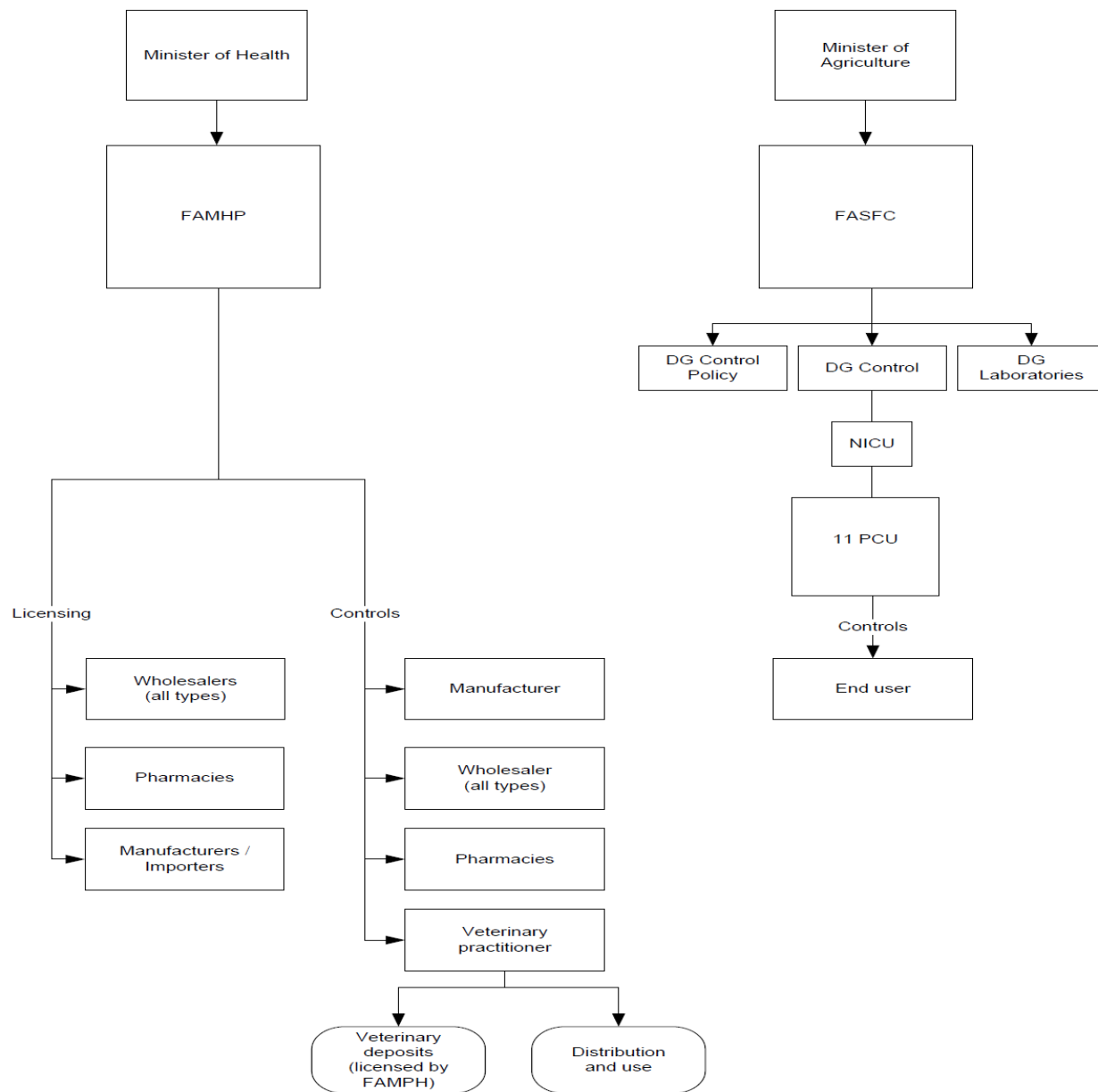
# Belgium's food regulatory system

- Federal Agency for Medicines and Health Products (FAMHP)

In charge of

- Research and development
- Authorization for the placing on the market
- Inspection and control
- Vigilance
- Good use of medicines and health





