

*Food safety mechanism and food labelling
requirements in the European Union,
the United Kingdom and France*

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Executive Summary

1. The integrated approach of the European Union (EU) to food safety aims to assure a high level of food safety, animal health, animal welfare and plant health within the EU through coherent "farm-to-table" measures and adequate monitoring, while ensuring the effective functioning of the internal market. The primary responsibility for ensuring the safety of food rests with food businesses. The European Commission enforces the EU feed and food laws by: (a) conducting periodic checking on the member states to see whether the EU legislation has been properly incorporated into domestic laws; and (b) ensuring compliance with the EU standards through reports from the member states and non-EU countries and on-the-spot inspections in the EU. The Rapid Alert System for Food and Feed enables the control authorities to exchange information on measures taken to ensure food safety. In the event of a food safety incident, a crisis management plan and a crisis unit to collect and evaluate all relevant information will be established. In the EU, the aim of food labelling is to ensure that the consumer gets all the essential information on the composition of a product, the manufacturer, and the methods of storage and preparation.
2. The *Single Integrated National Control Plan for the United Kingdom January 2007 to March 2011* published by the United Kingdom (UK) in 2007 stipulates the roles and responsibilities of the different authorities and associated organizations involved in the monitoring of compliance with, and enforcement of, the feed and food laws, animal health and welfare rules and plant health requirements. While the enforcement of the feed and food laws is the responsibility of local authorities, the Food Standards Agency (FSA) monitors standards and audits local authorities' activities to ensure that enforcement arrangements are proportionate, consistent and transparent. In addition to the *Food Alerts* published by FSA to alert local authorities and consumers to food safety issues, FSA also has the *Incidents Response Protocol* outlining the procedures that should be followed by its staff during food and feed safety incidents. As regards food labelling in the UK, FSA's role is to make sure that people obtain the relevant information in an understandable manner.
3. In France, the *Law of July 1998* has established the framework of the existing food safety system. In compliance with the European directives, food business operators are responsible for the safety of the foodstuffs they manufacture and market. While the Directorate-General of Food monitors compliance with health regulations throughout the entire food chain for products of animal origin and up to the first processing for products of plant origin, the Directorate-General for Competition, Consumption and the Repression of Fraud monitors plant products (except those undergoing first processing) and carries out inspections at points of distribution and consumption. Both the national and the EU alert network systems help protect consumers from problem food. In the event of food safety incidents, predetermined procedures are in place to enable investigators to collect the required information in a swift manner. In France, the labelling system follows that of the EU, with the principle of traceability being implemented.

Food safety mechanism and food labelling requirements in the European Union, the United Kingdom and France

Chapter 1 – Introduction

1.1 Background

1.1.1 At the meeting on 10 July 2007, the Panel on Food Safety and Environmental Hygiene (Panel) requested the Research and Library Services Division to conduct a research on the food safety mechanism in selected places in Europe. The Panel, in particular, is interested in studying the policy, regulatory framework and consumer protection in relation to food safety in the European Union (EU), the United Kingdom (UK) and France. The Panel also wishes to look into the food labelling requirements in the UK and France.

1.2 Scope of research

1.2.1 In the EU, the integrated approach to food safety aims to promote a high level of food safety, animal health, animal welfare and plant health within the EU through coherent "from farm to fork" measures and adequate monitoring, while ensuring the effective functioning of individual member states. In 2000, the European Commission (EC) adopted the *White Paper on Food Safety*, setting out a plan for legislative reform on food safety and the establishment of the European Food Safety Authority (EFSA). The new food safety legislation covers all aspects of the food chain, including the primary production, processing, transportation, distribution, sale and supply of food and feed.

1.2.2 In the UK, the production, processing, distribution, retail, packaging and labelling of food products are governed by laws, regulations, codes of practice and guidelines. While the *Food Safety Act 1990* provides the framework for all food legislation, the *General Food Regulations 2004* lay down the penalties for breaching the food law. The Food Standards Agency (FSA) is an independent government department set up by an Act of Parliament in 2000 to protect public health as well as consumer interests in relation to food products. FSA oversees the whole food industry, from farming, food production and distribution, to retail and catering. It addresses food safety issues at every stage of the food chain, providing information and guidance on related best practice and legal requirements.

1.2.3 France is the third largest exporter of agricultural products and processed food in the world. In France, the Ministry of Agriculture and Fishing, the Ministry of Economy, Finance and Industry, and the Ministry of Health and Solidarity, are jointly responsible for food safety policies and their implementation through the development of regulations, inspections, improvement of the surveillance system and enhancement of analytical tools. Meanwhile, the French Food Safety Agency (AFSSA), established in 1999, has adopted a scientific approach on risk assessment in relation to food products. Food producers, processors and distributors are obliged to comply with the European directives in relation to food safety. An alert mechanism at both the national and EU levels is also in place to monitor both potential and known risks in the food chain.

1.3 Methodology

1.3.1 This research adopts a desk research method, which involves Internet research, literature review, documentation analysis and correspondence with relevant authorities and organizations.

Chapter 2 – European Union

2.1 Overview

2.1.1 The EU is an economic and political partnership of 27 democratic European countries. Its executive body, the EC, represents the common interest of the EU, and is responsible for developing legislation and creating directives for the EU member states.

2.1.2 In 2007, the total population of the EU was 495 million¹, with a labour force² of 380 million.³ In 2006, the food and drink industry was the largest manufacturing sector in the EU, with a turnover of €70 billion (HK\$8,500 billion)⁴ and 4.3 million employees. The "various food product" sector⁵, the meat sector, and the beverages and dairy product sector were the key sectors of the food and drink industry. These three sectors together represented 78% of the total turnover and 84% of the total workforce in the food and drink industry. There were 309 700 companies in the food and drink industry, among which 99% were small- and medium-sized enterprises (SMEs).⁶

2.1.3 The EU is the world's largest exporter and the number two importer of food and drink products (excluding intra-EU trade), with a positive trade balance of €3.7 billion (HK\$36 billion) in 2006. Among the member states, France, Germany, Italy, the UK and Spain are the largest EU food and drink producers.⁷

2.1.4 In 2006, the United States (US) was the number one customer of the EU's food and drink industry, with Russia being ranked second and Japan the third. Import from Brazil and Argentina accounted for one-fifth of the total EU food and drink imports, followed by the US and China.⁸

¹ European Council (2008).

² Referring to people aged 15 and above of the EU member states.

³ European Council (2006b).

⁴ The exchange rate of Hong Kong Dollar per Euro in 2006 was 9.77.

⁵ The "various food product" sector refers to bakery, pastry, chocolate and confectionery products, pasta and baby food production.

⁶ Confederation of the Food and Drink Industries of the EU (2007).

⁷ Ibid.

⁸ Ibid.

2.2 Responsible authorities

Directorate-General for Health and Consumer Protection

2.2.1 Under the purview of the EC, the Directorate-General for Health and Consumer Protection is responsible for maintaining and developing policies, laws and programmes to:

- (a) empower consumers;
- (b) protect and improve human health;
- (c) ensure that food is safe and wholesome;
- (d) protect the health of animals and plants; and
- (e) promote humane treatment of animals.

2.2.2 One of the key objectives of the Directorate-General for Health and Consumer Protection on its 2004-2009 plan is to maintain high levels of food safety at manageable cost, by ensuring effective implementation of the legislation within the EU and improving health and food standards and practices in non-EU countries. Main areas of work include:

- (a) training member states and non-EU regulators to ensure the enforcement of the EU rules;
- (b) coordinating the inspection of food, plants and animals at the EU border to ensure common operating standards;
- (c) promoting animal welfare as part of the EU food safety policies;
- (d) cooperating with member states to implement hygiene rules as well as food and feed safety measures;
- (e) cooperating with veterinary agencies in the EU to combat animal diseases;
- (f) cooperating with the EU laboratories to improve the supporting scientific work on food safety issues; and
- (g) maintaining a worldwide network of surveillance agencies to ensure early warning of food safety threats.

Food and Veterinary Office

2.2.3 Under the purview of the Directorate-General for Health and Consumer Protection, the mission of the Food and Veterinary Office is, through its evaluation work, to:

- (a) promote effective control systems on food safety and quality in the veterinary and plant health sectors;
- (b) check on compliance with the EU standards within the EU and in countries exporting to the EU;
- (c) assist in the development of the EU food safety policies; and
- (d) inform stakeholders of the outcome of its evaluations.

Standing Committee on the Food Chain and Animal Health

2.2.4 The Standing Committee on the Food Chain and Animal Health of the EC was established as a result of the adoption of the *Regulation (EC) 178/2002* (i.e. *General Food Law*) which has laid the groundwork for the current food safety policies in the EC. Chaired by an EC representative, the Standing Committee on the Food Chain and Animal Health assists the EC in the development of food safety measures. Its mandate covers the entire food chain, ranging from animal health issues on the farm to the products that arrive on the consumer's table.

2.2.5 The Standing Committee on the Food Chain and Animal Health has eight areas of responsibilities. They are:

- (a) *General Food Law*;
- (b) biological safety of the food chain;
- (c) toxicological safety of the food chain;
- (d) controls and import conditions;
- (e) animal nutrition;
- (f) genetically modified food and feed and environmental risk;
- (g) animal health and welfare; and
- (h) phytopharmaceuticals.

European Food Safety Authority

2.2.6 Established in January 2002 following a series of food crises in the late 1990s, EFSA is an independent European agency funded by the budget of the EU and governed by a management board of 15 members⁹. EFSA provides scientific advice and information on risks associated with the food chain to the EC, the governments of the member states and the public. EFSA's remit covers food and feed safety, nutrition, animal health and welfare, plant protection and plant health. Its major tasks involve risk assessment and risk communication.

Risk assessment

2.2.7 EFSA's risk assessment function helps improve food safety in Europe and build public confidence. Risk assessment involves reviewing scientific data and studies in order to evaluate risks associated with certain food safety incidents. The scope of assessment covers primary food production (agricultural and veterinary aspects), industrial processes, storage, distribution and retailing.

Risk communication

2.2.8 The purpose of risk communication is to provide appropriate, consistent, accurate and timely communications on food and feed safety issues to all parties concerned, based on EFSA's risk assessment and scientific expertise.

2.2.9 The roles of EFSA in risk communication are as follows:

- (a) ensuring that the public and interested parties receive rapid, reliable, objective and comprehensible information in its responsible areas;
- (b) communicating, on its own initiative, the risk management decisions to the EC;
- (c) acting in close collaboration with the EC and the member states to promote coherence in the risk communication process; and
- (d) providing assistance concerning communication on nutritional issues within the framework of the EC health programme.

⁹ EFSA's board members are appointed by the EC in consultation with the European Parliament to act in the public interest and to ensure that EFSA works effectively and cooperates successfully with partner organizations across the EU and beyond. The board sets EFSA's budget and approves its annual work programme.

2.2.10 Supported by its scientific panels, EFSA seeks to raise awareness and further explain the implications of the assessments by:

- (a) analyzing public perception of risks linked to food;
- (b) explaining and contextualizing the related risks;
- (c) working with national authorities, stakeholders and the media to tailor messages on food safety issues to the needs of the parties concerned;
- (d) ensuring consistency by coordinating communications with other risk assessment bodies and risk managers; and
- (e) using a wide range of on and off-line communication tools.

2.2.11 EFSA works closely with risk managers across various levels of the EU, including the EC, the European Parliament and all the member states, in the following areas:

- (a) adopting or revising European legislation on food or feed safety;
- (b) deciding whether to approve regulated substances such as pesticides and food additives; and
- (c) developing new policies, particularly in the field of diet and nutrition.

2.2.12 EFSA also works closely with partners and stakeholders via the following means:

- (a) Advisory Forum – providing opportunities for exchange of information and being a basis for coordination of communication activities between the national authorities and EFSA; and
- (b) EFSA stakeholder consultative platform – bringing together the EU-wide stakeholder organizations working in areas relating to the food chain.

Scientific Panels and Units

2.2.13 EFSA aims to deliver the best science to protect consumers in the EU. The scientific work at EFSA is conducted by two directorates, namely Risk Assessment Directorate and Scientific Cooperation and Assistance Directorate¹⁰. While the former supports the work of nine scientific panels¹¹, the latter manages projects pertaining to scientific cooperation with the member states.

2.3 Food safety policies

An integrated approach

2.3.1 The EU's integrated approach to food safety aims to assure a high level of food safety, animal health, animal welfare and plant health within the EU through coherent "farm-to-table" measures and adequate monitoring, while ensuring the effective functioning of the internal market.

2.3.2 On 12 January 2000, the EC adopted the *White Paper on Food Safety*, outlining a legislative reform programme to complete the EU's "farm-to-table" approach as well as the establishment of EFSA. Major initiatives include:

- (a) establishing ESFA, with operations based on the principles of independence, scientific excellence and transparency;
- (b) reforming the legal framework covering animal feed, animal health and welfare, hygiene, contaminants and residues, novel food, additives, flavourings, packaging and irradiation;
- (c) developing a framework for national control systems;
- (d) providing information to consumers; and
- (e) communicating the EU system to the world.

¹⁰ The Scientific Cooperation and Assistance Directorate contains the Pesticide Risk Assessment Peer Review, the Zoonoses Data Collection Unit, the Data Collection Exposure Unit, the Emerging Risks Unit and the Assessment Methodology Unit.

¹¹ EFSA's nine Scientific Panels are on: (a) food additives, flavourings, processing aids and materials in contact with food; (b) animal health and welfare; (c) biological hazards, including Bovine Spongiform Encephalopathy/Transmissible Spongiform Encephalopathy-related risks; (d) contaminants in the food chain; (e) additives and products or substances used in animal feed; (f) genetically modified organisms; (g) dietetic products, nutrition and allergies; (h) plant protection products and their residues; and (i) plant health respectively. The works of these nine panels are coordinated by the Scientific Committee.

Principles underlying food safety policies

2.3.3 The basic principle underlying the EU's food safety policies is that the primary responsibility for ensuring compliance with the *General Food Law*, and in particular the safety of food, rests with food businesses. Food and feed business operators have obligations in the follow areas:

- (a) safety – operators shall not place any unsafe food or feed on the market;
- (b) responsibility – operators are responsible for the safety of the food and feed which they produce, transport, store and sell;
- (c) traceability – operators shall be able to rapidly identify their suppliers or consignees;
- (d) transparency – operators shall immediately inform the competent authorities if they have a reason to believe that their food or feed is not safe;
- (e) emergency – operators shall immediately withdraw food or feed from the market if they have a reason to believe that it is not safe;
- (f) prevention – operators shall identify and regularly review the critical points in their production processes and ensure that controls are applied at these points; and
- (g) cooperation – operators shall cooperate with the competent authorities to reduce risks.

