

Transparency of Food Safety and Labelling Control Results

A comparative study of five EU Member States

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Summary

In this report the organisation and performance of official controls in five EU member states is described together with information on the transparency of the results from control of food safety and labelling.

The main legal bases for the official control of food and food products in all EU member states are Regulation (EC) [178/2002](#) and Regulation (EC) [882/2004](#). The legal basis for labelling is Regulation (EC) [1169/2011](#).

The five countries included in the report are Denmark, England, Estonia, Ireland and Sweden. The studied countries have many common procedures and practises all based on respective EU legal texts. For example, official controls are based on risk analysis, and when there is reasonable cause to suspect that a food may present a health risk to humans, information to the general public is provided via the respective websites, press releases and other media as appropriate. In all the five countries studied, the emphasis on labelling is increasing. It is also the case in all the countries that control of labelling is part of ordinary inspections and audits.

All five countries have national acts regulating the right of the general public to information and access to official documents. Intellectual properties, business contacts, personal details and documents labelled as secret are data that are not publically available.

Nevertheless, the interpretation of which documents shall be publically available in the different countries varies. For example, in Sweden the right to official documents is a Constitutional Law while in Estonia inspection and audit protocols are not publically available. In Denmark and England the results of inspections are made public through the use of symbols, Smileys in Denmark, and a numerical rating in England. In Denmark the system is mandatory and the inspection result must be displayed in the window of the food business. In England, however, the current system is voluntary with no requirement that the results be displayed. However, most inspection results are available on request. In Ireland inspection records are usually not made publically available but all enforcement reports are published on the web. Routines on making internal and external audit reports officially available also vary between the countries.

England and Ireland seem to be more active in arranging public consultations than the other three countries and in England the general public may follow Food Standards Agency Board meetings in real-time.

Complaints and suspicions about unsafe products or fraudulent practises can be made anonymously in Denmark, England and Sweden. In Estonia and in Ireland complaints or suspicions cannot be reported anonymously, although the complainant's identity is treated as confidential.

Table 1: A summary of the application of transparency of food safety and labelling control results in five EU Member States

Transparency factor	Denmark	England	Estonia	Ireland	Sweden
Food safety alerts published	+++	+++	+++	+++	+++
Legal right to information	+++	+++	+++	+++	+++
Inspection results made available	+++	+++	-	-	+++
Internal audits reports made available	+++	+++	+	+++	+++
External audits report made available	-	-	-	-	+++
Enforcement reports available	+	++	+	+++	+
Public consultations organised	++	+++	-	+++	+
Open Board meetings	-	+++	-	-	-
Anonymous complaints permitted	+++	+++	-	-	+++
Anonymous document requests permitted	-	-	-	-	+++

Table legend: +++ = fully applied; ++ = applied, but not in full; + = applied to some extent; - = not applied.

Recommendations given to the NFA include:

- Intensify training of food inspectors, especially those newly hired;
- Decide on annual national control plans;
- Publish the following information on the website: inspection and audit reports, enforcement decisions, prosecution results, the risk classification system and how it affects decisions on priorities in inspection activities, information from epidemiological investigations on known or suspected food borne outbreaks;
- Set up routines for how to inform the general public on unsafe products;
- Establish criteria for what constitutes a food hazard;
- Vitalize the civil council.

Recommendations to civil society include:

- Pursue efforts to vitalize the civil council;
- Follow-up outcomes of NFA activities.

1. Introduction

Europe Foundation (EPF) has, over the years, managed various projects to support civil society in Georgia on issues concerning food safety and the correct labelling of food. EPF acknowledges that the National Food Agency of Georgia (NFA) has made significant progress in improving food safety standards and practices, in part through undertaking control of food enterprises and food products. However, EPF still finds that an adequate level of transparency of food control results has yet to be achieved. Currently, the NFA publishes only part of the available information, and has no clear criteria upon which to make decision on publicizing these results. To learn about best European practices regarding the transparency of food safety and labelling control results by relevant public entities, EPF has requested a written report on how five different EU member states have addressed the issue of transparency of food safety and labelling control results. The report is to be presented to the NFA in Georgia. The report shall also give specific recommendations on how the NFA could improve its practices regarding transparency of food safety and labelling control results, so as to improve consumer protection and to motivate food enterprises to comply with the legal requirements.

This report is based on studies of the systems for official controls of food businesses and food products in five selected EU member states. In order to understand how the issue of transparency is handled in the selected countries, the overall organisation and the carrying out of official controls are described for each country. The information given in this report has been collected from EU regulations; from country profiles published on the Food and Veterinary Office website; from official national documents and from interviews with relevant persons in central authorities in each country.