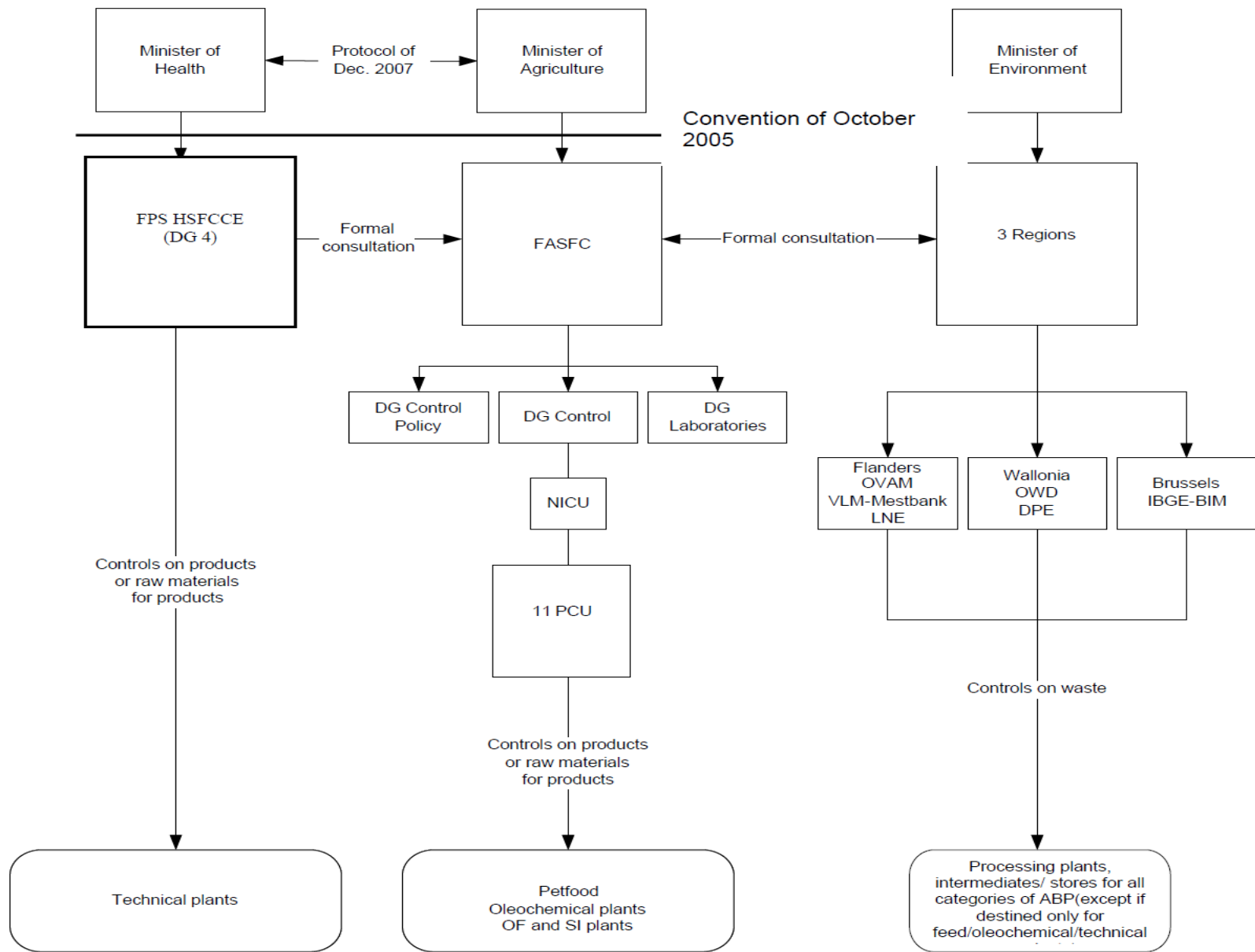
# Belgium's food regulatory system

- Regions

In charge of

- Agriculture: economic parameters, quality controls (Protected Designation of Origin and Protected Geographical Indication) , quality systems (Belplume, Certus..) fishery (IUU and catch certificates..)
- Environment (manure, use&legislation..)
- Waste (exemption: animal by-products for feed, fertilizers..agreement)
- [Animal welfare - after 6<sup>th</sup> reform of the federal state]





# Belgium's food regulatory system

- Legal framework
  - European legislation:
    - hygiene package
    - import legislation
    - residue and contaminants legislation