2.4 Enforcement tools

2.4.1 On 28 January 2002, the European Parliament and the EC adopted the *General Food Law*, laying down the general principles and requirements of the *General Food Law* which came into effect on 1 January 2005. Appendix I lists the main provisions of the *General Food Law* that apply to food business operators.

Objectives

2.4.2 The *General Food Law* aims at:

- (a) ensuring a high level of protection of human life and health, taking into account the protection of animal health and welfare, plant health and the environment;
- (b) establishing the rights of consumers to safe food and information relating to food;
- (c) harmonizing existing national requirements to ensure the free movement of food and feed in the EU; and
- (d) recognizing the EU's commitment to its international obligations, taking international standards into consideration.

2.4.3 The *General Food Law* covers the following aspects:

- (a) principles applying to food safety;
- (b) concept of traceability;
- (c) establishment of EFSA; and
- (d) reinforcement of the rapid alert system.

Implementation guidelines

2.4.4 A guidance document on the main requirements for the implementation of the *General Food Law* has been developed by the Working Group¹² of the member states. These requirements include the traceability of food and feed products, responsibility of operators, withdrawal of unsafe food or feed from the market and notification to the competent authorities.

¹² The Working Group is set up by the Directorate-General for Health and Consumer Protection to examine issues on the implementation and interpretation of the *General Food Law*.

Other legislation

2.4.5 In addition to the legislation for all food and feed, the EU has adopted targeted legislation on specific food safety issues and foodstuffs, such as:

- (a) the use of pesticides, food supplements, colourings, antibiotics and hormones in food production;
- (b) addition of vitamins, minerals and similar substances to food; and
- (c) products in contact with foodstuffs, such as packaging, meat, gelatine and dairy products.

2.4.6 There are also stringent rules governing release, marketing, labelling and traceability of crops and foodstuffs containing genetically modified organisms.

2.5 Monitoring mechanism

2.5.1 The EC enforces the EU feed and food laws, including the *General Food Law*, by:

- (a) conducting periodic checking on the member states to see whether the EU legislation has been properly incorporated into domestic law; and
- (b) ensuring compliance with the EU standards through reports from the member states and non-EU countries and on-the-spot inspections in the EU.

2.5.2 While the Food and Veterinary Office is responsible for checking individual food production plants, it also checks whether the governments of the member states and non-EU countries have the necessary machinery to monitor whether the food producers in the respective places are adhering to the safety standards.

Traceability

2.5.3 The *General Food Law* makes traceability compulsory for all food and feed businesses. Food and feed operators are required to implement special traceability systems and identify the places their products come from and go to, and provide such information to the competent authorities swiftly.

2.5.4 Business operators have to document the names and addresses of the supplier and customer in each case, as well as the nature of the product and date of delivery. Operators are also encouraged to keep information on the volume or quantity, the batch number and a more detailed description of the product, such as whether it is raw or processed. Table 1 shows the roles and responsibilities of the parties involved in the traceability system under the *General Food Law*.

Table 1 – Roles and responsibilities of parties involved in the traceability system

Parties involved	Overall responsibilities	Actions taken when risk is identified
Food and feed businesses	(a) Identifying and documenting information on products "one step forward and one step back" in the food chain.	(a) Immediately withdrawing the affected products from the market and, if necessary, recalling them from consumers; (b) destroying any batch, lot or consignment of feed that does not satisfy food safety requirements; and (c) informing the competent authorities of the risk and of the action they have taken.
Member state authorities	(a) Monitoring production, processing and distribution of food and feed products to ensure that operators have traceability systems in place; and (b) fixing and enforcing appropriate penalties for operators who do not meet the EU requirements on traceability.	(a) Ensuring that operators are meeting their obligations; (b) taking appropriate measures to secure food safety; (c) tracing the risk backwards and forwards along the food chain; and (d) notifying the Rapid Alert System for Food and Feed (RASFF). ⁽¹⁾
EU	(a) Establishing sector-specific legislation on traceability as appropriate; and (b) the Food and Veterinary Office carrying out regular inspections to ensure that food and feed operators are meeting food safety standards, including the implementation of traceability systems.	(a) The EC alerting members of RASFF of the risk; (b) requesting information from operators to enable traceability and coordinating action by national authorities; and (c) imposing import/export restrictions.

Note: (1) Details of the system are to be discussed in paragraph 2.6.1.

2.6 Consumer protection

Rapid Alert System for Food and Feed

2.6.1 The purpose of RASFF network, in place since 1979, is to provide the control authorities with an effective tool for exchange of information on measures taken to ensure food safety. Its functions have been further enhanced by the enactment of the *General Food Law* in 2002. Members of the network are the 27 member states, the EC, EFSA, Iceland, Liechtenstein and Norway. This warning system supports the EU's traceability system by enabling rapid exchange of information whenever a risk to food or feed safety is identified. Under the system, when a member of the network is aware of a potential risk to food safety, it should notify the EC right away. The information is then transmitted to other members and beyond, so that corrective actions can be taken immediately.

2.6.2 The action taken depends on the type of risk, including:

- (a) stopping a single batch;
- (b) stopping all shipments of a particular product from a farm, factory or port of entry;
- (c) recalling products in warehouses and shops; and
- (d) testing every shipment from a suspect source.

2.6.3 Under the system, the EC publishes a weekly overview of alert notifications, information notifications and border rejections.

Emergency procedures and crisis management

2.6.4 The *General Food Law (Article 53)* confers special powers to the EC for taking emergency measures in the event of a serious risk to human health, animal health or the environment. Those measures can be taken where it is evident that a particular feed or food originating in the EU, or imported from a non-EU country, is likely to constitute a serious risk to human health, animal health or the environment, and that such a risk cannot be contained satisfactorily by means of measures taken by the member states. Emergency measures can take the form of:

- (a) suspension of the marketing or use of the feed or food in question;

- (b) subjecting the use and marketing of the feed or food to special conditions; or
- (c) any other appropriate interim measures.

2.6.5 The *General Food Law* also provides for the establishment of a general plan for food/feed crisis management and the creation of a crisis unit by the EC. In the event that the EC identifies a serious direct or indirect risk to human health deriving from food and feed which cannot be managed adequately by application of existing provisions, in particular the emergency procedures, a crisis unit will be set up. EFSA will participate in the crisis unit and provide scientific and technical assistance. The crisis unit is responsible for collecting and evaluating all relevant information and identifying the options available to prevent, eliminate or reduce the risk at stake. It also keeps the public informed of the risks and the measures taken.

2.7 Food labelling

2.7.1 In the EU, there are rules and regulations on the labelling of foodstuffs to enable consumers to get comprehensive information on the contents and the composition of food products.

Legislation

2.7.2 The *Directive 2000/13/EC* on labelling, presentation and advertising of foodstuffs to the final consumer is the main piece of the EU legislation regarding the labelling of foodstuffs. This Directive is based upon the principle of functional labelling. Its aim is to ensure that the consumer gets all the essential information as regards the composition of a product, the manufacturer, and the methods of storage and preparation.

2.7.3 The *Directive 2000/13/EC* has been amended by the *Directive 2001/101/EC* of 26 November 2001 to regulate the definition of meat for labelling purpose, where meat is used as an ingredient in foodstuffs, and by the *Directive 2003/89/EC* of 10 November 2003 to indicate the ingredients present in foodstuffs. Accordingly, effective from 25 November 2005, all ingredients have been required to be indicated on the label of a food product. The amended labelling legislation, in particular, aims to ensure that consumers suffering from food allergies or who wish to avoid eating certain ingredients for any other reasons are informed. A list of ingredients liable to cause allergies or intolerances is established, and alcoholic beverages are also required to indicate allergens on their labels.

2.7.4 The EC, in cooperation with the representatives of its member states, consumers, various industries and trades, has periodically reviewed the legislation on labelling. For instance, on 18 October 2003, the European Evaluation Consortium¹³ submitted a report, the *Evaluation of the Food Labelling Legislation Final Report*, to the Directorate-General for Health and Consumer Protection. Based on the report, the EC is drawing up proposals to improve the provisions of the legislation.

Information on labels

2.7.5 Table 2 lists the information on labels as required by the EC regulations.

Table 2 – Information on labels as required by the EC regulations

Information	Details
Quantity	Net quantity of the product: in volume for liquids and in mass for other products.
Name of the product	(a) Physical condition and specific treatment the product has undergone (powdered, frozen, concentrated or smoked); and (b) ionizing treatment involved.
List of ingredients	(a) All ingredients are required to be listed in descending order of weight (exception: mixtures of fruit or vegetables) including those known to trigger reactions in allergic individuals (e.g. peanuts, milk, eggs, fish); and (b) for ingredients which are described by the name of the product (e.g. "tomato soup"), by pictures or by words (e.g. "with strawberries"), or which are essential in characterizing a foodstuff (e.g. % of meat in "Chili con carne"), the percentage must be indicated.
Durability	The "use by" and "best before" dates indicate the duration the food will stay fresh and be safe to eat: (i) "use by" is used for food that spoils quickly (e.g. meat, eggs and dairy products). All packaged fresh products bear a "use by" date; and (ii) "best before" is used on food that can be kept longer (e.g. cereals, rice and spices).
Manufacturer/importer	The name and address of the manufacturer, packager or importer are required to be clearly listed on the packaging so that the consumer knows who to contact in the event that he/she has a claim or wishes to get additional information on the product.

¹³ The European Evaluation Consortium consists of the following organizations: (a) the Evaluation Partnership Limited (UK); (b) Economisti Associati (Italy); (c) Particip GmbH (Germany); and (d) navreme knowledge development (Austria).

Table 2 – Information on labels as required by the EC regulations (cont'd)

Information	Details
Organic	<p>(a) The use of the wording "organic" is only allowed in reference to specific methods of food production which comply with high standards regarding the protection of the environment and the welfare of animals; and</p> <p>(b) the European logo "Organic farming – EC Control System" can only be used by producers fulfilling the required conditions.</p>
Genetically Modified Organisms (GMOs)	<p>(a) Mandatory for products that have a GMO content of more than 0.9%; and</p> <p>(b) all substances of GMO origin are required to be mentioned with the words "genetically modified" in the list of ingredients.</p>
Origin	<p>(a) Compulsory for certain categories of products such as meat, fruit and vegetables; and</p> <p>(b) mandatory if the brand name or other elements on the labels, such as a picture, a flag, or a reference to a place, could mislead the consumer as to the true origin of the product.</p>
Nutritional information	<p>(a) Energy value and nutrients of a foodstuff (e.g. protein, fat, fibre, sodium, vitamins and minerals); and</p> <p>(b) provided when a nutrition claim is made concerning the product.</p>
Nutrition and health claims	<p>(a) Rules are in place to ensure that claims about health or nutritional values on food packages are true and based on scientific facts;</p> <p>(b) claims such as "low fat" or "high fibre" are required to comply with harmonized definitions so that they mean the same thing in all the member states; for instance, "high fibre" can only be used for products containing at least six grams of fibre per 100 grams;</p> <p>(c) food products with a lot of fat or sugar may not be labelled with claims such as "contains vitamin C";</p> <p>(d) health claims such as "good for your heart" are allowed only if they can be scientifically demonstrated;</p> <p>(e) attaching a positive health claim to a product which contains too much salt, fat or sugar is not permitted; and</p> <p>(f) the following health claims are prohibited:</p> <ul style="list-style-type: none"> (i) claims to prevent, treat or cure a human disease; (ii) claims which make reference to the rate or amount of weight loss; (iii) reference to or endorsement by individual doctors; and (iv) claims suggesting that health could be affected by not consuming the food.

Indication of prices

2.7.6 The indication of prices is regulated by the *Directive No 98/6/EC* of 16 February 1998. The purpose of this Directive is to stipulate indication of the selling price and the price per unit of measurement of products offered by traders to consumers in order to improve consumer information and to facilitate comparison of prices. However, member states may waive the obligation to indicate the selling price of a product if it is sold in bulk, and where the selling price cannot be determined until the consumer indicates the quantity of the product demanded. Indication of the unit price of a product is also not necessary if such indication is not useful because of the product's nature or purpose, or the possibility of creating confusion.

Chapter 3 – United Kingdom

3.1 Overview

3.1.1 In mid-2006, the population of the UK was 60.6 million, of which 50.7 million (84%) lived in England.¹⁴ In 2005, the agri-food sector, i.e. the food sector and the agriculture and fishing sectors, accounted for 7% of the national gross value added (GVA)¹⁵, with an employment of 3.7 million persons, equivalent to 14% of the national employment. The food sector itself, i.e. food manufacturing, wholesaling and retailing as well as non-residential catering, accounted for an estimated GVA of £69.1 billion (HK\$978 billion).¹⁶ The leading sectors in food production include bread, biscuits and cake production, meat processing, soft and alcoholic beverages and confectionery. There were a total of 171 595 businesses registered in the food sector, among which 0.4% were large enterprises, employing 250 or more persons, 14.2% were SMEs and 85.5% were very small businesses.¹⁷

3.1.2 The UK itself can meet only 59% of the country's food needs, leaving the remaining 41% to be met by imports from both the EU and non-EU countries. In 2005, the value of import and export of food, feed and drink amounted to £23.4 billion (HK\$331 billion) and £13.5 billion (HK\$190 billion) respectively. While fruit and vegetables ranked the highest among all imported food categories, drinks ranked the highest among the exported food categories.¹⁸

3.1.3 In 2005, the UK's top suppliers of food, feed and drinks were France, the Netherlands, the Irish Republic and the US, while the principal destinations of the UK's food, feed and drink exports were the Irish Republic, France, the US, Canada and Japan.¹⁹

¹⁴ *National Statistics Online* (2008).

¹⁵ GVA is the difference between output and intermediate consumption for any given sector/industry. It is the difference between the value of goods and services produced and the cost of raw materials and other inputs which are used up in production.

¹⁶ The exchange rate of Hong Kong Dollar per pound sterling in 2005 was 14.15.

¹⁷ Defra (2007).

¹⁸ *Ibid.*

¹⁹ *Ibid.*

3.2 Responsible authorities

3.2.1 In the UK, the responsibility for feed and food controls is shared among the central and local authorities. The central authorities are:

- (a) FSA; and
- (b) Department for Environment, Food and Rural Affairs (Defra) in England²⁰.