Again, the countries studied are: Denmark, England, Estonia, Ireland and Sweden. Ireland was selected due to its reputation for having a high level of transparency in its control results. The practise of demonstrating the result of an official control by using ratings systems was the reason for including Denmark and England. Estonia was selected because, like Georgia, it is a former Soviet republic and has recently gone through the approximation of its legal system to better fit the EU system. Sweden, finally, was selected because of its constitutional law guaranteeing citizens access to all official documents.

The ultimate goals of this report are:

- To support both the NFA and civil society in Georgia in identifying ways to improve the transparency of food safety and labelling control results by providing examples from an array of EU member states.
- To give recommendations to the NFA on how to improve the transparency of results.
- To give recommendations to Georgian civil society on how to gain greater insight into the activities of the NFA and the results of its control activities.

Note: *Links to Acts, Decrees, Guidelines, etc. are given only when the text is available in English. The author of this report can't read Estonian and hence most information from Estonia is based on an interview with the Head of the Food Department at the Food and Veterinary Board and the Estonian Country Profile.*

2. Countries

2.1 Denmark

Overall organisation

In Denmark, the ministry responsible for official controls is [the Ministry of Environment and Food of Denmark](#) (MFVM). MFVM is comprised of three entities: the Political Department, the Danish Veterinary and Food Administration (DVFA) and the Danish AgriFish Agency (DAFA). The Political Department is responsible for policy and legislation. The ministry signs separate annual performance contracts with the DVFA and DAFA. The [Danish Veterinary and Food Administration](#) (DVFA) is responsible for food and feed safety, animal health and animal welfare. The DVFA's central responsibilities lie with the Veterinary Department, the Food Department and the Meat Inspection Department. The Food Department includes the Food and Feed Safety Division, the Chemistry and Food Quality division and the Diet and Nutrition Division at both the main office and five regional Control Offices.

Official (DVFA) controls are implemented by these five Food Control Offices, three Veterinary Control Offices and the Meat Inspection Department. The Food Control Offices are in charge of the inspection procedures for both produce and finished products. They adapt national control programmes to local needs. Inspection visits to food and feed companies include the inspection of own-check programmes, hygiene and labelling.

The [Danish AgriFish Agency](#) (DAFA) is responsible for plant health, organic farming, pesticide controls in primary production, screening controls in relation to food hygiene on farms subjected to marketing standards, and hygiene controls on fish and live bivalve molluscs up to the first point of sale. Official control at the decentralised level within the DAFA is implemented by five local inspection offices within the DAFA's Division of Agriculture, which carry out on the spot controls.

Official controls

The legal bases for official control are EU Regulations 178/2002 and 882/2004. These are supplemented by the "Guidance to Official Control" document that, although not a legal document, still effectively has the same impact. The relevant EU regulation concerning labelling is 1169/2011. Official control covers all foods across all stages of food production, import and retail. Annual plans and inspection frequencies for the DVFA, the local Control Offices and the Meat Inspection Department are prepared by the Administrative Divisions at the DVFA. The frequency of ordinary inspections in the different sectors of

the food business is determined by a general risk evaluation of the food sector and an evaluation of need in relation to the individual food operator. In this way, the control is focused on sectors and businesses with the highest risk and need of inspection.

All sectors of the food businesses (e.g. slaughterhouses, warehouses, butchers and bakers) are placed in one of five risk groups based on seven risk factors covering both microbiological and chemical factors and a general factor depending on the activity of the sector. Each risk group has a standard control frequency. The standard control frequencies vary from five ordinary inspections per year (for example, in establishments producing meat products and minced meat) to inspection *as and when required* (for example, in wine shops).

A great majority of official control activities are unannounced. However, inspections are carried out with prior warning when it is necessary for the effectiveness of the inspection (e.g. audits).

The inspection results are categorized into five classes and illustrated by a figure (the so-called “Smiley”), ranging from a sour face to a happy face. A business with a clean inspection record with no remarks on the previous four inspections and on all inspection records for at least 12 months is classified as an “Elite”-establishment. These establishments are subject to fewer inspections. The inspection report is finalized on site and then displayed in full view in the window of the restaurant, shop, etc. At wholesalers the report is not on display but they must keep it on premises and show it upon request. All inspection reports are also available on [the web](#). In 2014, 98% of food businesses got a rating of satisfactory or very good.

Transparency

In Denmark the right to information is guaranteed through the Public Access Code, Act 606/2013. A wide variety of documents are covered under this Act. A request for access to documents must be processed within seven working days of its receipt, excepting situations in which the scope or complexity of the case renders this impossible. In such cases, the applicant must be informed of the reason why the deadline was exceeded and when the request is expected to be processed. No charges apply regardless of the size of the request. Personal information, confidential data, professional secrets, sampling plans, internal working documents, internal audit reports and action plans are not publically available.

The DVFA publishes information on unsafe products and withdrawals on its website. In serious cases, press releases will be made and, if considered necessary, information disseminated through radio and TV.