# Belgium's food regulatory system

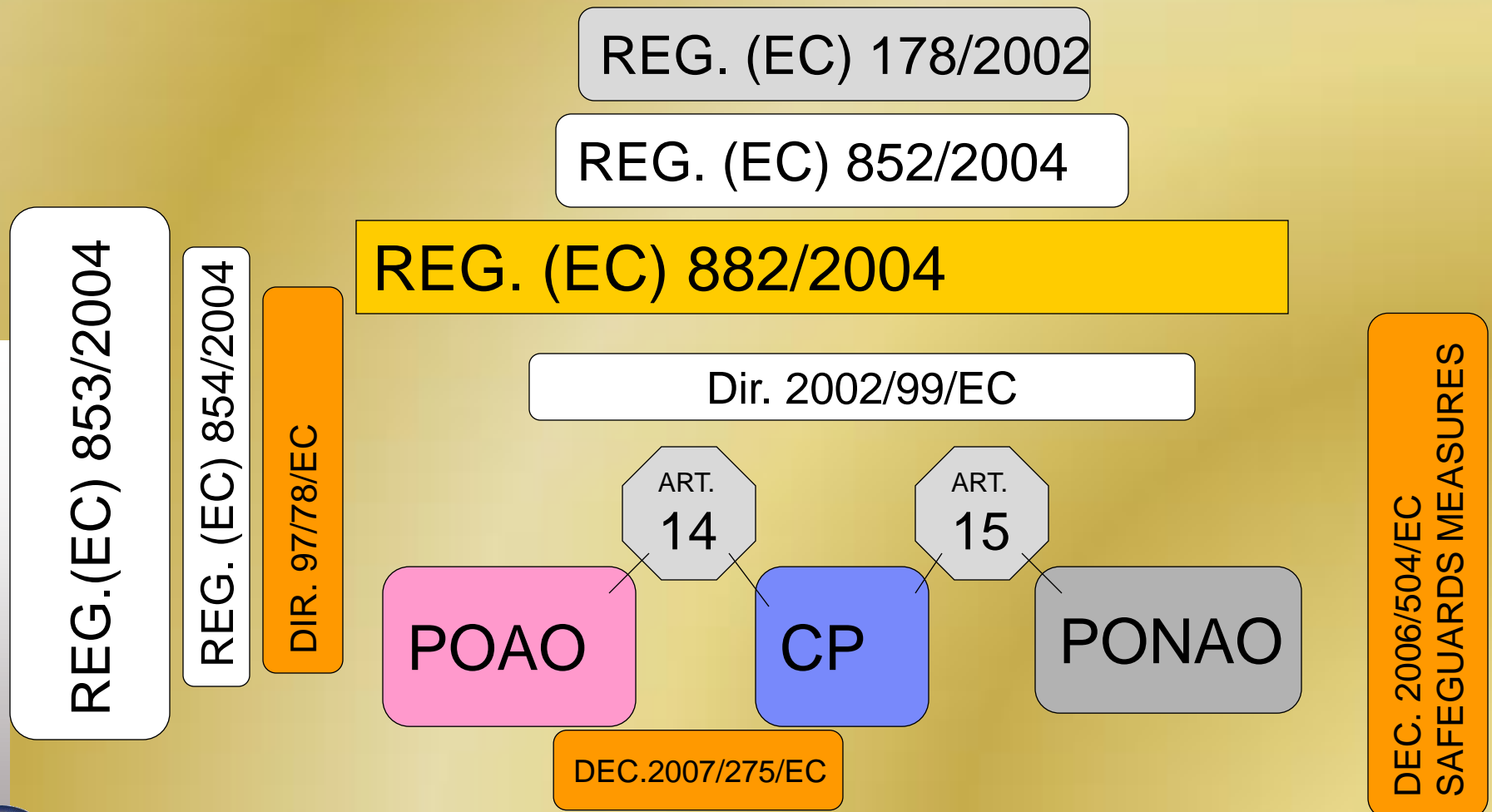
## ➤ Belgian legislation

- Act establishing the FASFC (2000)
- Royal Decree on the organization of the checks carried out by the FASFC (2001)
- transpositions of import directives and decisions in to Belgian law
- EU regulations immediately applicable