3.2.2 There are 469 local authorities²¹ responsible for monitoring and verifying compliance with the food laws, and enforcing the related requirements.²²

3.2.3 In carrying out their functions, these authorities are assisted by the National Reference Laboratories²³ and other official laboratories and independent third parties to which specific control tasks have been delegated.

Food Standards Agency

3.2.4 Established by the *Food Standards Act 1999* on 1 April 2000, FSA is a non-ministerial government department accountable to the government through the Secretary of State for Health. FSA provides advice and information to the public and the government on food safety from farm to fork, nutrition and diet. It also protects consumers through effective enforcement and monitoring measures. The work of FSA is governed by a Board²⁴ appointed to act in the public interest.

²⁰ The equivalent authorities are the Scottish Government Directorate-General Environment, the Welsh Assembly Government Department for Rural Affairs and the Department of Agriculture and Rural Development for Northern Ireland.

²¹ Local authorities refer to county, shire, district, borough and city councils.

²² Food Standards Agency et al. (2008).

²³ Created by the EC, the National Reference Laboratories are a network of laboratories responsible for setting up the EU-wide standards for routine procedures and testing methods in the areas of feed and food and animal health.

²⁴ The Board consists of a Chair, a Deputy Chair and up to 12 other members.

Objectives

3.2.5 FSA's primary aim is to protect the health of the public and the interests of consumers in relation to food. The functions of FSA include:

- (a) developing effective policies relating to food safety and other interests of consumers in relation to food;
- (b) providing clear and practical advice, information and other forms of assistance to all stakeholders;
- (c) building and maintaining a reputation for expertise and excellence in matters relating to food safety and other interests of consumers in relation to food;
- (d) maintaining effective working links with devolved administrations, other public bodies and stakeholder organizations with an interest in food safety and standards, both in the UK and other countries;
- (e) making decisions and taking actions proportionate to the risk, and with due regard to costs and benefits; and
- (f) ensuring that the interests of the UK consumers in relation to food are effectively promoted within the EU and in other international forums.

3.2.6 Table 3 lists the day-to-day work of FSA on food safety and hygiene from various aspects.

Table 3 – Day-to-day work of FSA on food safety and hygiene from various aspects

Chemical safety	<p>FSA determines the safety levels of naturally-occurring or deliberately-added chemicals in food by the following methods:</p> <ul style="list-style-type: none"> (a) obtaining advice on particular chemicals from independent scientific advisory committees; or asking those committees to set up working groups to examine issues of concern; (b) commissioning surveys on levels of chemicals in various foods to estimate the total amount and whether the safety levels are complied with; (c) developing methods of estimating the amounts of food chemicals consumed by consumers; (d) ensuring that consumer interests are taken into account in the safety assessments of pesticides, veterinary medicines and natural toxicants; (e) liaising and negotiating with the other EU member states, the EC and international organizations to develop appropriate standards for levels of chemicals in food; and (f) commissioning research on food intolerance, risk assessment of food chemicals, phytoestrogens, molecular toxicology, food additives and food contact materials.
Microbiological safety	<ul style="list-style-type: none"> (a) Developing strategies for reducing foodborne illness; (b) promoting a hazard analysis-based approach to food safety management; (c) providing guidance for producers, retailers, caterers and the public; and (d) dealing with microbiological food hazards and outbreaks of foodborne disease.
Hygiene resources	<ul style="list-style-type: none"> (a) Demonstrating the importance of good food hygiene in respect of cleaning, cooking, chilling and cross-contamination through videos; (b) providing an interactive programme for children aged seven to 14 and their teachers. This programme is funded by the EC; and (c) educating young people about food hygiene issues through quizzes, games and fact sheets.
Radiological safety	Strictly monitoring and controlling radioactivity in food as it is invisible, tasteless and not mentioned on food labels.
Food allergy and intolerance	Conducting research, labelling, providing advice to caterers and issuing guidance notes to parties concerned.
Safety and hygiene research	Commissioning research programmes on safety and hygiene issues.

3.2.7 According to the *Food Standards Act 1999*, FSA is also responsible for:

- (a) inspection and approval of food irradiation facilities;
- (b) approval of fresh meat establishments; and
- (c) monitoring, designation and classification of shellfish harvesting areas.

Meat Hygiene Service

3.2.8 Established in 2004, the Meat Hygiene Service (MHS) is an executive agency of FSA, responsible for official controls in approved meat premises, including meat hygiene requirements and regulations relating to the welfare of animals for slaughter. MHS provides verification, audit and meat inspection services in approved slaughterhouses, cutting plants, farmed and wild game facilities, and co-located minced meat and meat product premises.

Committees, forums and working groups

3.2.9 FSA carries out a range of work to make sure that food is safe to eat, including funding research on chemical, microbiological and radiological safety, as well as food hygiene and allergy. Committees, forums and working groups are formed to advise FSA on safety and hygiene issues. Appendix II lists the committees, forums and working groups that advise FSA in this regard.

Department for Environment, Food and Rural Affairs

3.2.10 Defra helps create a sustainable food and farming supply chain serving the market and the environment; putting in place systems to reduce risks of animal diseases, and being ready to control them when they occur. According to the *Comprehensive Spending Review 2007* published by the Chancellor of the Exchequer on 9 October 2007, the strategic objectives of Defra are:

- (a) tackling climate change internationally and through domestic action to reduce greenhouse gas emissions;
- (b) securing a healthy, resilient, productive and diverse natural environment;
- (c) ensuring sustainable patterns of consumption and production;

- (d) ensuring the economy and society resilient to environmental risk and adapting to the impacts of climate change;
- (e) ensuring a thriving farming and food sector with a positive environmental impact;
- (f) ensuring sustainable development nationally and internationally;
- (g) developing strong rural communities; and
- (h) providing efficient and high quality services.

Animal Health

3.2.11 Animal Health, an executive agency of Defra, is responsible for maintaining and improving animal health and welfare and minimizing the impact of animal health issues on public health. Animal Health controls and manages the outbreaks of animal disease by providing advice on disease prevention and maintaining a state of readiness to deal with animal health emergencies. It also provides advice on requirements for the import and export of animals.

Animal Health (Dairy Hygiene)

3.2.12 Under the purview of Animal Health, Animal Health (Dairy Hygiene) (AH(DH)) aims to protect the milk supply by ensuring that a satisfactory standard of hygiene is maintained on farms in England and Wales.²⁵ Acting on behalf of FSA, AH(DH) monitors and verifies compliance with food hygiene legislation, and enforces such legislation at milk production holdings. It also supervises the statutory programme for sampling and testing of raw cows' milk in England and Wales.

Egg Marketing Inspectorate

3.2.13 Under the purview of Animal Health, the Egg Marketing Inspectorate is responsible for the on-farm enforcement of food hygiene regulations at egg production units in England and Wales.

²⁵ The counterpart of AH(DH) in Northern Ireland is part of the Quality Assurance Branch of the Department of Agriculture and Rural Development. In Scotland, local authorities are responsible for inspecting milk production holdings.

Veterinary Medicines Directorate

3.2.14 Being an executive agency of Defra, the Veterinary Medicines Directorate (VMD) aims to protect public health, animal health and the environment, and promote animal welfare by ensuring the safety, quality and efficacy of veterinary medicines in the UK. VMD develops and implements legislation on specified feed additives and medicated feeding stuffs and enforces this legislation through another executive agency, the Animal Medicines Inspectorate.

Pesticides Safety Directorate

3.2.15 The Pesticides Safety Directorate (PSD) is yet another executive agency of Defra. Through the control of the sale, supply, storage, advertisement and use of pesticides, PSD aims to:

- (a) protect the health of human beings, creatures and plants;
- (b) safeguard the environment; and
- (c) secure safe, efficient and humane methods of pest control.

Rural Payments Agency

3.2.16 The Rural Payments Agency (RPA) provides a range of services in support of Defra. These services include farm payments and inspections as well as livestock tracing. RPA's Inspectorate conducts a range of farm, trader and technical inspections to ensure full compliance with the relevant UK and EU legislation.

3.2.17 As regards beef labelling, RPA inspectors conduct the following checks to ensure that:

- (a) operators have a recorded, documented traceability system in place which enables the beef to be traced back to the animal(s) of origin;
- (b) within slaughterhouses and cutting plants, the carcasses, cuts and boxes are labelled with the appropriate compulsory information²⁶; and
- (c) in mincing plants, all packs are labelled correctly.

3.2.18 Figure 1 provides information on the division of responsibility for official food controls in the UK.

²⁶ This information includes: (a) a traceability reference number or code; (b) the animals' country of birth and country(ies) of rearing; and (c) country of slaughter and cutting, with the approval codes of the slaughterhouses and cutting plants.

Figure 1 – Division of responsibility for official food controls – at a glance

Developing and Implementing food law	FSA <ul style="list-style-type: none"> • General - traceability, rapid alert system (RASFF), official controls • Import controls - public health aspects, fish/fishery products and products of non-animal origin • Labelling - general, nutritional, health claims • Composition and standards - e.g. mineral waters, fat spreads, chocolate, foods for particular nutritional use • Biological safety - e.g. food hygiene, TSEs. • Chemical safety - e.g. additives, contaminants, food contact materials, irradiation • Biotechnology - GM food 		Defra (and its agencies), the SE DG Environment, RA and DARD <ul style="list-style-type: none"> • Imports controls - animal health aspects for products of animal origin • Labelling - beef labelling and protected food names • Composition and standards - organic produce • Biological safety - certain rules relating to TSEs • Residues of pesticides (PSD) • Residues of veterinary products (VMD) 				
Ensuring that food satisfies the requirements of food law	Farm	All stages of production, processing and distribution → Food business operators (Approximately 600,000 establishments, plus approximately 195,000 holdings at primary production level.)					Fork
Official controls in respect of food law	Central level						
	FSA <ul style="list-style-type: none"> • Inspection and approval of food irradiation facilities • Approval of fresh meat premises • Classification of shellfish harvesting areas MHS <ul style="list-style-type: none"> • Hygiene controls - fresh meat • SRM controls AH(DH) (on behalf of the FSA) <ul style="list-style-type: none"> • Hygiene controls - milk production holdings EMI/SERPID (on behalf of the FSA) <ul style="list-style-type: none"> • Hygiene controls - egg production units 	Defra (on UK-wide basis) <ul style="list-style-type: none"> • Organisation of protected food names scheme • Overseeing system for certification of organic produce • Organisation of beef labelling scheme VMD <ul style="list-style-type: none"> • Veterinary medicine drug residue surveillance PSD <ul style="list-style-type: none"> • Pesticide residue monitoring & enforcement RPA <ul style="list-style-type: none"> • Beef labelling 	DARD <ul style="list-style-type: none"> • Hygiene controls - fresh meat, milk production holdings/liquid milk premises, egg production units/packing stations • SRM controls • Organisation of protected food names scheme • Overseeing system for certification of organic produce • Beef labelling 	SE DG Environment <ul style="list-style-type: none"> • Beef labelling 	Local authorities in England and Wales <ul style="list-style-type: none"> • Official controls and enforcement of the main body of food law, including imported food controls (all food law except that enforced by the central Departments and their Agencies) 	Local authorities in Scotland <ul style="list-style-type: none"> • Official controls and enforcement of the main body of food law, including imported food controls (all food law except that enforced by the central Departments and their Agencies) • AH(DH) role - hygiene controls at milk production holdings 	District Councils in Northern Ireland <ul style="list-style-type: none"> • Official controls and enforcement of the main body of food law (all food law except that enforced by DARD)

Source: Food Standards Agency et al. (2008).

3.3 Food safety policies

Single Integrated National Control Plan for the United Kingdom

3.3.1 In 2007, the UK published the *Single Integrated National Control Plan for the United Kingdom January 2007 to March 2011 (NCP)*, in accordance with the requirements of the *European Community Regulation 882/2004*. The principal objectives of *NCP* are to ensure that the EC laws on feed and food, animal health and welfare, and plant health are implemented in the UK and that there are effective control systems for enforcement and monitoring compliance. In essence, it helps safeguard public, animal and plant health, protect consumer interests, and promote animal welfare.

3.3.2 *NCP* details the roles and responsibilities of the different authorities and associated organizations involved in the monitoring of compliance with, and enforcement of, the feed and food laws, animal health and welfare rules and plant health requirements. It also provides an overview of how these authorities and other bodies should work together to safeguard public, animal and plant health, to protect consumers and to promote animal welfare.

3.3.3 During the enforcement period of *NCP*, FSA, in line with its own strategic plan for 2005 to 2010, works in partnership with *NCP*'s enforcement, consumer and industry stakeholders to:

- (a) monitor and review the *Framework Agreement on Local Authority Food Law Enforcement*²⁷;
- (b) provide direct support to local authorities to enable them to work with relevant businesses to raise food standards on an ongoing basis;
- (c) continue to provide training support for the enforcement officers of local authorities;
- (d) support local authorities dealing with major food fraud investigations;
- (e) publish good practice acquired from FSA audits of local authorities and findings from FSA's enforcement research programme;
- (f) provide guidance and technical advice on enforcement issues;

²⁷ The *Framework Agreement on Local Authority Food Law Enforcement* provides FSA with a mechanism for exercising its powers under the *Food Standards Act* to influence and oversee enforcement activities of local authorities.

- (g) develop ways to measure the outcomes of food law enforcement work and improve timeliness and relevance of local authority performance data obtained by December 2007, and implemented by local authorities from 1 April 2008 onwards;
- (h) publish information on enforcement performance to inform consumers and encourage better local authority performance, on an annual basis and following presentation to the FSA Board;
- (i) play a part in the wider initiatives to streamline enforcement and inspection regimes whilst maintaining excellent public protection outcomes; and
- (j) support the implementation of effective food safety management by working with local authorities and other partners to provide guidance, training and support for small retail and catering businesses.

3.3.4 In order to provide clear direction to local regulatory services about the enforcement activities that best protect public health and consumers' interests in relation to food, five high priority areas have been identified. They are:

- (a) proactively providing support and taking targeted, proportionate risk-based enforcement action, including inspections, to ensure food safety and prevent foodborne diseases;
- (b) through reactive, intelligence-led enforcement, tackling rogue businesses and taking appropriate measures to safeguard the food supply from adulteration, contamination, fraud and mis-description;
- (c) providing appropriate, targeted, specific, transparent and robust advice, support and incentives to businesses to maximize compliance with the EU Food Hygiene Regulations and the *General Food Law*;
- (d) providing help, advice and support to consumers to protect public health and promote healthier lifestyles and consumer choice; and
- (e) providing transparent, robust and consistent approaches on the investigation and resolution of consumer complaints about food and food businesses, in particular through a properly resourced Home Authority Principle²⁸.