A yearly report summarising the activities and outcomes of the Multi-Annual National Control Plan (MANCP) is published on the DVFA website. A report on this MANCP is required by the EU, but is not published domestically. Reports from inspections by the EU Commission’s Food and Veterinary Office (FVO) are not published in Denmark at the moment. These reports however are available on the [FVO website](#). The creation of a

relevant link on the DVFA website is being considered.

The general public's interest in these national reports is perceived as being low while interest in the "Smileys" is very high. According to a 2007 survey, 97% of consumers agreed that the Smiley system is a "good" or a "very good" idea. Two out of three consumers said they would reject a restaurant with a bad Smiley. Data shows that food business adherence to the general requirements has increased from 70 to 85% since the start of the Smiley-scheme in 2001.

The DVFA organises public hearings, so-called "customer days", at least every second year. Various groups of stakeholders (e.g. producers, trade organisations, consumer organisations) are invited depending on the subject. Meetings with the general public are not arranged.

Consumer complaints can be made on the website or by direct contact. Complaint follow-up is decided case-by-case on the local level. If deemed motivated an inspection will be carried out. Foodborne outbreaks are handled on the central level. The consumer can remain anonymous when reporting a suspicion on the web and can ask to remain anonymous in certain cases, for example if it's the complainant's own workplace in question. Anonymity is not possible when requesting documents from an official administration. There is no limit to the number of documents that can be requested.

2.2 England

Overall organisation

The [Food Standards Agency](#) (FSA) accountable to the Secretary of State for Health is the central non-ministerial Government Department responsible for food safety law, including the food safety aspects of labelling. The [Department for Environment, Food and Rural Affairs](#) (Defra) is the central competent authority responsible for the control of non-safety-labelling, pesticide residues and residues of veterinary products.

At the local level, responsibility for food law monitoring and enforcement is carried out by Local Authorities (LAs). Local government in England is structured in two ways. In parts of the country a single tier "all-purpose council" is responsible for all LA functions. There are 126 such authorities. The remainder of England has a two-tier system, in which responsibilities are divided between district and county councils. There are 27 county councils and 201 district councils in England.

The FSA is responsible for policy-making, legislation and the coordination of controls of food of animal origin. This includes slaughter, cutting plants, meat and meat products, fishery products, dairy products and eggs and egg products. The FSA sets the performance standards for food law enforcement and monitors and audits the performance of enforcement authorities against these standards. Enforcement of the relevant food safety legislation is primarily the responsibility of the LAs. The organisation of official controls is set out in the [Food Law-Code of Practice](#) and the [Food Law Practice Guidance for Local Authorities](#) and in the [Manual for Official controls for FSA](#).

Official controls

The relevant legislation supporting EU regulations 178/2002 and 882/2004 is [The Official Feed and Food Control Regulation 2009](#) and the 2011 [Amendment](#) to this.

The FSA Internal Audit Team is responsible for meat hygiene control audits as well as for the audits of other FSA controls. The FSA is responsible for monitoring and reporting the performance of LAs in enforcing the legislation on food safety. The FSA collects key data on each LA annually.

The [Framework Agreement of Official Feed and Food Control by Local Authorities](#) sets out the minimum performance standards expected from the LAs. Each LA is obliged under this standard to develop service delivery plans and to implement the policies and procedures for each of the enforcement activities carried out as well as a control system for all documentation. Each LA is also required to develop and implement a documented procedure setting out internal monitoring arrangements. This enables each LA to verify its compliance with the legislation and the LAs own policies and procedures.

Inspection frequency is based on criteria such as: the risks associated with the operation, the Food Business Operators' past records, the reliability of their own-checks and non-compliance information. Almost all inspections are unannounced while audits are typically announced.

Transparency

The [Freedom of Information Act](#) defines which documents, acts etc. are available to the public. The general principle is that virtually all official documents are available upon request. A request for documents that will cost the authority more than 450 GBP will however be denied. Up to that amount any request is delivered free of charge.

Intellectual property, business contacts, documents labelled as secret, and personal names are examples of information that will never be published.

Inspection and audit reports are filed at the LA. Most of these reports are available to the general public on request, but it's up to each LA to decide. Some LAs publish these reports on their website.

The FSA publishes all their [audit reports](#) on their website as well as all successful [prosecutions](#) concerning food standards, food hygiene and food safety. The FSA also continuously informs the public of food [alerts](#) on its website. Reports from the MANCP are available on the [website](#) but reports from FVO audits are not published. Reports from FSA internal audits are not publically available. In cases of serious threats to human health, the FSA will use their website, press releases, social media, radio and TV as appropriate.

The FSA holds open [board](#) meetings at least four times per year and anyone interested can follow these meetings in real time. [Consultations](#) concerning changes to law, policy proposals and guidelines are organized by the FSA with stakeholders, including consumers when relevant.