# Imported food – EU legislation overview



# Imported food – main EU rules

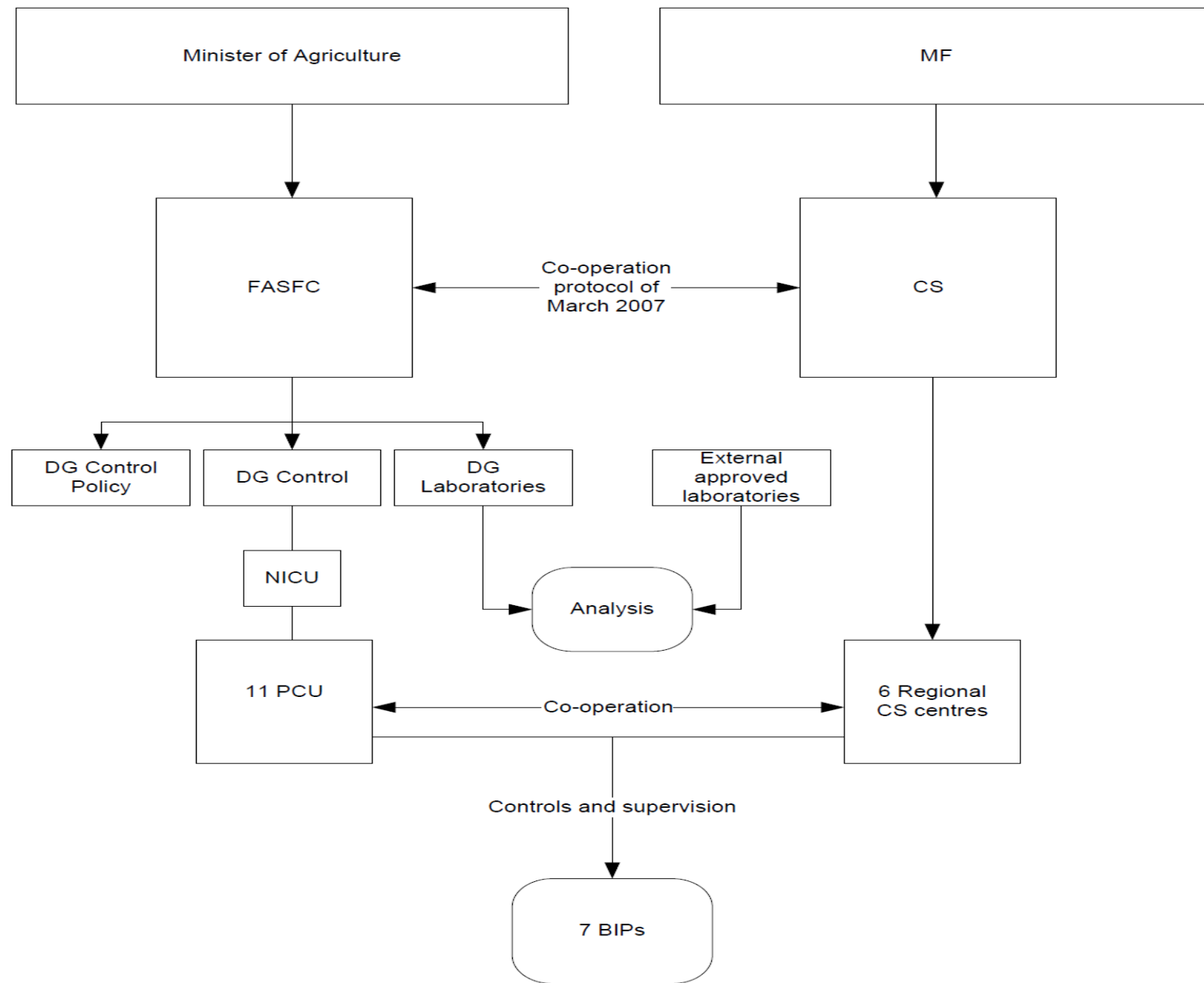
- Food and Feed imported into the community shall comply with the relevant requirements of food law or conditions recognized by the Community to be at least equivalent
- Food Business Operator responsibilities:
  - ensure **food safety** of every food **imported**, produced, processed or placed on the market
  - ensure **traceability** of products
  - **withdraw unsafe products** from the market and **recall unsafe products** already supplied to the consumer and inform the competent authority (=notification requirement)



# Imported food – main EU rules

- Establishments in third countries to comply with Reg. 852/2004 and Reg.853/2004 and supervised by official inspection service – Competent Authority
- Third countries must be listed for imports
- Official controls by the competent authorities on EU products and **third country imports** and exports.