²⁸ Home Authority refers to the local authority where the relevant decision-making base of a business is located. The Home Authority Principle helps local authorities work together with businesses to provide consistent and coordinated trading standards and food enforcement services.

Delivering the Essentials of Life: Defra's Five Year Strategy

3.3.5 In 2002, Defra published its five-year strategy, *Delivering the Essentials of Life: Defra's Five Year Strategy*, identifying five strategic priorities and a number of specific outcomes for the department. The priorities include a sustainable farming and food sector accounting for animal health and welfare, with the specific outcome of helping to create a sustainable food and farming supply chain serving the market and environment and putting in place systems to reduce the risks of animal diseases, and being ready to control them when they occur.

3.4 Enforcement tools

3.4.1 The latest food hygiene laws were introduced in the UK in January 2006. They affect all food businesses, including caterers, primary producers, manufacturers, distributors and retailers.

3.4.2 Listed below are the main food laws applicable to food safety in the UK:

- (a) *Food Safety Act 1990* – providing the framework for all food legislation in England, Wales and Scotland²⁹;
- (b) *General Food Law* – the EC legislation on general food safety; and
- (c) *General Food Regulations 2004* – providing for the enforcement of certain provisions of the *General Food Law* and the amendment of the *Food Safety Act 1990* to bring it in line with the *General Food Law*.

Food and feed hygiene for farmers and growers

3.4.3 Farmers and growers, as primary producers, need to follow good practice and manage their operations as set out in the regulations effective 1 January 2006. Under the new rules, farmers and growers need to take steps to:

- (a) prevent contamination arising from water, soil, feed, veterinary products, pesticides and waste;
- (b) keep animals intended for slaughter for human consumption clean;

²⁹ Similar legislation applies in Northern Ireland.

- (c) prevent animals and pests from causing contamination;
- (d) take account of results from tests relevant to animal and human health; and
- (e) use medicines/plant products appropriately.

3.4.4 Under the new legislation, food producers are required to keep records relevant to food safety, including:

- (a) the nature and origin of animal feed;
- (b) use of plant protection products and biocides;
- (c) veterinary products administered and their withdrawal dates;
- (d) occurrence of diseases or pests that may affect food safety;
- (e) information required for purposes of traceability;
- (f) results of any analyses carried out; and
- (g) health status of the animals sent for slaughter.

3.4.5 To achieve a consistent enforcement approach, a Technical Group comprising representatives of the food industry and government officials has been established. The Technical Group develops the initial details of the regime and continues to refine proposals and provide advice on how best to communicate with the industry and enforcement community.

Codes of Practice and associated practice guidance

3.4.6 Direction and guidance on the approach to enforcement is provided in the statutory Codes of Practice. To ensure enforcement consistency, the Codes of Practice set out instructions and criteria to which local and port health authorities shall make reference when engaging in the enforcement of the food laws.

3.5 Monitoring mechanism

3.5.1 Responsibility for monitoring and verifying compliance with the feed and food laws is divided among FSA, Defra and the Agriculture/Rural Affairs Departments in the devolved administrations, as well as local and port health authorities.

General food standards

3.5.2 The enforcement of regulations on food standards is primarily the responsibility of local authorities, in particular, Environmental Health Officers and Trading Standards Officers.

3.5.3 FSA oversees the enforcement activities of local authorities for the food laws. It sets and monitors standards and audits local authorities' activities to ensure that enforcement arrangements are proportionate, consistent and transparent.

Control activities of local and port health authorities

3.5.4 Local and port health authorities in the UK are responsible for a wide range of food control activities. At the primary production level, local authorities are responsible for monitoring and verifying compliance with the EU food and feed hygiene legislation, and enforcing the related requirements. At other stages in the production chain, local authorities are responsible for not only monitoring and enforcing feed and food safety legislation but also enforcing rules on labelling and compositional standards. Port health authorities provide controls for products entering the UK from other parts of the world.

3.5.5 When local and port health authorities find non-compliance, they work with the business concerned in accordance with their enforcement policies and, where necessary, take formal enforcement actions to ensure that compliance is achieved.

3.5.6 Control activities of individual authorities are set out in their service delivery plan. These control activities include:

- (a) the number of premises inspections programmed, an estimation of the number of revisits that needs to be made, and any targeted inspection activity that the authority intends to carry out;
- (b) an estimation, based on previous trends, of the likely demand on the service for dealing with complaints;

- (c) an estimate of the resources needed for businesses for which the local authority acts as the Home Authority or originating authority, and responding to enforcing authority enquiries;
- (d) an estimation of the number of contacts from businesses regarding the provision of advice;
- (e) details of sampling programmes and an estimate of the number of samples that may be taken in relation to complaints; and
- (f) an estimation, based on previous trends, on the likely demand on the service in dealing with control and investigation of outbreaks and food-related infectious diseases.

3.5.7 A range of control methods are employed in fulfilling the control functions. These include:

- (a) inspections of feed and food premises;
- (b) inspections of feed or food; and
- (c) sampling and chemical analysis and microbiological examination.

3.5.8 Inspection frequencies are determined by reference to the inspection rating scheme in the relevant Code of Practice. Businesses presenting a higher risk attract more frequent inspection. Where necessary, there are also follow-up actions to ensure that issues of concern have been addressed.

Control activities on imported products of animal origin

3.5.9 At the Border Inspection Posts, control activities on imported products of animal origin are carried out in accordance with the *Directive 97/78/EC* and the *Regulation 136/2004/EC*. These activities include the checking of manifests to confirm that consignments have been correctly notified; documentary checks, including the examination of veterinary certificates accompanying a product; identity checks by visual inspection to ensure that documents provided for veterinary inspection tally with the product; and, physical checks on products, including sampling and laboratory testing. Information regarding non-compliant products and the onward movement of third-country products from the Border Inspection Posts is passed to the competent authorities in other member states.

Control activities on imported products of non-animal origin

3.5.10 With regard to imported feed and food of non-animal origin, controls at points of entry involve documentary checks on consignment manifests, random identity checks on consignments/containers and, where appropriate, physical checks, such as the taking of samples for analysis and/or examination. The level, focus and frequency of these controls are risk-based and in accordance with some factors, such as the requirements of emergency safeguard measures, RASFF notifications and local intelligence and priorities. Enforcement of imported feed and food controls is also carried out by inland local authorities as part of their range of regulatory responsibilities. These enforcement activities include examination of feed/food during the course of feed/food premises inspections, routine and programmed sampling and analyses, and responding to complaints or concerns.

3.6 Consumer protectionAlert system

3.6.1 *Food Alerts* are publications prepared by FSA to alert local authorities and consumers to problems associated with food and, in some cases, details of specific action to be taken.

3.6.2 *Food Alerts* are issued to Consultants in Communicable Disease Control, Trading Standards Officers and food trade organizations, to alert them to current food issues. They are often issued in conjunction with a product withdrawal or recall by a manufacturer, retailer or distributor.

Complaint mechanism

3.6.3 While Environmental Health Officers handle complaints about food quality as well as hygiene and safety issues, complaints about food labelling, ingredients, weights and measures are dealt with by Trading Standards Officers.

Penalties

3.6.4 Provisions laid down by the *General Food Regulations 2004* make it a criminal offence for breaches of Articles 12, 14(1), 16, 18(2) or (3) and 19 of the *General Food Law*. Penalties for the breaches of the aforementioned articles are:

- (a) on conviction in a Crown Court, a fine or imprisonment for a term not exceeding two years or both; and

- (b) on conviction in a Magistrates' Court, a fine or imprisonment for a term not exceeding six months or both.

Other mechanisms for enhancing consumer protection

3.6.5 In addition to identifying good practice adopted by local feed and food law enforcement services, FSA disseminates a wide range of good practice via its website and case studies in newsletters and regional meetings. Meanwhile, local authorities are invited to share good practice and research work, aiming at improving food safety awareness among consumers and food businesses.

3.6.6 FSA also aims to improve food safety standards by building on and learning from past experience. In April 2006, FSA set up the Food Fraud Task Force to consider a series of actions to help tackle the trade in illegal meat and food fraud more generally. An example of such actions is the consideration of controls that are currently in place and their suitability to deter food fraud.

Emergency and contingency planning

FSA

3.6.7 FSA's *Incidents Response Protocol* outlines the procedures that should be followed by its staff during food and feed incidents and emergencies. The document stipulates the notification procedures, roles and responsibilities of FSA staff during food safety incidents, and the arrangements for the review of such incidents.

3.6.8 Close links have been established by FSA with other departments/agencies involved in food safety to ensure a rapid and coordinated response during food safety incidents/emergencies. Information and instructions are transmitted to local authorities via the Food Alert system.

3.6.9 FSA, through its Food Incidents Taskforce³⁰, has developed an advisory document with suggestions aiming at reducing the possibility of future contamination incidents. These suggestions include principles for preventing and dealing with food safety incidents. Overall, the document sets out the principles that apply, and provides guidance on meeting existing obligations under the feed and food laws and the general objective of providing food that is safe and of acceptable quality.

³⁰ The Food Incidents Task Force, set up by FSA in the wake of the 2005 Sudan I industrial dye incident, helps strengthen controls in the food chain and prevent major food safety incidents.

Meat Hygiene Service

3.6.10 MHS, the executive agency of FSA established in 2004 to monitor approved meat premises, has developed contingency plans to cover the outbreaks of notifiable diseases.

Local authorities

3.6.11 Local authorities are required by the relevant Code of Practice to set up and implement documented procedures for dealing with incidents and emergencies in respect of food or feed. Serious incidents resulting in an outbreak of foodborne illness should be immediately notified to relevant agencies. Local authorities are also required to carry out an assessment to determine the likely scale, extent and severity of the risk to public health or safety.

Specific contingency plans

3.6.12 The government has specific contingency plans available at various levels for animal, fish and bee health issues. These plans include:

- (a) Contingency Plan for Exotic Animal Diseases – produced by Defra, this plan covers arrangements for the outbreak of Foot and Mouth Disease, Avian Influenza, Newcastle Disease, Classical Swine Fever, African Swine Fever and Swine Vesicular Disease;
- (b) contingency plans to deal with the outbreaks of serious exotic diseases of fish (e.g. Gyrodactylosis) and aquatic infectious diseases (e.g. Haematopoietic Necrosis and Viral Haemorrhagic Septicaemia); and
- (c) a contingency plan for incidents involving exotic pests and diseases of bees.

3.7 Food labelling

3.7.1 Labelling rules specified in the *European Directive 2003/89/EC* were introduced in the UK by an amendment to the *Food Labelling Regulations 1996* in 2004. Under these rules, consumers are given comprehensive ingredient listing information and people with food allergies should find it easier to identify ingredients they need to avoid. These rules were last updated in December 2007. FSA's primary responsibility for labelling is to help make sure that people obtain the relevant information in an understandable manner.

Information on labels

3.7.2 The *Food Labelling Regulations 1996* require food to be marked or labelled with the following information:

- (a) name of the food;
- (b) list of ingredients;
- (c) amount of an ingredient which is named or associated with the food;
- (d) durability indication;
- (e) special storage conditions;
- (f) name of business and manufacturer;
- (g) place of origin;
- (h) process used in manufacturing; and
- (i) instructions for use.

3.7.3 The *Food Safety Act* lays down compositional rules on labelling for the following ingredients:

- (a) bread and flour;
- (b) cocoa and chocolate;
- (c) soluble coffee;
- (d) evaporated and dried milk;
- (e) fruit juice;
- (f) honey;
- (g) infant formula;
- (h) jams;
- (i) meat products: sausages, burgers and pies;
- (j) natural mineral waters;

- (k) spreadable fats; and
- (l) sugars.

3.7.4 For labelling purposes, the *European Marketing Standards* provide definition on the following food:

- (a) fresh fruits and vegetables;
- (b) canned sardines and tuna;
- (c) olive oil;
- (d) alcoholic spirit drinks such as whisky and gin;
- (e) eggs in shell;
- (f) organic food; and
- (g) food of designated geographic indication or origin, such as Parma ham and West Country Cheddar.

3.7.5 Guidance notes for businesses on food labelling regulations with regard to place of origin, Quantitative Ingredient Declarations, lot marking, specifying a "use by" date and nutrition labelling are offered by the government.

3.7.6 FSA has an extensive programme of surveillance on food authenticity, involving ad hoc checks on foods. Falsely describing, advertising or presenting food is an offence, and there are laws that help protect consumers against dishonest labelling and mis-description. Breaching of the *Food Labelling Regulations 1996* may incur a fine of up to £5,000 (HK\$78,100).

Labelling relating to allergy

3.7.7 In 2006, FSA produced the best practice guidance for industry on the appropriate use of allergen cross-contamination warning labels. A list of 14 food allergens³¹, which have to be indicated by reference to the source allergen whenever they, or ingredients made from them, are used at any level in pre-packed foods, including alcoholic drinks, has been established.

³¹ The list consists of cereals containing gluten, crustaceans, molluscs, eggs, fish, peanuts, nuts, soybeans, milk, celery, mustard, sesame, lupin and sulphur dioxide at levels above 10 mg/kg or 10 mg/litre.

Chapter 4 – France

4.1 Overview

4.1.1 In 2007, the total population in France amounted to 63.1 million.³² Food production is the largest industry, accounting for 32% of the economy's total added value.³³ The leading sectors in food production include meat and dairy production, cereals, confectionery, soft and alcoholic beverages. France has 30 major food processors and over 10 500 food companies, with 70% of them being SMEs.³⁴

4.1.2 France is the world's largest importer and second largest exporter of agricultural products. Nearly one-third of agricultural land in the EU is located in France.³⁵ It is also a world leader in processed food exports, with a trading volume of €1.1 billion (HK\$304 billion) in 2006, equivalent to 10% of the global trade in processed food.³⁶

4.1.3 In 2006, France's top suppliers of food and agricultural products were the Netherlands, Belgium/Luxemburg, Germany, Spain, the UK and Italy, which together accounting for 70% of the total food imports.³⁷ Outside of the EU, Brazil is the largest food supplier to France, mainly on bulk products, including soy and soy protein, orange juice and orange juice concentrates, as well as meat and poultry.

4.2 Responsible authorities

4.2.1 The responsibilities for food safety are shared among authorities at the national and local levels. At the national level, food safety is overseen by the following ministries:

- (a) Ministry of Agriculture and Fishing – Directorate-General of Food (DGAL);
- (b) Ministry of Economy, Finance and Industry – Directorate-General for Competition, Consumption and the Repression of Fraud (DGCCRF); and
- (c) Ministry of Health and Solidarity – Directorate-General for Health (DGS).