The [Food Hygiene Rating system](#) (FHRS) was introduced in 2010 to provide transparency regarding hygiene in food businesses. In this system, which is similar to the Danish “Smileys”, food businesses are ranked from 0 to 5, where 0 means “urgent improvements necessary” and 5 means “very good”. The system is voluntary but almost 90% of the food businesses within the scope of the system are now participating. The system covers businesses such as restaurants, takeaways, cafés, pubs, hotels, schools, hospitals, care homes, supermarkets and other retailers. Consumer awareness and use of this system has steadily increased and a great majority of the population recognises the branding. There has also been a continuous increase of food businesses with ranks of 5.

A person reporting a food safety incident or making a complaint can remain anonymous when doing so. The LA will handle any complaint and follow-up actions will be decided on a case-by-case basis. When requesting a document from an authority a person cannot remain anonymous but does not need to declare why they want it.

2.3 Estonia

Overall organisation

The [Ministry of Rural Affairs](#) (MRA) has the main responsibility for legislation and implementation regarding the food chain. Within the MRA, the Food Safety Department (FSD) is responsible for drafting legislation, setting policy and implementing measures on food safety. Within the FSD, the General Food Law Office (GFLO) drafts legislation on food safety, labelling, food contact materials, etc. Also within the FSD, the Food Hygiene Office (FHO) drafts legislation on food hygiene and is responsible for the approval of establishments. The central agency under the MRA is the [Veterinary and Food Board](#) (VFB). The VFB ensures that the legal requirements for food safety are implemented and followed. Within the VFB the Food Department (FD) has two offices: the Office of Food of Animal Origin (OFAO) and the Office of Retail, Organic Farming and Food of Non-Animal Origin (OROFFNAO).

The OFAO is responsible for, among other things:

- Co-ordinating and planning the supervision of the processing of food of animal origin (meat, milk, fish, egg, honey), private dwelling-houses and transportation of all types of food;
- Co-ordinating the approval and registration of the above-mentioned establishments;
- Co-ordinating and planning of the national zoonosis program in foodstuffs;
- Co-ordinating and planning of the national residue monitoring programme for food of animal origin;
- Internal and external audits.

The OROFFNAO is responsible for, among other things:

- Co-ordination, planning and supervision of primary production, wholesale, retail (including catering), and the processing of food of non-animal origin and organic food;
- Co-ordinating the approval and registration of the above-mentioned establishments;
- Co-ordinating and planning of the national residue monitoring program for food of non-animal origin.

There are 15 County Veterinary Centres (CVCs) responsible for the practical implementation of food safety (foods of both animal and non-animal origin) and for the supervision of Authorised Veterinarians (AV) on the farm and small slaughterhouse level.

Official controls

The [Food Act](#) is the main legal document supporting basic EU regulations. The VFB is the competent authority for the control of food safety. Control of food labelling at the retail level is the responsibility of the VFB and the Consumer Protection Board (CPB). The CPB, under the Ministry of Economic Affairs, is responsible for labelling controls in the marketplace, including the traceability of meat. In cases of suspected incorrect labelling, the CPB will, after agreement with the VFB, perform a control and report to the VFB where, if necessary, corrective actions and enforcements will be decided. The VFB prepares an annual inspection program. Based on this program, CVCs prepare their inspection and sampling plans. Inspection frequency is based on risk categorisation. The main factors taken into account are: type of enterprise, food groups handled in the enterprise, production volume, and the HACCP-based system, previous results, RASFF notifications and FVO recommendations. All food processing businesses are audited once yearly.

The Health Board (HB) under the Ministry of Social Affairs is responsible for the control of drinking and bathing water and of mineral water. It is also responsible for surveillance programmes on communicable diseases in food and for investigating food and waterborne outbreaks.

Transparency

The [Public Information Act](#) defines which documents, acts, etc., will be made publicly available. The MANCP and reports thereof are published on the VFB website. Annual reports on zoonosis, residues in food of animal origin, pesticide residues in fruit and vegetables are also published on this website. There is also a direct link to the weekly overview of RASFF notifications.

Inspection reports, food business audits, information about samples taken and results are published in the Official Control Information System (OCIS). Information in this system is not available to the general public. A consumer who wants to know about inspection results from a specific food business can get a general comment from the food inspector, but will not get the actual report or any details from it. This procedure is based on §35 of

the Public Information Act. Reports from internal and external audits are not publically available. Reports from FVO inspections are not published.

When major deviations in a food business have been documented or the enterprise has been temporarily closed down, the VFB will publish this decision on its website, but they will not specify the deviations observed. When needed, the FVB will use their website, press releases, radio and TV to inform the general public. Social media are not used.

Consumer complaints are handled on a case-by-case basis by the local inspector who decides upon which actions, if any, will be taken. The authority documents all complaints. Complaints cannot be made anonymously but the complainant's identity is treated as confidential. Likewise, requests for official documents cannot be made anonymously.