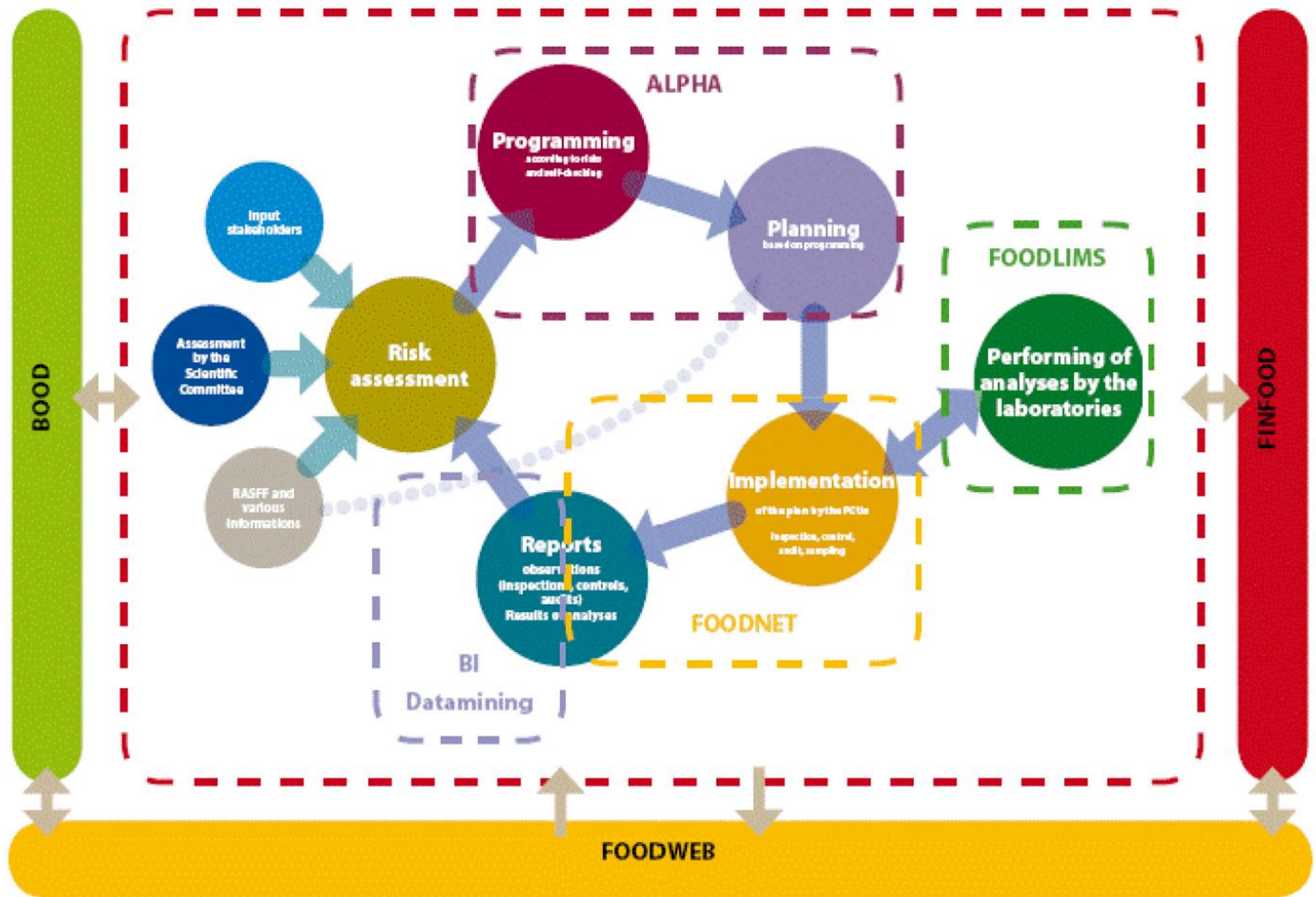




# Imported food – official controls

- The FASFC is the competent authority for official controls of the safety of the entire food chain, including animal health, plant health and animal welfare
- The core process of the FASFC (as a part of the MANCP) is cyclical (the cycle covers one year) and consists of 3 stages:
  - a control program based upon risk assessment composed of sampling and inspections
  - a control plan with targets per province
  - execution and reporting by the PCU members. Laboratories reporting the results of the analyses.







# Imported food – official controls

- Programming official controls:
  - within the scope of the control program:  
risk-based methodology taking account with:
    - legislation
    - RASFF information
    - previous results
    - consumer complaints etc.
  - outside the scope of the control program
    - interventions at border inspection posts



# Imported food – official controls

- Programming official controls: analyses
  - Number of analyses:
    - imposed by legislation
    - determined by risk analysis: three (risk) criteria with a score attributed
      - Criterion 1: degree of harmful effect of the hazard, the disease, the parameter related to toxicity, virulence or negative economic impact:
        - score 1 (not harmful or negligibly harmful) to 4 (very harmful).



# Belgian Food Agency methodology

Approved by the  
Scientific Committee

## □ Harmfull effect

	<u>Score</u>	<u>"Level of control"<sup>1</sup></u>
- Not serious	= 1	10 %
- none		
- Probably serious	= 2	5 %
- androgens, gestagens, antibiotics, benzimidazols, avermectines, coccidiostatics, tranquillizers, corticosteroids, NSAIs		
- Serious	= 3	2.5 %
- stilbens, thyreostatics, oestrogens, beta-agonists, OCP, marker PCB, OPP, lead, cadmium, ochratoxin A, MG		
- Very serious	= 4	1 %
- CAP, nitrofurans, nitro-imidazols, dioxins, dioxin-like PCB,		

<sup>1</sup> Level of non-compliance to identify



# Imported food – official controls

- Criterion 2: prevalence of the contamination or disease within the population to be controlled:
  - score 1 (very low prevalence; low analytical detection and standard not exceeded) to 4 (high probability of prevalence; frequent analytical detections and exceeding of standards).