³² *France diplomatie* (2008).

³³ USDA Foreign Agricultural Service (2006a).

³⁴ *Ibid.*

³⁵ Agriculture and Agri-food Canada (2008).

³⁶ *Ibid.*

³⁷ USDA Foreign Agricultural Service (2007a).

4.2.2 The monitoring and enforcement of health legislation throughout France is carried out by the 100 partnerships of the Departmental Management of Veterinary Services (DDSV), the Departmental Management for Competition, Consumption and the Repression of Fraud (DDCCRF) and the Departmental Management of Health and Social Affairs (DDASS) at the local level.³⁸ DDSVs inspect and certify production facilities and processing plants in their respective districts.

Directorate-General of Food

4.2.3 Under the purview of the Ministry of Agriculture and Fishing, DGAL monitors and handles health and safety risks within the agriculture and food industries, including:

- (a) protection of plants and animal health;
- (b) protection, hygiene and organization of quality systems for food products in various stages of preparation, transportation and sale; and
- (c) promotion of the French food, health and phytosanitary models.

4.2.4 DGAL plays the following roles in the food chain:

- (a) certification and qualification of food and food production plants;
- (b) control and investigations of food safety incidents; and
- (c) periodic inspections of slaughterhouses.

4.2.5 DGAL monitors compliance with health regulations throughout the entire food chain for products of animal origin and up to the first processing for products of plant origin.

³⁸ In the context of the political and geographic organization of France and many of its former colonies, a department is an administrative unit similar to an English county, and there are a total of 100 departments grouped under 22 regions.

Directorate-General for Competition, Consumption and the Repression of Fraud

4.2.6 Under the purview of the Ministry of Economy, Finance and Industry, DGCCRF is responsible for ensuring open and fair trade of consumer goods and services and protecting consumers. Its activities centre on the safety, fairness and quality of consumer goods and services. Food products account for part of its portfolio, focusing on the composition, additives, authorized processing, labelling and sales practices. DGCCRF monitors plant products (except those undergoing first processing) on the food chain and carries out inspections at points of distribution and consumption.

Directorate-General for Health

4.2.7 DGS falls under the purview of the Ministry of Health and Solidarity. It works in all fields relating to public health and food safety, particularly in the area of water intended for human consumption. It carries out checks on potable water and runs investigations following cases of human food poisoning.

French Food Safety Agency

4.2.8 Established in April 1999 in response to various health crises, AFSSA is a state institution under the responsibility of the Ministry of Agriculture and Fishing, the Ministry of Economy, Finance and Industry and the Ministry of Health and Solidarity. Its roles, prerogatives, organization and operation are laid down in the *Code of Public Health*. Its jurisdiction covers the following:

- (a) human nutrition, originating in food (including water-related risks), of animal origin and those relating to the use of agronomic inputs, and human health;
- (b) animal health;
- (c) plant health, relating to the use of agronomic inputs;
- (d) environment (and ecosystems), relating to the use of agronomic inputs or veterinary medicinal products; and
- (e) animal welfare.

4.2.9 AFSSA has eight operational remits:

- (a) assessing nutritional and health risks and benefits;

- (b) recommending measures to maintain public health, animal health and welfare, and plant and environmental health;
- (c) benchmarking activities of its laboratories;
- (d) conducting research and study programmes;
- (e) monitoring and surveillance of public health;
- (f) providing training and information for relevant organizations involving in food safety in France and abroad;
- (g) representing France at EFSA advisory forums and coordination of French organizations operating within EFSA's jurisdiction; and
- (h) providing marketing authorization in the field of veterinary medicinal products.

4.2.10 According to the 2007-2011 business plan of AFSSA, 10 strategic directions have been drawn up to safeguard public health in relation to food. They are:

- (a) developing a scientific assessment tool which provides opinions and scientific and technical support within operational time frames;
- (b) ensuring the sustainability of reference activities of AFSSA's laboratories;
- (c) monitoring, alerting and identifying emerging risks relating to public health;
- (d) promoting and implementing research policies in accordance with AFSSA's operational remits;
- (e) establishing strong relationship with the community and at international levels;
- (f) strengthening the service delivery process;
- (g) cultivating relationships at all levels by creating unifying networks and partnerships as well as providing training and information;
- (h) establishing the assessment tools of phytopharmaceutical products, fertilizers and growing supports;

- (i) enhancing the role of the National Agency for Veterinary Medicinal Products³⁹; and
- (j) developing activities relating to the safety of water intended for human consumption.

National Institute for Monitoring of Health

4.2.11 Under the purview of the Ministry of Health and Solidarity, the National Institute for Monitoring of Health monitors the sanitary conditions and observes the health condition of the French population. It is responsible for alerting the authorities concerned and providing them with recommendations in the event of any threat to public health.

National Food Council

4.2.12 The National Food Council is an independent consultative body comprising 47 members representing various parts of the entire food chain and civil society⁴⁰, and representatives from the authorities concerned and AFSSA. Ministers responsible for agriculture, food and health are required to consult this Council on the development of French food policies and, more specifically, on how to adapt consumption to nutritional needs, food safety for consumers and the quality of food products. The National Food Council may investigate matters of its own accord.

4.3 Food safety policies

4.3.1 The *Law of July 1998* has established the framework of the existing food safety system in France. At present, the food safety system involves a large-scale monitoring scheme carried out by AFSSA and the National Institute for Monitoring of Health. In compliance with the European directives, food producers, processors and distributors are required to be responsible for the safety of the foodstuffs they manufacture and market.

³⁹ Established in 1994, the National Agency for Veterinary Medicinal Products is a public scientific institution under the supervision of both the Ministry of Agriculture and the Ministry of Health. It was integrated into AFSSA in 1999. This agency is responsible for granting marketing authorizations for veterinary medicinal products.

⁴⁰ Such members come from consumer and user associations, farmers, large and small-scale food processing firms, distributors, restaurants, agriculture, agri-foods and distribution employee unions and qualified scientific personnel.

4.3.2 The French government has adopted five major principles in guiding its food safety policies:

- (a) maintaining that producers, processors and distributors (operators) have the first responsibility;
- (b) continuous modification of regulation in response to scientific and technical developments in health issues;
- (c) approval and monitoring of food establishments under the responsibility of public services which have the power to sanction when deemed necessary;
- (d) utilizing both the national and EC alert networks for health monitoring in the event of potential or known risk; and
- (e) ensuring that responsible authorities are capable of managing risks, particularly in urgent situations.

4.4 Enforcement tools

4.4.1 To keep pace with the scientific and technological advances in the agricultural sector, new regulations are continuously adopted at the national and EU levels. The current food safety legislation in France is based on:

- (a) EU directives – as a member state, France enforces food safety regulations as stipulated in the framework of the unified market;
- (b) *Consumer Code* – created in 1993 and last updated in 1998, the Code brings together the provisions of the Law of 1905 and the Law of 21 July 1983 on consumer safety, as well as provisions specified in other legislation and regulations. The Consumer Code governs every aspect of a product's life cycle, including its compliance with safety regulations, composition, labelling and distribution;
- (c) *Rural Code* – the Code constitutes the regulatory environment for food production firms and stipulates the procedures of health/sanitary inspections and the quality of food products;
- (d) *Law of 1 July 1998* – the Law improves health monitoring and safety inspection of food products destined for human consumption. Under this law, an independent body, AFSSA, is created to be in charge of assessing food-related health and nutritional risks; and

- (e) European regulations of 1 January 2006 on food hygiene and animal feed – under the regulations, a single, transparent policy is applied to food products, animal feeds and the food industry, with effective instruments being used for managing food safety, such as an alert system, throughout the food chain.

4.5 Monitoring mechanism

4.5.1 Both the manufacturing and marketing of food products are subject to the principle of "proven safety" as stipulated in the *Consumer Code*. The Code defines risk analysis and the principle of responsibility for defective products.

4.5.2 To carry out risk assessment and management, the French government relies on all parties involved in the food chain. Industrial professionals and the public are consulted in the process of development or amendment of regulations.

Facility inspections

4.5.3 Monitoring food safety is the responsibility of DGAL. The actual implementation involves inspection of animals at ranches and farms, and checking certified slaughterhouses. Industrial or small-scale firms that manufacture food products using animal products or products of animal origin are required to obtain a health certificate from DDSVs. Frequency of inspections depends on the risks relating to the nature of a particular activity and the related company's overall hygiene level.

Product inspections

4.5.4 Product inspections are performed by DDSVs at the production, transportation, storage and distribution stages. Such inspections cover the checking of the composition of the products, their microbiological characteristics and storage conditions (in particular, the temperature). Both DGAL and DGCCRF implement ad hoc monitoring plans for some categories of food products that are particularly fragile, or likely to develop emerging pathogens or be in contact with toxic residues.

4.5.5 Imports of animal products or products of animal or plant origin from other countries are subject to inspections at the Border Inspection Posts, which fall under the purview of DGAL. Random inspections are also conducted at refrigerated warehouses, distribution facilities and agri-food firms.

4.6 Consumer protection

4.6.1 AFSSA conducts regular comprehensive studies on food consumption of the French people. Areas of studies include types of diet, eating habits and population at risk.

4.6.2 An alert system on a certain product at risk will be activated by the authorities concerned if it has not been done by the relevant company or organization, which is legally responsible for the marketing of that product. The alert given by the authorities allows any product at risk to be identified so that it can be withdrawn from points of sale and recalled from consumers.

National alert network system

4.6.3 DDSVs are required to send notification of non-compliance to DGAL's central health alert management office. Upon receipt of such notification, the office will send out the relevant information to the directorates and offices concerned. The office is also responsible for coordinating any necessary resulting actions.

European Union's alert network system

4.6.4 Through RASFF, each member state notifies the EC of any non-compliance detected in food products that are either produced and exported by itself, or produced in another country and distributed in its territory. Each member state is required to set up at least a point of contact. In France, there are two points of contact, namely DGAL's Health Alert Office for Animal Feeds and Products of Animal Origin, and DGCCRF's Fraud Alert Unit for Non-animal Products. These two points of contact are responsible for transmitting the related information to the directorates of the concerned departments, reporting and disseminating such information, and coordinating any necessary actions.

Crisis management

4.6.5 Local authorities are responsible for handling the outbreak of food poisoning. While investigations are conducted by DDSVs on the agri-food industry, DDASSs are responsible for identifying the causes of food poisoning. Proven fraud is brought before DDCCRF. The "in the field" investigations are coordinated by local governments. Predetermined procedures are in place to enable investigators to collect the required information in a swift manner.

Penalties

4.6.6 Food business operators such as producers, processors and distributors are required to implement internal inspections based on Hazard Analysis and Critical Control Point (HACCP)⁴¹ guidelines and methods. Non-compliance with health and safety regulations may lead to the following actions:

- (a) seizure of products;
- (b) cleaning and disinfecting the facility; and
- (c) shutdown of the facility and forfeiting the relevant party's health certification.

4.7 Food labelling

4.7.1 The labelling system in France follows that of the EU, with AFSSA being responsible for ensuring that the principle of traceability is implemented. AFSSA also assesses claims of a new product. The assessment is conducted based on the nutritional composition of the product as well as justifications of the claims. Nevertheless, health claims such as "calcium improves bone density" are not specifically regulated in France. All in all, labels must not attribute to a foodstuff that treat or cure a human disease.

Information on labels

4.7.2 The label is considered a vital component of traceability. It is the source of information that allows consumers to trace the entire production chain. Table 4 shows the four types of information that can be found on the label of a food product.

⁴¹ HACCP involves seven principles: (a) analyzing hazards; (b) identifying critical control points; (c) establishing preventive measures with critical limits for each control point; (d) establishing procedures to monitor the critical control points; (e) establishing corrective actions to be taken when monitoring shows that a critical limit has not been met; (f) establishing procedures to verify that the system is working properly; and (g) establishing an effective record-keeping system to document the HACCP system.

Table 4 – Information on the label of a food product

Type of information	Details
Descriptive information	(a) Trade name; (b) batch/lot number; (c) ingredients; (d) net quantity; and (e) instructions for use.
Health-related information	(a) Product freshness including "best before", "use by" or "expiry" dates; (b) risks relating to the ingredients; (c) proper storage methods; and (d) precaution for use.
Mandatory information for differentiation	(a) Address and phone number of the manufacturer and the relating batch/lot number; (b) products of animal origin including a veterinary stamp showing the official certification number of the final processor of the product; and (c) beef packaging features specific information, such as the animal's country of origin, the category of the animal (steer, heifer, cow, etc.) as well as the type of breed (dairy or beef).
Voluntary information	Whether the product is certified (for example, quality labels) or not – which enhances the product's image and is added to the previously mentioned mandatory information.

Labelling of cattle

4.7.3 Since 1978, cattle have been subjected to a special monitoring process from their birth to their sale on the market. Each cattle carries a buckle on its ear upon which a 10-digit national identification number is allocated. This number is then recorded on a passport which contains information on regional identification, work number, sex, race, date of birth, successive movements since birth and health accreditation. The passport and the attestation on it are required for presentation at each movement of the cattle and at the abattoir. Such information is available up to the point of sale to facilitate traceability of the meat products.

Chapter 5 – Analysis

5.1 Introduction

5.1.1 This chapter examines the actions taken by the governments of the selected places in enhancing food safety from both the legal and administrative aspects, as described in the previous chapters. Such actions include policy formulation, law enforcement and compliance monitoring relating to food safety. The availability of food safety incident management plans and consumer protection programmes as well as the labelling requirements are also discussed. Where appropriate, reference to Hong Kong will be drawn.

5.1.2 Among the selected places under study, the European Union (EU) is not a country, but is an economic and political partnership of 27 democratic European countries. Its executive body, the European Commission (EC), represents the common interest of the EU, and is responsible for developing legislation and creating directives for the EU member states. Those directives provide a common aim for all member states, and the way to achieve the aim is at the discretion of the government of individual member states. Hence, the comparison in relation to the implementation of food safety policies focuses mainly on the United Kingdom (UK) and France only.