2.4 Ireland

Overall organisation

The [Department of Agriculture, Food and the Marine](#) (DAFM) and the [Department of Health](#) (DoH) are the two departments in Ireland responsible for developing policy and legislation for food safety. The central competent authority with the overall responsibility for the enforcement of food legislation is the [Food Safety Authority](#) of Ireland (FSAI), under the DoH. This responsibility is managed through 33 service contracts between the FSAI and individual competent authorities (CAs). The FSAI is responsible for the coordination of food control activities between the competent authorities. The DAFM is the competent authority for the implementation of the official control of:

- Primary production of food of animal origin and non-animal origin, excluding fish;
- Slaughter, cutting, preparation and processing of foods of animal origin, up to, but not including retail level;
- Import of food of animal origin and certain foods of non-animal origin;
- Pesticide residues;
- Organics.

Within the DAFM the Dairy Control and Certification Division is responsible for the official control in milk processing establishments, and the Egg and Poultry Inspectorate is responsible for control in laying hen production units and egg packaging centres.

Also within the DAFM, the State Veterinary Service (SVS) through its Veterinary Public Health Inspection Service (VPHIS) supervises slaughterhouses, meat-processing plants, drinking milk pasteurisation establishments and egg product facilities.

The Sea-Fisheries Protection Authority (SFPA) carries out the official control of seafood at all stages of production, processing and distribution except at the retail level.

The [Health Service Executive](#) (HSE) through its Environmental Health Service (EHS) carries out inspections of food businesses (cafés, pubs, restaurants, retail, etc.). These services include food sampling and the management of food alerts and outbreaks.

The FSAI also has service contracts with 28 Local Authorities (LAs). The LAs are responsible for official controls in low throughput slaughterhouses, poultry farmers engaged in the slaughter of low volumes of poultry, establishments producing small quantities of fresh meat, minced meat, meat preparations or meat products, cold stores/distribution centres and meat transport vehicles at, or associated with, inspected establishments. The local authorities are also responsible for the official controls in wholesaling butcher shops subject to Regulation 853/2004.

Official controls

The legal basis for official controls is the same as in all EU member states, i.e. EU Regulations 178/2002 and 882/2004. The national legal documents governing official controls are [SI 432/2009](#) and [FSAI Act 1998](#). The FSAI, through service contracts with the CAs, coordinates the official control. The FSAI carries out audits of food businesses and of the CAs to ensure compliance with legal and contractual requirements. Each CA is required to prepare an annual plan outlining how official control will be carried out. This plan is approved by the FSAI.

The frequency of CA inspection visits is risk-based taking into account the nature of the food business, the type of products traded, the volume of activity and the establishment's prior history. Inspections are typically unannounced, except in certain cases where, due to the nature of the inspection, an announcement is required. Audits are always announced. The report from an inspection or an audit is finalised as soon as possible and filed with the DAFM and FSAI.

The Ministry of Health has decided that "Smileys" will not be used in Ireland.

Transparency

FOI, the [Freedom of Information Act](#) obliges government departments, the HSE and local authorities to publish information regarding their activities and to make the information they possess available to citizens. The relevant authority must provide instructions about the procedures necessary to gain access to the information it possesses or to establish what information a body holds.

If the information requested is not readily available, a written request must be made, referring to the FOI. A request for information must be acknowledged within two weeks and, in most cases, responded to within four weeks. Charges may be applied for the time spent finding and retrieving the records (€20/hour) and for copying costs (4 cents/sheet). However, if the total cost is €100 or less, no charge is made. If the charge exceeds €100, full fees apply. A single request cannot be charged more than €500. If the estimated cost is more than €700 the request may be refused unless it is refined to bring the total cost below this limit.

Virtually all documents are considered under the FOI, but certain details, e.g. confidential matters, business contacts, personnel data, recipes and business properties, are not made

available. Inspection reports are not generally publicly available but all enforcement reports (closure orders, prohibition orders, improvement orders and successful prosecutions), including the business and the legal basis for the enforcement order, are published on the [FSAI website](#). Further information about a specific enforcement order must be specifically requested. A monthly press release on enforcements reports is disseminated and generally attracts great interest in the media. The number of enforcement reports is, however, limited. The authorities consider these monthly reports to deter food businesses from misbehaving. The annual report on the MANCP is published on the FSAI website and the FSAI also publishes its audit reports on the [website](#). Reports from the EU Commission 's Food and Veterinary Office are not published on the website.

In the case of a suspected or known unsafe product, information is given on the [website](#). If considered serious, a press release is sent out. Depending on the severity of the problem other media such as radio, TV, and social media may be employed.