# Belgian Food Agency methodology

- Prevalence (observed or estimated) 1 to 4
  - 1= Standard not exceeded
    - low detection/very low probability of occurrence
  - 2 = Few standard exceedances
    - regular detections but no standard exceedance
  - 3 = Regular standard exceedances
    - regular detection and few standard exceedances/average probability of occurrence
  - 4 = Frequent detections and standard exceedances
    - high probability of occurrence



# Imported food – official controls

- Criterion 3: contribution of the population to the overall food chain contamination, to the spread or the impact of the disease:
  - score 1 (limited contribution) to 4 (very substantial contribution).





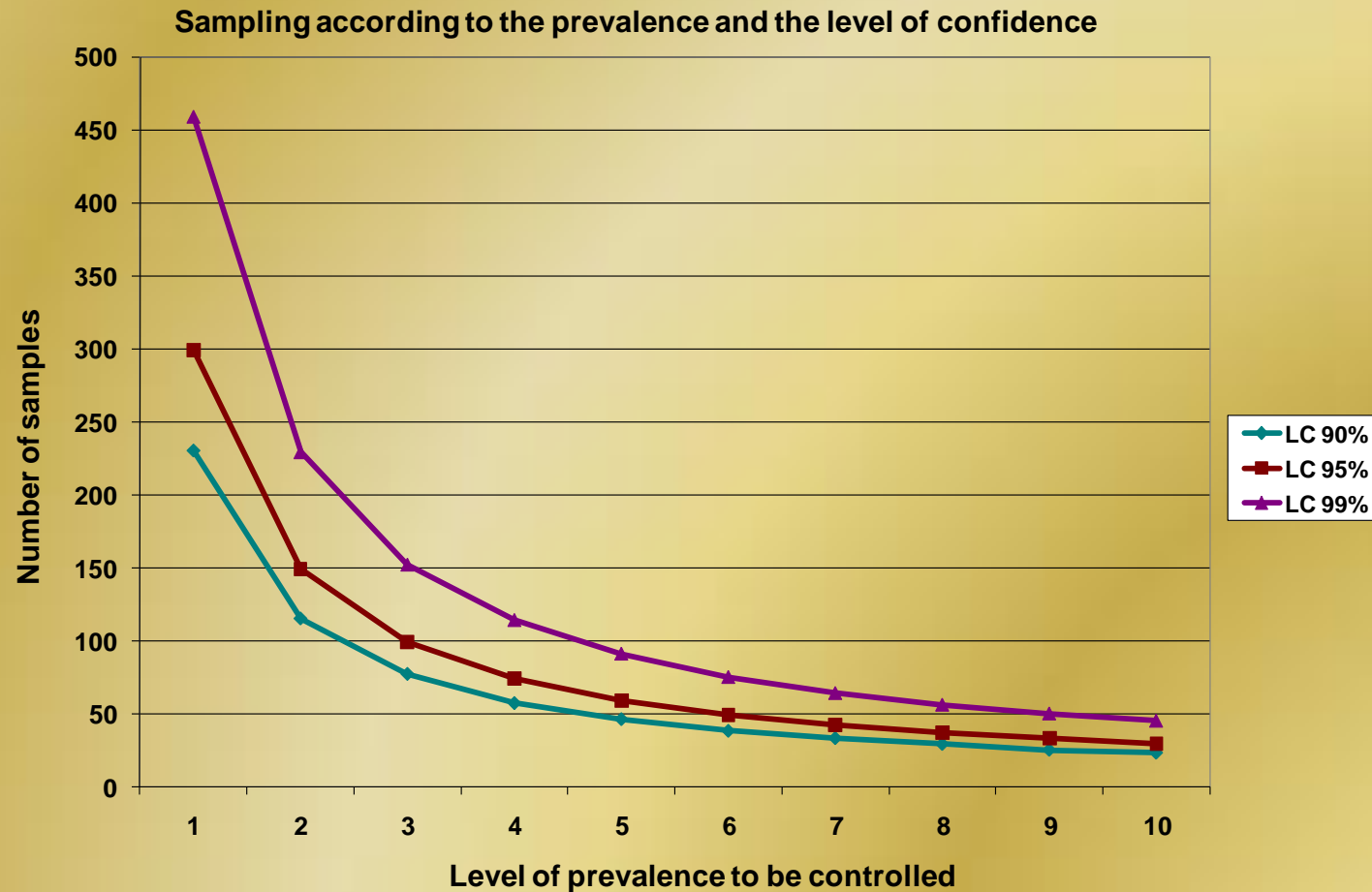