5.2 Responsible authorities

5.2.1 There are several authorities at the national level involving in food safety policies and control in France, namely the Directorate-General of Food (DGAL), the Directorate-General for Competition, Consumption and the Repression of Fraud (DGCCRF) and the Directorate-General for Health (DGS). DGAL is responsible for the protection of plants and animal health, the hygiene of food products during preparation, transportation and sale, and the monitoring of compliance with health regulations throughout the entire food chain for products of animal origin and up to the first processing for products of plant origin. DGCCRF focuses on the composition, additives, authorized processing, labelling and sales practices of the food chain. It also monitors plant products (except those undergoing first processing) and carries out inspections at points of distribution and consumption. DGS oversees the area of water intended for human consumption. Under the supervision of the Ministry of Agriculture and Fishing, the Ministry of Economy, Finance and Industry and the Ministry of Health and Solidarity, the French Food Safety Agency (AFSSA) is responsible for recommending measures on a scientific basis to maintain public health, animal health and welfare as well as plant and environmental health. In addition, the National Food Council is an independent consultative body providing advice on the development of French food policies and on how to adapt consumption to nutritional needs, food safety for consumers and the quality of food products.

5.2.2 In the UK, while the Department for Environment, Food and Rural Affairs (Defra) is the central government authority responsible for maintaining a sustainable food and farming supply chain serving the market and the environment, the Food Standards Agency (FSA) is a non-ministerial government department responsible for developing policies relating to food safety and other interests of consumers in relation to food. Local authorities are responsible for monitoring and verifying compliance with the food laws, and enforcing the related requirements. Committees, forums and working groups are also in place advising FSA on food safety and hygiene issues.

5.2.3 As regards the EU, there is only one central government authority, the Directorate-General for Health and Consumer Protection, formulating food safety policies for the EU. The EU also has a regulatory committee, the Standing Committee on the Food Chain and Animal Health, to assist it in the development of food safety measures at all stages of the food chain. Similar to AFSSA, the European Food Safety Authority (EFSA) provides the EC, the European Parliament and all the EU member states scientific advice and communication on risks associated with the food chain.

5.2.4 In Hong Kong, the Food and Health Bureau (FHB) is responsible for all policy matters relating to food safety, while the Food and Environmental Hygiene Department (FEHD) is responsible for food surveillance and control as well as the licensing of food businesses. Supporting the work of FHB and FEHD, the Centre for Food Safety (CFS) established under FEHD carries out food surveillance and control as well as risk assessment and communication. The Government also has an Expert Committee on Food Safety under CFS as well as a non-statutory body, the Advisory Council on Food and Environmental Hygiene, serving as advisers on food and environmental hygiene issues.

5.3 Food safety policies

5.3.1 Both the UK and France comply with the EU Food Hygiene Regulations and the *General Food Law*. In particular, the EU's food safety policies stipulate that the primary responsibility for ensuring compliance with the *General Food Law* rests with the food business operators, who have obligations in the following areas:

- (a) not placing any unsafe food or feed on the market;
- (b) food and feed safety in the process of production, transportation, storage and sale;
- (c) rapid identification of suppliers or consignees in the event of food safety incidents;

- (d) immediately informing the competent authorities of unsafe food or feed;
- (e) immediate withdrawal of unsafe food or feed from the market;
- (f) prevention of risk during the food production processes; and
- (g) cooperation with the competent authorities to reduce risks.

5.3.2 In Hong Kong, the Government adopts a comprehensive and integrated approach in food chain management, with several policy initiatives being under development, including:

- (a) reviewing the Food Safety Ordinance to enhance the regulatory framework on food;
- (b) establishing a registration system for food importers and distributors to enhance traceability;
- (c) developing a set of comprehensive and clear food safety standards that fits Hong Kong's specific situation; and
- (d) facilitating the operation of food businesses by introducing a composite licence/permit scheme for the manufacture and sale of ready-to-eat food items.

5.4 Enforcement tools

5.4.1 Both the UK and France enforce food safety regulations as stipulated in the EU directives. Among such directives, the *General Food Law* provides the general principles and requirements for food safety:

- (a) ensuring the protection of human life and health, taking into account the protection of animal health and welfare, plant health and the environment;
- (b) establishing the rights of consumers to safe food and information relating to food;
- (c) harmonizing existing national requirements to ensure the free movement of food and feed in the EU; and
- (d) recognizing the EU's commitment to its international obligations, taking international standards into consideration.

5.4.2 In Hong Kong, the basic food law is laid down in the *Public Health and Municipal Services Ordinance (Cap. 132)*. Unlike the *General Food Law* in the EU, which stipulates the responsibilities of food business operators, the food law in Hong Kong mainly covers general protection for food purchasers. Considering by many as a change in policy direction, the Government plans to introduce the Food Safety Bill in the 2008-2009 legislative session. Key features of the Food Safety Bill include:

- (a) introducing a mandatory registration scheme for food importers and distributors;
- (b) enhancing food traceability in the event of food safety incidents;
- (c) strengthening the power of the Food Safety Authority to prohibit import/sale of problem food and order its recall; and
- (d) developing import control measures for different types of food.

5.5 Monitoring mechanism

5.5.1 In the EU, the UK and France, food and feed operators are required by the *General Food Law* to implement special traceability systems for identifying places their products come from and go to, and provide such information to the competent authorities concerned. In Hong Kong, there is no legal requirement for food business operators to keep proper records of the movement of food products. Hence, there are difficulties in tracing the food importers and distributors concerned in the event of a food safety incident.

5.5.2 In the UK, while local authorities are responsible for the enforcement of regulations on food standards; FSA sets and monitors standards and audits local authorities' activities to ensure enforcement arrangements are appropriate, consistent and transparent. Similar to that in the UK, the monitoring and control mechanism in France is undertaken by local authorities. However, different local authorities have different areas of responsibilities. As a result, the Departmental Management of Veterinary Services (DDSV) inspects and certifies production facilities and processing plants of the agri-food industry, the Departmental Management of Health and Social Affairs (DDASS) is responsible for identifying the causes of food poisoning. Meanwhile, proven fraud is brought before the Departmental Management for Competition, Consumption and the Repression of Fraud (DDCCRF).

5.5.3 In Hong Kong, the monitoring of food safety is carried out by both FEHD and CFS. While FEHD undertakes regular inspections and checks to ensure that licensed food premises comply with the requirements, conditions and hygiene standards prescribed under the law, CFS conducts routine food surveillance, targeted food surveillance and seasonal food surveillance at import, wholesale and retail levels. FEHD also liaises with overseas controlling authorities and keeps in view the development of the legislation, policies, strategies and practices on the management and hygiene of slaughterhouses in overseas places. Meanwhile, CFS focuses on inspection of farms in the Mainland and liaison with relevant Mainland authorities.

5.6 Consumer protection

5.6.1 All places under study have established an alert system which provides information to local authorities and consumers on problems associated with food and specific actions to be taken. While the EU maintains the Rapid Alert System for Food and Feed (RASFF) network which enables rapid exchange of information whenever a risk to food or feed safety is identified, the EC publishes a weekly overview of alert notifications, information notifications and border rejections. In the UK, FSA publishes *Food Alerts* to alert relevant authorities and the public to problems associated with food. In France, DDSV will alert the central health alert management office of DGAL on discovery of any problem food. The latter then conveys the relevant information to all parties concerned and is responsible for coordinating necessary actions. In the event that there is non-compliance detected in food products, either DGAL's Health Alert Office for Animal Feeds and Products of Animal Origin or DGCCRF's Fraud Alert Unit for Non-animal Products will notify the EC through RASFF. In Hong Kong, CFS issues food alerts through electronic means in addition to press releases and press conferences.

5.6.2 Among all places under study, breaching of the food laws incurs penalties. The EU allows its member states to decide on the penalties for breaching of the food laws. In the UK, a breach of the *General Food Law* may result in penalties of a fine or imprisonment for a term not exceeding two years or both. In France, non-compliance with health and safety regulations may lead to seizure of products, cleaning and disinfecting the facility, shut down of the facility and forfeiting its health certification. In Hong Kong, food business operators repetitively breaching the public health laws may result in suspension or cancellation of licences under the Demerit Points System. Food business operators repeatedly breaching the licensing requirements or conditions may also result in cancellation of licences under the warning letter system.

5.6.3 To enhance consumer protection, Hong Kong implements the Hygiene Manager (HM) and Hygiene Supervisor (HS) Scheme to strengthen food safety supervision in food premises. Under the scheme, large food establishments and food establishments producing high-risk food are required to appoint both an HM and an HS. Other food establishments are required to appoint either an HM or an HS. Recognized HM/HS courses are available for food business operators to apply.

5.7 Crisis management

5.7.1 Among the places under study, the EU, the UK and France have predetermined procedures for managing food safety incidents. In the EU, the *General Food Law* confers special powers to the EC for taking emergency measures in the event of a serious risk to human health, animal health or the environment. It also provides for the establishment of a general plan for food/feed crisis management and the creation of a crisis unit by the EC.

5.7.2 In the UK, the *Incidents Response Protocol* developed by FSA stipulates the notification procedures, roles and responsibilities of FSA staff during food safety incidents, and the arrangement of the review of such incidents. Local authorities are required by the relevant Code of Practice to set up and implement documented procedures for dealing with incidents and emergencies in respect of food or feed. They also carry out assessments to determine the likely scale, extent and severity of the risk to the public. In France, predetermined procedures are available to enable investigators to collect the required information in a swift manner. In Hong Kong, although there are no published protocols or guidelines available for handling food safety incidents, the Government has established procedures in such situations. CFS's response to food safety incidents includes checking with exporting countries and/or relevant traders (importers/retailers) for more information; collecting samples for testing; and in case of significant impact, issuing press releases and food alerts to the public and trade; alerting the Department of Health and health professionals; suspending import if applicable; and, if required, coordinating food recalls.

5.8 Food labelling

5.8.1 The food labelling system in both the UK and France follows the recommendations of the EU. In the UK, labelling rules regarding the indication of ingredients stipulated in the *European Directive 2003/89/EC* have been incorporated into its *Food Labelling Regulations*. According to the EU directives, ingredients liable to cause allergies or intolerances must be stipulated on food and alcoholic beverages labels. In Hong Kong, the *Food and Drugs (Composition and Labelling) Regulations (Cap. 132W)* governs the labelling of prepackaged food. Ingredients that are known to cause allergy must be marked in either English or Chinese language or in both languages on the labels.

5.8.2 In all the places under study, essential information on the ingredients, durability; manufacturer/importer and methods of storage is displayed on the labels. The EU also suggests its member states to include the nutritional information and health claims as well as the selling price and the price per unit of measurement. In the UK, guidance notes on nutrition labelling are available explaining the requirements which implement the provisions of the EC Nutrition Labelling Directive in England and Wales. In France, as health claims are not specifically regulated, labels must not attribute to a foodstuff that treat or cure a human disease. As regards the selling price and the price per unit of measurement, the EU member states have the discretion to indicate the selling price of a product if it is sold in bulk, and where the selling price cannot be determined until the consumer indicates the quantity of the product demanded. Indication of the unit price of a product is also not necessary if such indication is not useful because of the product's nature or purpose or the possibility of creating confusion.

5.8.3 While in the UK, breaching of the *Food Labelling Regulations 1996* may incur a fine of up to £5,000 (HK\$78,100)⁴², in Hong Kong, false labelling of food may lead to a maximum fine of HK\$50,000 and six months of imprisonment. Information on the penalties on false labelling of food in France is not available.

⁴² The exchange rate of Hong Kong Dollar per pound sterling in 2007 was 15.62.

Table 5 – Comparison of the food safety mechanism and food labelling requirements in the European Union, the United Kingdom, France and Hong Kong

	European Union	United Kingdom	France	Hong Kong
Responsible authority				
Central authority	<p><u>Directorate-General for Health and Consumer Protection</u></p> <p>(a) under the purview of the European Commission (EC); and</p> <p>(b) maintaining and developing policies, laws and programmes in accordance with the following objectives:</p> <p>(i) empowering consumers;</p> <p>(ii) protecting and improving human health;</p> <p>(iii) ensuring that food is safe and wholesome;</p> <p>(iv) protecting health of animals and plants; and</p> <p>(v) promoting humane treatment of animals.</p>	<p><u>Department for Environment, Food and Rural Affairs (Defra)⁽¹⁾</u></p> <p>(a) maintaining a sustainable food and farming supply chain serving the market and the environment; and</p> <p>(b) reducing risks of animal diseases, and being ready to control them when they occur.</p>	<p><u>Directorate-General of Food (DGAL)</u></p> <p>(a) under the purview of the Ministry of Agriculture and Fishing;</p> <p>(b) responsible for:</p> <p>(i) protection of plant and animal health;</p> <p>(ii) protection, hygiene and the organization of quality systems for food products during preparation, transportation and sale; and</p> <p>(iii) promotion of the French food, health and phytosanitary models; and</p> <p>(c) monitoring compliance with health regulations throughout the entire food chain for products of animal origin and up to the first processing for products of plant origin.</p> <p><u>Directorate-General for Competition, Consumption and the Repression of Fraud (DGCCRF)</u></p> <p>(a) under the purview of the Ministry of Economy, Finance and Industry;</p> <p>(b) activities relating to food focusing on the composition, additives, authorized processing, labelling and sales practices of the food chain; and</p> <p>(c) monitoring plant products (except those undergoing first processing) and carrying out inspections at points of distribution and consumption.</p> <p><u>Directorate-General for Health (DGS)</u></p> <p>(a) under the purview of the Ministry of Health and Solidarity;</p> <p>(b) responsible for the safety of water intended for human consumption; and</p> <p>(c) checking on potable water and running investigations following cases of human food poisoning.</p>	<p><u>Food and Health Bureau (FHB)</u></p> <p>(a) the Food Branch of FHB overseeing the food safety and environmental hygiene issues; and</p> <p>(b) scope of work including:</p> <p>(i) controlling the import and export of food, such as animals and animal products, aquatic products, food of plant origin and processed food as well as their inspection arrangements at border control points;</p> <p>(ii) ensuring that food available for human consumption is safe;</p> <p>(iii) ensuring a steady supply of food; and</p> <p>(iv) responding to food safety incidents and food supply problems.</p> <p><u>Food and Environmental Hygiene Department (FEHD)</u></p> <p>(a) under the purview of FHB; and</p> <p>(b) responsible for:</p> <p>(i) food surveillance and control;</p> <p>(ii) planning, coordination and delivery of environmental hygiene services;</p> <p>(iii) public education on safe food and environmental cleanliness; and</p> <p>(iv) licensing food businesses and issuing permits for the sale of restricted food.</p>
Local authority	Not applicable.	469 local authorities monitoring and verifying compliance with the food laws, and enforcing the related requirements.	100 partnerships of the Departmental Management of Veterinary Services (DDSV), the Departmental Management for Competition, Consumption and the Repression of Fraud (DDCCRF) and the Departmental Management of Health and Social Affairs (DDASS) at the local level monitoring and enforcing health legislation.	Not applicable.