Public consultations are sometimes organised before changes in legal texts are made or when new legal acts are considered. Invitations will go to industry groups, consumer organisations, subscriber lists, and other stakeholders as applicable. The Food Safety Consultative Council (FSCC) of the FSAI acts as a forum for debate on food safety issues and provides advice to the FSAI Board. Producers, farmers, industry, consumers, retailers are represented in the FSCC. It is a vehicle for consumers and the industry to provide input on the agenda of the FSAI. The FSCC meets regularly, plus they have regular open meetings for the public to attend. All FSCC meeting minutes are made available on the FSAI [website](#).

The FSAI also meets regularly with food industry representatives. The minutes of these meetings are published on the [website](#). The DAFM organises stakeholder meetings with industry representatives and farmers' organisations.

Consumers can make complaints about a food business or a food product using the FSAI Consumer Complaint Form which is available on their [website](#). Complaints cannot be made anonymously, but the information is confidential and will never be shown to the food business. The complaint will be sent to the inspector of the suspected business and the inspector will decide on which actions, if any, will be taken. If a complainant declines to provide basic contact details such as his/her name and telephone number, the complaint will be forwarded by the FSAI to the relevant official agency, but it is then at the discretion of the official agency as to how to proceed. Anonymous complaints may not be followed up.

2.5 Sweden

Overall organisation

<http://www.government.se/government-of-sweden/ministry-of-enterprise-and-innovation/>(DoE) and the [Department of Finance](#) (DoF) are the ministries responsible for developing policy and legislation for food safety and labelling. The structure of the Swedish system for the official control of food safety comprises ministries and state

authorities at the national level, 21 autonomous County Administrative Boards (CABs) at the regional level and 290 autonomous municipal authorities (MUPs) at the local level.

At the central level, the [National Food Agency](#) (NFA) is responsible for official food control. The NFA controls slaughterhouses, cutting plants, large establishments producing meat-, fish-, and milk- and egg products (i.e. establishments approved according to regulation EC (No) 853/2004), cold stores and some other large food businesses. The NFA has approved the MUPs in Stockholm and Gothenburg to be responsible in their region for the official control of establishments according to EC (No) 853/2004. The NFA reports to the DoE. The CABs are responsible for official controls of hygiene in the primary production of food and for co-ordinating food safety activities by MUPs. The CABs report to the NFA and to the DoF. MUPs perform official controls on all other food businesses (e.g. retailers, restaurants, cafés, hospitals, schools and businesses with a small output). They report to the NFA and to the DoF.

Official controls

The legal basis for official controls is the same as in all EU member states, i.e. EU Regulations 178/2002 and 882/2004. The Swedish Food Act that is complemented by the Swedish Food Decree supplements these. Each control authority plans its own official controls, which must be risk-based. The NFA has developed a model for the risk classification of food establishments to prioritise and allocate official control resources. The risk classification is based on, among other things, production type, business size, known chemical and microbiological hazards, importance of correct labelling, and previous inspection outcomes.

The NFA has produced guidelines as a support to MUPs and for its own control personnel. The NFA also produces control handbooks, which are combined with the education of control personnel for all competent authorities.

CABs conduct audits of MUPs, monitoring legislative compliance. The NFA supplements these audits by making revisions where the inspection routines of the MUP inspector are controlled. The NFA also makes revisions of CAB controls and of its own controls. Approximately 80% of food business inspections are unannounced. The inspection reports are finalised as soon as possible after the inspection and are filed at the competent authority. A copy will be given to the food business operator.

Transparency

The Principle of Public Access to Official Records is a Constitutional Law in Sweden. The implication of this law is that records (e.g. written documents, data-files, tapes, e-mails) that are kept by, that have been received or drawn up by a public authority, shall be made available to the general public. Exceptions are material classified as secret. Even if secret details are present in a particular record, that record can still be made available once these

details have been redacted. Secret details may be intellectual properties, personnel names, business contacts, etc. All authorities are requested to keep a register in which anyone can see what records have been filed. An authority shall process a request for documents on the same day or the day after at the latest. If the request is substantial in size, the authority may take longer but it then has to inform when the records can be made available. Requests are normally free of charge, but requests for substantial numbers of documents may be charged the actual paper cost. Requests can be made anonymously and without giving any reason for the request. All reports from inspections, internal and external audits and reviews are publicly available on request. Some MUPs publish all inspection reports on their website. Reports on the MANCP to the EU Commission are also available on the website as are the FVOs' reports on Sweden. The NFA informs on the website when these reports are published.

When major deviations that can constitute a hazard for the consumer have been observed, the competent authority will inform the general public on its website and, if deemed necessary, use the appropriate media (e.g. press, Facebook, radio, TV).

Specific meetings with the general public are not organised, but meetings with different groups of stakeholders (producers, wholesalers, industry representatives, consumer organisations) are arranged when appropriate.

If a consumer wants to make a complaint about a food business or a food product, it is the competent authority who will decide on which actions to take. Any complaint can be made anonymously.