# Belgian Food Agency methodology

## □ Contribution to Total Exposure 1 to 4

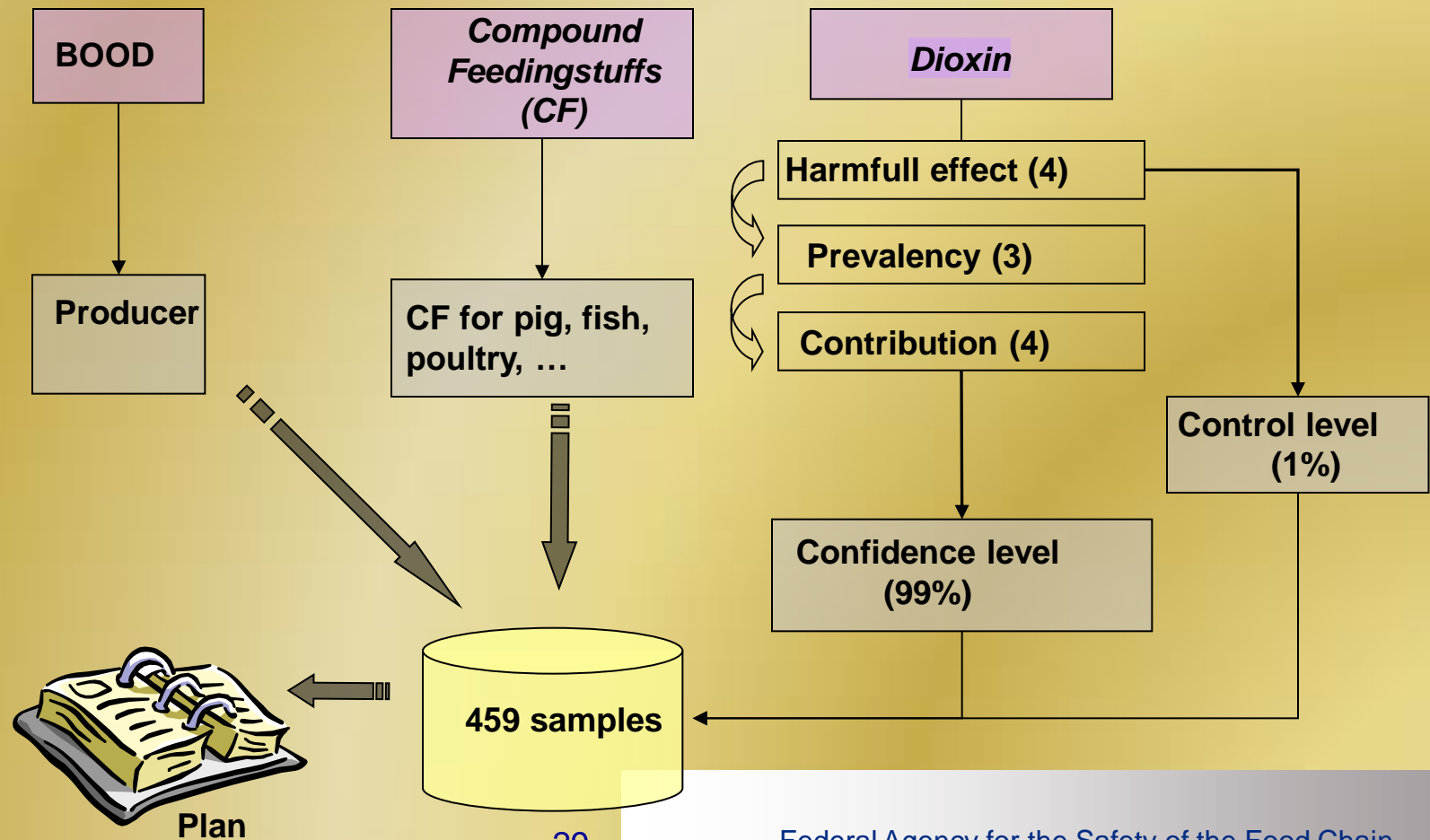
- 1 = limited contribution
  - population little consumed and/or other populations account for an important part of the overall exposure
- 2 = average contribution
  - standard value
- 3 = substantial contribution
  - population largely consumed and/or contributes substantially to the overall exposure
- 4 = very substantial contribution
  - population is very largely consumed and/or is virtually the exclusive source of overall exposure



# Belgian Food Agency methodology



# Imported food – official controls



# Imported food – official controls

## ➤ Number of analyses:

- linked to monitoring: the higher the required accuracy of the true prevalence at a given confidence level, the higher the number of samples required.