Note: (1) The equivalent authorities are the Scottish Government Directorate-General Environment, the Welsh Assembly Government Department for Rural Affairs and the Department of Agriculture and Rural Development for Northern Ireland.

Table 5 – Comparison of the food safety mechanism and food labelling requirements in the European Union, the United Kingdom, France and Hong Kong (cont'd)

	European Union	United Kingdom	France	Hong Kong
Responsible authority (cont'd)				
State institution/ government agency	<p><u>European Food Safety Authority (EFSA)</u></p> <p>(a) independent European agency funded by the budget of the EU;</p> <p>(b) providing the EC, the governments of the EU member states and the public with scientific advice and communication on risks associated with the food chain; and</p> <p>(c) its remit covering food and feed safety, nutrition, animal health and welfare, plant protection and plant health.</p> <p><u>Food and Veterinary Office</u></p> <p>(a) under the purview of the Directorate-General for Health and Consumer Protection; and</p> <p>(b) missions of this office including:</p> <p>(i) promoting effective control systems on food safety and quality in the veterinary and plant health sectors; and</p> <p>(ii) checking on compliance with the EU standards within the EU and in countries exporting to the EU.</p>	<p><u>Food Standards Agency (FSA)</u></p> <p>(a) non-ministerial government department accountable to the government through the Secretary of State for Health;</p> <p>(b) functions of FSA including:</p> <p>(i) developing policies relating to food safety;</p> <p>(ii) providing advice, information and assistance on food safety to parties concerned;</p> <p>(iii) building and maintaining a reputation for expertise and excellence in matters relating to food safety;</p> <p>(iv) maintaining working links with relevant parties both in the UK and other places; and</p> <p>(v) ensuring that the interests of the UK consumers in relation to food are promoted within the EU and in other international forums; and</p> <p>(c) other work of FSA including:</p> <p>(i) inspection and approval of food irradiation facilities;</p> <p>(ii) approval of fresh meat establishments; and</p> <p>(iii) monitoring, designation and classification of shellfish harvesting areas.</p>	<p><u>French Food Safety Agency (AFSSA)</u></p> <p>(a) a state institution under the supervision of the Ministry of Agriculture and Fishing, the Ministry of Economy, Finance and Industry and the Ministry of Health and Solidarity; and</p> <p>(b) responsibilities including:</p> <p>(i) assessing nutritional and health risks and benefits;</p> <p>(ii) recommending measures to maintain public health, animal health and welfare, and plant and environmental health;</p> <p>(iii) conducting research and study programmes;</p> <p>(iv) monitoring and surveillance of public health; and</p> <p>(v) providing training and information for relevant organizations involving in food safety in France and abroad.</p> <p><u>National Institute for Monitoring of Health</u></p> <p>(a) under the purview of the Ministry of Health and Solidarity;</p> <p>(b) monitoring the sanitary conditions and observing the health condition of the French population; and</p> <p>(c) alerting the authorities concerned and providing them with recommendations in the event of threat to public health.</p>	<p><u>Centre for Food Safety (CFS)</u></p> <p>(a) under the purview of FEHD; and</p> <p>(b) responsible for:</p> <p>(i) food surveillance and certification;</p> <p>(ii) import control, and inspections and tests on live food animals;</p> <p>(iii) risk assessment of certain categories of food;</p> <p>(iv) food safety information dissemination;</p> <p>(v) food poisoning investigation at food premises;</p> <p>(vi) food standard advices; and</p> <p>(vii) pest control and prevention.</p>
Advisory body	<p><u>Standing Committee on the Food Chain and Animal Health</u></p> <p>Regulatory committee assisting the EC in the development of food safety measures at all stages of the food chain.</p>	<p>Committees, forums and working groups advising FSA on safety and hygiene issues.</p>	<p><u>National Food Council</u></p> <p>(a) an independent consultative body comprising 47 members representing the entire food chain and civil society; and</p> <p>(b) being consulted on the development of French food policies and on how to adapt consumption to nutritional needs, food safety for consumers and the quality of food products.</p>	<p><u>Expert Committee on Food Safety</u></p> <p>(a) under the purview of CFS;</p> <p>(b) consisting of academics, professionals, local and overseas food experts, members of the trade and consumer groups; and</p> <p>(c) responsible for advising the Director of Food and Environmental Hygiene on the formulation of food safety measures, review of food safety standards as well as risk communication strategies.</p> <p><u>Advisory Council on Food and Environmental Hygiene</u></p> <p>(a) non-statutory body comprising a chairman, 15 non-official members and four ex-officio members; and</p> <p>(b) advising the Government on food and environmental hygiene issues, based on the following terms of reference:</p> <p>(i) advising the Secretary for Food and Health (SFH) on policies relating to food safety, environmental hygiene and veterinary public health, and monitoring their implementation;</p> <p>(ii) advising SFH on the regulation of farms, food premises, food safety incidents and food composition;</p> <p>(iii) receiving reports on the handling of major food and farm safety incidents; and</p> <p>(iv) advising SFH on education and promotion of food safety and environmental hygiene.</p>

Table 5 – Comparison of the food safety mechanism and food labelling requirements in the European Union, the United Kingdom, France and Hong Kong (cont'd)

	European Union	United Kingdom	France	Hong Kong
Food safety policies				
Objective	Assuring a high level of food safety, animal health, animal welfare and plant health within the EU through coherent "farm-to-table" measures and adequate monitoring, while ensuring the effective functioning of the internal market.	Safeguarding public, animal and plant health, protecting consumer interests, and promoting animal welfare.	Food producers, processors and distributors responsible for food safety.	Ensuring the safety and quality of food, and providing a clean and hygienic environment to promote public health and raise the living standard of the community.
Principle/ strategic direction	<p>Obligations of food and feed business operators :</p> <ul style="list-style-type: none"> (a) not selling any unsafe food or feed; (b) taking responsibility for the food and feed which they produce, transport, store and sell; (c) rapidly identifying their suppliers or consignees; (d) immediately informing the competent authorities of any unsafe food or feed; (e) immediately withdrawing any unsafe food or feed; (f) identifying and regularly reviewing the critical points in production processes and ensuring that controls are applied at these points; and (g) cooperating with the competent authorities to reduce risks. 	<ul style="list-style-type: none"> (a) Five high priority areas identified in the <i>Single Integrated National Control Plan for the United Kingdom January 2007 to March 2011</i> for actions: <ul style="list-style-type: none"> (i) taking enforcement actions to ensure food safety; (ii) taking measures to safeguard the food supply from adulteration, contamination, fraud and mis-description; (iii) supporting businesses to comply with the EU Food Hygiene Regulations and the <i>Regulation (EC) 178/2002</i> (i.e. <i>General Food Law</i>); (iv) supporting consumers in the areas of public health, healthier lifestyles and consumer choice; and (v) providing consistent approaches on the investigation and resolution of consumer complaints about food and food businesses; and (b) Five strategic priorities identified in Defra's five-year strategy, <i>Delivering the Essentials of Life: Defra's Five Year Strategy</i>, including creating a sustainable farming and food sector, developing systems to reduce the risks of animal diseases, and being ready to control them when they occur. 	<p>Five major principles in guiding the food safety policies:</p> <ul style="list-style-type: none"> (a) producers, processors and distributors (operators) having the first responsibility; (b) continuous modification of regulation in response to scientific and technical developments in health issues; (c) approval and monitoring of food establishments being under the responsibility of public services; (d) utilizing both the national and the EC alert networks for health monitoring in the event of potential or known risk; and (e) authorities being capable of managing risks, particularly in urgent situations. 	<ul style="list-style-type: none"> (a) Adopting a comprehensive and integrated approach in food chain management in the Government's 2008 <i>Policy Agenda</i>, via: <ul style="list-style-type: none"> (i) putting in place a coherent, effective and dynamic food safety policy; and (ii) ensuring food safety through law enforcement and food tracing; and (b) initiatives in 2008 and beyond including: <ul style="list-style-type: none"> (i) reviewing the <i>Food Safety Ordinance</i> to enhance the regulatory framework on food; (ii) establishing a registration system for food importers and distributors to enhance food tracing; (iii) developing a set of food safety standards that fits Hong Kong's specific situation; and (iv) facilitating the operation of food businesses by introducing a composite licence/permit scheme for the manufacture and sale of ready-to-eat food items.

Table 5 – Comparison of the food safety mechanism and food labelling requirements in the European Union, the United Kingdom, France and Hong Kong (cont'd)

	European Union	United Kingdom	France	Hong Kong
Enforcement tools				
Primary enabling legislation	<i>General Food Law</i> .	(a) <i>Food Safety Act 1990</i> ; (b) <i>General Food Law</i> ; and (c) <i>General Food Regulations 2004</i> .	(a) EU directives; and (b) <i>Law of 1 July 1998</i> .	<i>Public Health and Municipal Services Ordinance (Cap. 132)</i> .
Main provision/aim	<i>General Food Law</i> aiming at: (a) ensuring the protection of human life and health, taking into account the protection of animal health and welfare, plant health and the environment; (b) establishing the rights of consumers to safe food and information relating to food; (c) harmonizing existing national requirements to ensure the free movement of food and feed in the EU; and (d) recognizing the EU's commitment to its international obligations, taking international standards into consideration.	(a) <i>Food Safety Act 1990</i> providing the framework for all food legislation in England, Wales and Scotland; (b) <i>General Food Law</i> outlining general food safety of the EC; and (c) <i>General Food Regulations 2004</i> providing for the enforcement of certain provisions of the <i>General Food Law</i> and the amendment of the <i>Food Safety Act 1990</i> to bring it in line with the <i>General Food Law</i> .	(a) EU directives providing a framework of food safety regulations of the EU; (b) <i>Law of 1 July 1998</i> improving health monitoring and safety inspection of food products destined for human consumption, and the establishment of AFSSA; and (c) European Regulations of 1 January 2006 on food hygiene and animal feed creating effective instruments for managing food safety, including alerts, throughout the food chain.	(a) Main provisions covering the general protection for food purchasers, offences in connection with sale of unfit food and adulterated food, composition and labelling of food, food hygiene, seizure and destruction of unfit food; and (b) improving the food regulatory regime by introducing the <i>Food Safety Bill</i> in the 2008-2009 legislative session. Key features of the <i>Food Safety Bill</i> including: (i) a mandatory registration scheme for food importers and distributors; (ii) enhancing food traceability in the event of food safety incidents; (iii) strengthening the power of the Food Safety Authority to prohibit import/sale and order a recall of problem food; and (iv) developing import control measures for different types of food.
Other legislation/code of practice/guideline	<u>Other legislation</u> Targeted legislation on specific food safety issues and foodstuffs, including: (a) use of pesticides, food supplements, colourings, antibiotics and hormones in food production; (b) addition of vitamins, minerals and similar substances to food; and (c) products in contact with foodstuffs, such as packaging, meat, gelatine and dairy products. <u>Implementation guidelines</u> Guidance document on the main requirements for the implementation of the <i>General Food Law</i> available.	Direction and guidance on the approach of enforcement provided in the statutory <i>Codes of Practice</i> .	(a) <i>Consumer Code</i> – governing every aspect of a product's life cycle, including its compliance with safety regulations, composition, labelling and distribution; and (b) <i>Rural Code</i> – constituting the regulatory environment for food production firms and stipulating the procedures of health/sanitary inspections and the quality of food products.	Control in specific areas provided in subsidiary legislation, including: (a) Colouring Matters in Food Regulations; (b) Dried Milk Regulations; (c) Sweeteners in Food Regulations; (d) Food Adulteration (Metallic Contamination) Regulations; (e) Food and Drugs (Composition and Labelling) Regulations; (f) Food Business Regulation; (g) Frozen Confections Regulation; (h) Harmful Substances in Food Regulations; (i) Imported Game, Meat and Poultry Regulations; (j) Milk Regulation; (k) Mineral Oil in Food Regulations; (l) Preservatives in Food Regulations; and (m) Slaughterhouses Regulation.

Table 5 – Comparison of the food safety mechanism and food labelling requirements in the European Union, the United Kingdom, France and Hong Kong (cont'd)

	European Union	United Kingdom	France	Hong Kong
Monitoring mechanism				
Central authority/ state institution/ government agency	<p>(a) EC enforcing the EU feed and food laws by:</p> <p>(i) conducting periodic checking on the member states to see whether the EU legislation has been properly incorporated into domestic law; and</p> <p>(ii) ensuring compliance with the EU standards through reports from the member states and non-EU countries and on-the-spot inspections in the EU; and</p> <p>(b) Food and Veterinary Office responsible for checking the following:</p> <p>(i) individual food production plants; and</p> <p>(ii) whether the governments of the member states and non-EU countries having the machinery to monitor whether the food producers in the respective places are adhering to the safety standards.</p>	FSA setting and monitoring standards and auditing local authorities' activities to ensure that enforcement arrangements are proportionate, consistent and transparent.	<p>(a) DGAL inspecting animals at ranches, farms and checks certified slaughterhouses; and</p> <p>(b) DGAL and DGCCRF implementing ad hoc monitoring plans for food products that are particularly fragile or likely to develop emerging pathogens or be in contact with toxic residues.</p>	<p><u>Monitoring by FEHD</u></p> <p>(a) Health inspectors performing regular inspections on licensed food premises;</p> <p>(b) FEHD directing more inspection resources towards licensed food premises with higher risks and lower hygiene standards;</p> <p>(c) FEHD responsible for the supervision, inspection and enforcement of meat hygiene; and</p> <p>(d) FEHD liaising with overseas controlling authorities and keeping in view the development of the legislation, policy, strategies and practices about the management and hygiene of slaughterhouses in other places.</p> <p><u>Monitoring by CFS</u></p> <p>(a) Food surveillance programmes:</p> <p>(i) consisting of routine, targeted, and seasonal food surveillance;</p> <p>(ii) CFS inspectors taking samples at import, wholesale and retail levels for microbiological and chemical testings; and</p> <p>(iii) Man Kam To Food Laboratory providing testing services on fresh produce imported from the Mainland;</p> <p>(b) monitoring both local and overseas food safety incidents:</p> <p>(i) CFS assessing the local impact, suggesting appropriate actions to be taken, and assisting in the coordination of immediate response to food safety incidents;</p> <p>(c) risk assessment:</p> <p>(i) CFS conducting risk assessment studies, including reviews and analysis of food safety incidents of public health significance; and</p> <p>(d) inspection of farms in the Mainland and liaison with relevant Mainland authorities:</p> <p>(i) CFS staff conducting regular visit to registered import farms in the Mainland to ensure sound herd health;</p> <p>(ii) CFS staff liaising with relevant Mainland authorities to maintain registered import farm standards; and</p> <p>(iii) notification mechanisms in place with the relevant Mainland authorities.</p>
Local authority	Not applicable.	<p>(a) Local authorities responsible for the enforcement of regulations on food standards; and</p> <p>(b) control methods including inspections of feed and food premises, feed and food itself, and sampling and chemical analysis and microbiological examination.</p>	Monitoring and enforcement of health legislation being carried out by the partnership of DDSV, DDCCRF and DDASS.	Not applicable.
Food and feed businesses	Food and feed operators required to implement special traceability systems and identify the places their products come from and go to, and provide such information to the competent authorities.	Not applicable.	<p>(a) Manufacturing and marketing of food products subject to the principle of "proven safety" as stipulated in the <i>Consumer Code</i>; and</p> <p>(b) <i>Consumer Code</i> defining risk analysis and the principle of responsibility for defective products.</p>	Certain high-risk imported food like milk, milk products, frozen confections, game, meat and poultry governed by legislation.