“Smileys” are not in general use in Sweden but some big MUPs use this system.

3. Recommendations

The following recommendations have been developed from good examples in the five EU Member States presented in this report. They are also based on the author's previous experiences and knowledge of the control system in Georgia.

3.1 For the National Food Agency

To be meaningful, results from official controls must be trustworthy and consistent. The knowledge and skill of the inspector must be appropriate for the task. An inspection or audit should give the same result regardless of who is doing it. The NFA has recently undergone a change in its organisation, considerably enlarging the number of inspectors working on the regional and local levels. This makes it necessary for the NFA to spend a lot of time on trainings and making sure that their inspectors can live up to reasonable standards. More specifically the recommendations are to:

- Organise intensive training of newly hired inspectors in food technology, food hygiene and food safety;
- Produce guidelines for the conduction of inspections and audits;
- Establish efficient and timely cooperation and communication between the central, regional and local levels.

Experience from EU countries shows that the interest of the general public and the media increases with the level of transparency of activities related to food safety and labelling. Transparency regarding controls and the results thereof also raises the motivation for food businesses to adhere to legal requirements. More specifically the recommendations are to:

- Decide on annual and multi-annual national control plans and publish them on the website;
- Perform audits on these plans and publish the audit reports on the website;
- Decide that inspection and audit reports shall be published on the website;
- Publish continuously and in a timely fashion all enforcement decisions together with the reason for the enforcement on the website;
- Publish prosecution results continuously on the website;
- Make the risk classification system and how it affects decisions on priorities in inspection activities available on the website;
- Make information from epidemiological investigations on known or suspected food borne outbreaks available on the website.

Providing timely and accurate information to the general public regarding known or suspected products on the market that may present a human health risk is of great importance. This information must be based on accurate validation of what constitutes a health risk. More specifically the recommendations are:

- Set up routines for how to inform the general public of unsafe products on the market taking into account the severity of the hazard and the level of risk;
- Decide who will be responsible for validating the food safety problem and who will decide if and how the public should be informed;

- Establish criteria for what constitutes a food hazard as distinct from findings of non-safety mistakes and shortcomings.

An effective dialogue between the competent authorities and consumers, food businesses, the media and other stakeholders is of great importance for trust in a food control system. All parties should have a reasonable insight into each other's ambitions, problems, opportunities, plans, decisions etc. Such a dialogue will take on different forms and can be anything from an e-mail or a telephone call to open hearings and consultations including all interested parties. More specifically the recommendations are to:

- Vitalize the civil council, making sure that meetings are held regularly and with adequate frequency;
- Take minutes from these meetings and publish them on the website;
- Publish a yearly report on the activities of the council and the outcomes of these activities;
- Investigate the possibility of streaming these meetings on the web so the general public can follow them in real-time.

3.2 For Georgian civil society

In order to improve insights into the NFA activities and to increase society's influence on NFA decisions, the recommendations are to:

- Pursue efforts to vitalize the civil council;
- Follow-up NFA activities and outcomes of these as reported by the NFA or other agencies and organisations;
- Establish and maintain a close dialogue with media representatives.

3.3 For the National Food Agency and Georgian civil society

The use of a ranking system, as applied in Denmark and England, where the outcome of an inspection is visualised with easily understandable symbols, has been shown to attract great public interest and to improve food businesses' adherence to hygienic standards. To be effective, such a system must be well-prepared, the consumer must be made aware of the importance of food hygiene and the food businesses must have confidence in the system and in the consistency of inspections. At present the introduction of such a system is premature, but may in future be an interesting alternative. Not least it should help to improve food businesses' compliance with hygienic standards.

If such a system were to be considered, it is recommended that the preparations leading up to the introduction, as well as the presentation and explanation of the system be a mutual undertaking between the NFA and representatives of the general public and food businesses.

Annex 1: Interviewees

1. Gail Carrol, Enforcement Policy Manager, FSAI, Ireland.
2. Åsa Eneroth, Government Inspector, Evaluation Department, NFA, Sweden.
3. Göran Engström, Government Inspector, Evaluation Department, NFA, Sweden.
4. Heleni Lamp, Head of Food Department, VFB, Estonia.
5. Kenny Larsen, Head of Control Coordination Unit, DVFA, Denmark.
6. Axel Lisle, Local Authority Liaison Officer, Food Ratings Team, FSA, England.
7. Killian Unger, Superintending Veterinary Officer, DAFM, Ireland.
8. Michelle Young, Standards and Authenticity Officer, Operational and Policy Delivery Team, FSA, England.