E.g. microbiological contaminants, plant diseases ..

- estimated beforehand: the number depends on the frequency of controls and the prevalence of the event taken into account and aims at detecting a contamination.

E.g. import controls

- Adjustments: political, consumers lobby, economical



# Imported food – official controls

- Further planning and performing of official controls: analyses
  - DG Control Policy program to DG Laboratories: → sampling program by means of a rationalization process (recombining parameters and matrices)
  - Sampling plan to DG Control: final planning
    - distribution to PCU and spread in time
    - target per year with or without specifications about place, moment ..
    - adjustments to DG CP if technically / operationally unfeasible
  - Distribution to individual PCU members or border inspection posts (basket)



# Imported food – risk categorization

Based on (EU) legislation:

- risk categorized food:
  - animals and products of animal origin
  - products (food and feed) of non-animal origin
  - kitchenware from CN and HK
  - GMO and Novel food (prior authorization)
- surveillance categorized food:
  - products not risk categorized



# Imported food – official controls of Risk categorized food

- 100% check at the border (at least documentary)
- Food of animal origin: 100% identity check
- Food of non-animal origin: % identity check = % physical check



# Imported food – official controls of Risk categorized food

- Physical check
  - food of animal origin: % depends on status of harmonization



## Harmonised products

- ✓ European Commission governs the requirements through specific legislation
- ✓ European certificate
- ✓ list of third countries approved for import
- ✓ list of approved establishments in the third country
- ✓ residue list
  - % = max. laid down in Decision 94/360





# Imported food – official controls of Risk categorized food

- Physical check:

## Non-Harmonised products

- ✓ national legislation still applies
- ✓ import only if bilateral agreement
- ✓ list of establishments approved by the competent authority in the third country and submitted to the competent authority of the Member State
  - % = 100
  - % (or number) sampling depends on control plan



# Imported food – official controls of Risk categorized food

- Physical check
  - Food of non-animal origin: % identity check = % physical check
  - % depends on frequency included in legislation
  - % sampling depends on frequency in legislation (also included in control plan)



# Imported food – official controls of Risk categorized food

- Test and hold

Goods must remain on hold while testing

Depends on compliance history recorded in RASFF (TRACES) system - Food type, producer, country of origin, hazard

→ re-enforced check regime:

- food of animal origin: 10 consecutive consignments on hold and tested on the non compliant hazard (art. 24 of Directive 97/78)
- food of non animal origin: included in legislation → on hold when tested



# Imported food – official controls of Risk categorized food

- Test and hold

Any failure:

- ✓ Border rejection: RASFF notification
- ✓ Re-enforced check regime
  - FOAO: untill 10 consecutive negative results
  - FONAO: untill disappears from the list in the legislation



# Imported food – official controls of Surveillance categorized food

- Food of animal origin:
  - 100% documentary and identity check at the border
  - % physical check depends on the harmonization rate → reduced check regime
  - % sampling depends on the control plan taking account with the reduced check regime
- Food of non-animal origin: % identity check = % physical check with sampling based on the control plan



# Imported food – official controls of Surveillance categorized food

- Test and Release

Goods may be distributed while testing

- Surveillance food testing fails:

Non compliance is recorded in RASFF (TRACES) system - Food type, producer, country of origin, hazard

Evaluation by EU Commission → triggering re-enforced check regime



# Imported food – failing official controls

- Official detention by the CA
- Food still under supervision of the CA
- Three possibilities to be decided by the responsible for the consignment (importer):
  - Redispatch:
    - o same means of transport
    - o within 60 days
    - o authorization of official of border control
    - o authorization of competent authority of the country of origin, of destination
  - Destruction:
    - o redispatch impossible
    - o time limit elapsed
    - o decision of the importer
    - o risk for health
  - Transformation to bring it into compliance



# Imported food – failing official controls

- Food has been distributed
- Within Belgium: recall or withdrawal before taking actions (next dia)
- To other member states: alert (or information) notification through RASFF





# Imported food – failing official controls

- EU commission intervention
- Based on European law
  - triggering re-enforced check
  - inform other member states via RASFF and TRACES
  - import suspended if repeated infringements
  - specific decisions (laboratory analyses)



**Thank you for your attention !**