Table 5 – Comparison of the food safety mechanism and food labelling requirements in the European Union, the United Kingdom, France and Hong Kong (cont'd)

	European Union	United Kingdom	France	Hong Kong
Consumer protection				
Food safety alert mechanism	<ul style="list-style-type: none"> (a) Rapid Alert System for Food and Feed (RASFF) network enabling rapid exchange of information whenever a risk to food or feed safety is identified; and (b) EC publishing a weekly overview of alert notifications, information notifications and border rejections. 	<p><i>Food Alerts</i> of FSA providing information to local authorities and consumers on problems associated with food and specific actions to be taken.</p>	<ul style="list-style-type: none"> (a) National alert network system – DDSVs sending notification of non-compliance to DGAL's central health alert management office, which in turn sends out the relevant information to the directorates and offices concerned and is responsible for coordinating any necessary actions; and (b) EU's alert network system – through RASFF, either DGAL's Health Alert Office for Animal Feeds and Products of Animal Origin or DGCCRF's Fraud Alert Unit for Non-animal Products notifying the EC of any non-compliance detected in food products that are either produced and exported by France, or produced in another country and distributed in France. 	<ul style="list-style-type: none"> (a) CFS making public announcements immediately when initial assessment revealing potential health risk of public concern, to be followed by details from further investigation; and (b) CFS issuing food alerts through electronic means, press releases and press conferences.
Measures for enhancing consumer protection	<p>Actions taken depending on the type of risk, including:</p> <ul style="list-style-type: none"> (a) stopping a single batch; (b) stopping all shipments of a particular product from the farm, factory or port of entry; (c) recalling products in warehouses and shops; and (d) testing every shipment from a suspect source. 	<ul style="list-style-type: none"> (a) Environmental Health Officers handling complaints about food quality as well as hygiene and safety issues, while complaints about food labelling, ingredients, weights and measures dealt with by Trading Standards Officers; (b) FSA disseminating good practice via its website and case studies in newsletters and regional meetings to local authorities; and (c) FSA setting up the Food Fraud Task Force to help tackle the trade in illegal meat and food fraud. 	<p>AFSSA conducting regular studies on the food consumption of the French people.</p>	<ul style="list-style-type: none"> (a) Under the Hygiene Manager (HM) and Hygiene Supervisor (HS) Scheme, large food establishments and food establishments producing high-risk food required to appoint both an HM and an HS, other food establishments either an HM or an HS; (b) CFS conducting food consumption survey to collect information on risks associated with food safety; (c) CFS regularly conducting consultation forums to better understand the sentiments of the public and the trade; (d) CFS collaborating with the Consumer Council in conducting food safety research on topics commanding consumer interests; and (e) CFS releasing results of food surveillance on a regular basis via various means.
Penalties on breaching of food safety laws	<p>Subject to discretion of individual member states.</p>	<p>Breaching of the food laws likely to lead to penalties of a fine or imprisonment for a term not exceeding two years or both.</p>	<p>Non-compliance with health and safety regulations likely to result in the following penalties:</p> <ul style="list-style-type: none"> (a) seizure of products; (b) cleaning and disinfecting the facility; and (c) shutdown of the facility and forfeiting the relevant party's health certification. 	<ul style="list-style-type: none"> (a) Under the Demerit Points System, food business operators bearing the risk of having their licences suspended or cancelled on repetitive violation of public health laws; and (b) under the warning letter system, their licences likely to be cancelled on repeated breaching of licensing requirements or conditions.
Crisis management	<ul style="list-style-type: none"> (a) <i>General Food Law</i> conferring special powers to the EC for taking emergency measures in the event of a serious risk to human health, animal health or the environment; (b) establishment of a general plan for food/feed crisis management and creation of a crisis unit by the EC; and (c) emergency measures taking the form of: <ul style="list-style-type: none"> (i) suspension of the marketing or use of problem feed or food; (ii) subjecting the use and marketing of the feed or food to special conditions; or (iii) any other appropriate interim measures. 	<ul style="list-style-type: none"> (a) FSA's <i>Incidents Response Protocol</i> stipulating the notification procedures, roles and responsibilities of FSA staff during food safety incidents, and the arrangements for the review of such incidents; and (b) local authorities being required by the relevant <i>Code of Practice</i> to set up and implement documented procedures for dealing with food/feed safety incidents, such as determining the likely scale, extent and severity of the risk to public health. 	<ul style="list-style-type: none"> (a) Investigation being conducted by various authorities: <ul style="list-style-type: none"> (i) DDSVs – conducting investigation on the agri-food industry; (ii) DDASS – identifying causes of food poisoning; (iii) DCCRF – handling proven fraud in the food chain; and (iv) local governments – coordinating various authorities during investigation; and (b) predetermined procedures in place to enable investigators to collect the required information in a swift manner. 	<p>CFS's response to food safety incidents including:</p> <ul style="list-style-type: none"> (a) checking with exporting countries and/or relevant importers/retailers for more information; (b) collecting samples for testing; (c) issuing press releases and food alerts in case of significant impact; (d) alerting the Department of Health and health professionals; (e) suspending import; and (f) coordinating food recalls.

Table 5 – Comparison of the food safety mechanism and food labelling requirements in the European Union, the United Kingdom, France and Hong Kong (cont'd)

	European Union	United Kingdom	France	Hong Kong
Food labelling				
Objective	Ensuring that the consumer gets all the essential information as regards the composition of a product, the manufacturer, the methods of storage and preparation.	Ensuring that people obtain the relevant information of a food product in an understandable manner.	Ensuring that the principle of traceability is implemented.	Information not available.
Legislation, directives and guidelines	<i>Directive 2000/13/EC.</i>	<u>Legislation</u> (a) <i>Food Labelling Regulations 1996</i> ; and (b) <i>Food Safety Act.</i> <u>Guidelines</u> (a) <i>European Marketing Standards</i> ; and (b) guidance notes on food labelling regulations.	Labelling system following that of the EU.	<i>Food and Drugs (Composition and Labelling) Regulations (Cap. 132W).</i>
Information on labels	(a) Name of the product; (b) ingredients; (c) durability; (d) manufacturer/importer; (e) place of origin; (f) quantity; (g) nutritional information; (h) nutrition and health claims; (i) indication of organic food; (j) indication of genetically modified organisms; and (k) selling price and the price per unit of measurement.	(a) Name of the product; (b) lists of ingredients and the amount of an ingredient; (c) durability; (d) manufacturer/importer; (e) place of origin; (f) instructions for use; (g) special storage conditions; and (h) process used in manufacturing.	(a) Name of the product; (b) ingredients; (c) durability; (d) manufacturer/importer; (e) country of origin, category and type of breed of beef products/veterinary stamp showing the official certification number of the final processor of products of animal origin; (f) net quantity; (g) precaution for use; (h) risks relating to the ingredients; (i) proper storage methods; (j) batch/lot number; and (k) other voluntary information that enhances the product's image.	(a) Name of the product; (b) lists of ingredients and the amount of an ingredient; (c) durability; (d) manufacturer/packer; (e) instructions for use; (f) special conditions for storage; (g) ingredients that are known to cause allergy; and (h) specific name or the identification number of additives.
Penalties on breaching of food labelling regulation	Subject to discretion of individual member states.	Breaching of the <i>Food Labelling Regulations 1996</i> likely to incur a fine of up to £5,000 (HK\$78,100).	Information not available.	False labelling of food likely to incur a maximum fine of HK\$50,000 and six months of imprisonment.
Other requirements	<i>Directive 2003/89/EC</i> of 10 November 2003 requiring ingredients liable to cause allergies or intolerances to be shown on food and alcoholic beverage labels.	Consumers given comprehensive ingredient listing information and people with food allergies identified ingredients they need to avoid.	Special labelling system of cattle in place.	Information on labels marked in either English or Chinese language or in both languages.

Appendix I

Main provisions of the *Regulation (EC) 178/2002 (i.e. General Food Law)* that apply to food business operators

Imports

A.I.1 Article 11 states that food imported into the EU for placing on the market shall comply with the requirements of food laws recognized by the EU, or if there is a specific agreement between the EU and the exporting country, those requirements specified on the agreement.

Exports

A.I.2 Article 12 states that food exported (or re-exported) from the EU shall comply with the requirements of the food laws, unless the authorities of the importing country have requested otherwise, or the food shall comply with the laws, regulations and other legal and administrative procedures of the importing country.

A.I.3 In the case of exporting or re-exporting food, provided that the food is not injurious to health or unsafe, the competent authorities of the destination country must have expressly agreed for the food to be exported or re-exported, after having been fully informed as to why the food could not be placed on the market in the EC.

A.I.4 Where there is a bilateral agreement between the EU or one of its member states and a non-EU country, food exported from the EU needs to comply with its provisions.

Safety

A.I.5 Article 14 states that food shall not be placed on the market if it is unsafe. Food is deemed to be unsafe if it is considered to be:

- (a) injurious to health; and
- (b) unfit for human consumption.

A.I.6 The article also indicates what factors need to be taken into account when determining whether food is injurious to health or unfit.

Appendix I (cont'd)

Presentation

A.I.7 Article 16 states that labelling, advertising and presentation, including the setting in which the food is displayed, of food shall not mislead consumers.

Traceability

A.I.8 Article 18 requires food business operators to keep records of food, food substances and food-producing animals supplied to their businesses, and also other businesses to which their products have been supplied. In each case, the information shall be made available to the competent authorities on demand.

Withdrawal, recall and notification

A.I.9 Article 19 requires food business operators to withdraw food which is not in compliance with food safety requirements, if it has left their control, and to recall the food if it has reached the consumer.

A.I.10 Withdrawal is when a food is removed from the market up to and including when it is sold to the consumer, recall is when customers are asked to return or destroy the product.

A.I.11 Food businesses must notify the competent authorities (the local authorities and food safety agencies). Retailers and distributors must help with the withdrawal of unsafe food and pass on information necessary to trace it.

A.I.12 Where food business operators have placed on the market a food that is injurious to health, they must immediately notify the competent authorities. There are also similar provisions for animal feed.

Appendix II

Committees, forums and working groups that advise the Food Standards Agency on safety and hygiene issues

Advisory Committee on Pesticides

A.II.1 The Advisory Committee on Pesticides is an independent body advising Ministers on all matters relating to the control of pesticides. Members of this committee provide scientific advice on the safe and effective use of pesticides and other pest control methods.

Advisory Committee on the Microbiological Safety of Food

A.II.2 Established in 1990, this statutory committee provides expert advice to the government on questions relating to microbiological issues and food.

Committee on Carcinogenicity of Chemicals in Food, Consumer Products and the Environment

A.II.3 The Committee on Carcinogenicity of Chemicals in Food, Consumer Products and the Environment assesses and gives advice on carcinogenic risk to humans.

Committee on Mutagenicity of Chemicals in Food, Consumer Products and the Environment

A.II.4 The Committee on Mutagenicity of Chemicals in Food, Consumer Products and the Environment assesses and advises on mutagenic risks to humans, advises on important general principles or new scientific discoveries in connection with mutagenic risks, coordinates with other bodies concerned with the assessment of mutagenic risks, and makes recommendations for mutagenicity testing.

Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment

A.II.5 The Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment is an independent scientific committee that provides advice to FSA, the Department of Health and other government departments and agencies on matters concerning the toxicity of chemicals.

Appendix II (cont'd)

Consultative Group on Campylobacter and Salmonella in Chickens

A.II.6 The Consultative Group on Campylobacter and Salmonella in Chickens was established to ensure stakeholders' involvement in FSA's work on campylobacter and salmonella in chickens.

Foodborne Disease Strategy Consultative Group

A.II.7 FSA established the Foodborne Disease Strategy Consultative Group involving a cross-section of stakeholders to help it in the implementation of the strategy to meet its target of reducing foodborne diseases by 20% by April 2006.

Pesticide Residues Committee

A.II.8 The Pesticide Residues Committee (PRC) is an independent body established in 2000. PRC advises Ministers and the Chief Executives of FSA and PSD on a nationwide programme of pesticide residue surveillance on food and drink.

Spongiform Encephalopathy Advisory Committee

A.II.9 The Spongiform Encephalopathy Advisory Committee (SEAC) has been in existence for more than 15 years, providing independent expert scientific advice to the government on spongiform encephalopathies, such as Bovine Spongiform Encephalopathy, Creutzfeldt Jakob Disease and scrapie. SEAC's remit covers public health, food safety and animal health issues.

Veterinary Products Committee

A.II.10 The Veterinary Products Committee was established in 1970 to advise on the safety, quality and efficacy of veterinary medicines, and to consider reports of suspected adverse reactions to veterinary medicines.

Veterinary Residues Committee

A.II.11 The Veterinary Residues Committee was established in January 2001. Its main role is to advise the Chief Executives of VMD and FSA on the planning of the veterinary residues surveillance programmes, and the implications of the results for consumer safety.

Appendix II (cont'd)

Working Party on Food Additives

A.II.12 This working party discusses legislative developments and provides guidance as to research and surveillance on additives in food.

Working Party on Materials and Articles in Contact with Food or Drink

A.II.13 The Working Party on Materials and Articles in Contact with Food or Drink advises FSA on the research needed to ensure that consumers are protected from chemical migration into food from packaging and other materials in contact with food.

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