Annex 2: References

EU Regulations:

1. EU Regulation 178/2002:
<http://www.eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX2002R0178>
2. EU Regulation 882/2004:
www.eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32004R0882
- EU Regulation 1169/2011:
3. www.eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A32011R1169

Denmark:

4. Country Profile: www.ec.europa.eu/food/fvo/controlsystems_en.cfm?co_id=dk
5. Ministry of Environment and Food of Denmark: www.mfvm.dk
6. Danish Veterinary and Food Administration: www.foedevarestyrelsen.dk
7. Danish Agrifish Agency: www.agrifish.dk
8. Public access code: www.medarbejdere.au.dk/en/administration/right-of-access-to-documents
9. Food and Veterinary audit reports:
http://www.ec.europa.eu/food/fvo/controlsystems_en.cfm?co_id=dk
10. Inspection reports: <http://www.findsmiley.dk>

England:

11. Country profile:
http://www.ec.europa.eu/food/fvo/controlsystems_en.cfm?co_id=gb
12. Department for Environment, Food and Rural Affairs:
www.food.gov.uk/government/organisations/department-for-environment-food-rural-affairs
13. Food standards Agency: www.food.gov.uk
14. Food Law-Code of Practice: <http://www.food.gov.uk/enforcement/codes-of-practice/food-law-code-of-practice-2015>

15. Food Law Practice Guidance for Local Authorities:
www.food.gov.uk/enforcement/codes-of-practice/food-law-practice-guidance-england-2015
16. Manual for Official controls for FSA:
<http://www.food.gov.uk/enforcement/approved-premises-official-controls/manual>
17. The Official Feed and Food Controls Regulation 2009:
<http://www.legislation.gov.uk/uksi/2009/3255/made>
18. Amendment to the Feed and Food controls reg. 2009:
www.legislation.gov.uk/id/uksi/2011/136
19. Framework Agreement of Official Feed and Food control by Local Authorities:
www.food.gov.uk/enforcement/enforcework/frameagree
20. Freedom of Information Act: www.legislation.gov.uk/ukpga/2000/36/contents
21. Audit reports: www.food.gov.uk/enforcement/auditandmonitoring
22. Successful prosecutions: <http://www.food.gov.uk/enforcement/prosecutions>
23. Food safety alerts: www.food.gov.uk/news-updates/news/food-alerts
24. Report of Multiannual control plan: www.food.gov.uk/news-updates/news?keyword=multi+annual+national+control+plan
25. Board Meetings: <http://www.food.gov.uk/about-us/our-board/meetings>
26. Consultations: www.food.gov.uk/news-updates/consultations
27. Food Hygiene Rating System:
<http://www.food.gov.uk/enforcement/enforcework/hygienscoresresources/fhr-sitguides>

Estonia

28. Country profile:
http://www.ec.europa.eu/food/fvo/controlsystems_encfm?co_id=ee
29. Ministry of Rural Affairs: www.agri.ee
30. Veterinary and Food Board: www.vet.agri.ee
31. Food Act: www.riigiteataja.ee/en/eli/521062016005/consolide
32. Public Information Act: www.riigiteataja.ee/en/eli/518012016001

Ireland

33. Country profile:
http://www.ec.europa.eu/food/fvo/controlsystems_en.cfm?co_id=ie
34. Department of Agriculture, Food and the Marine: www.agriculture.gov.ie
35. Department of Health: <http://www.health.gov.ie>
36. Food Safety Authority: www.fsai.ie
37. Health Service Executive: www.hse.ie
38. SI432/2009:
www.agriculture.gov.ie/media/migration/legislation/statutoryinstruments2009/SI%20432%202009.pdf
39. FSAI Acts 1998: www.fsai.ie/legislation/fsai_act_related

- 40. Freedom of Information Act: www.irishstatuebook.ie/eli/2014/act/30
- 41. Enforcement reports: www.fsai.ie/enforcement_audit/enforcement
- 42. Audit reports: www.fsai.ie/enforcement_audit/audit
- 43. Unsafe products: www.fsai.ie/news_centre
- 44. Food Safety Consultative Council: www.fsai.ie/about_us/consultative_council
- 45. Industry meetings: www.fsai.ie/industry_fora
- 46. Consumer complaints: www.fsai.ie/make_a_complaint

Sweden

- 47. Country profile: www.ec.europa.eu/food/fvo/controlsystems_enfrm?co_id=se
- 48. Department of Enterprise and Innovation: <http://www.government.se/government-of-sweden/ministry-of-enterprise-and-innovation>
- 49. Department of Finance: <http://www.government.se/government-of-sweden/ministry-of-finance>
- 50. National Food Agency: www.slv.se/en
- 51. Freedom of the Press Act: <https://www.riksdagen.se/en/SysSiteAssets/07.-dokument--lagar/the-freedom-of-the-press-act-2015.pdf>

Annex 3: Interview questionnaire

- Please describe how official control of food safety and labelling is organised in your country.
- On which legal documents are your official control based?
- Is frequency of inspections based on risk categorisation?
- If so, how is it constructed for food safety and for labelling?
- Are controls announced or unannounced?
- What percentage is unannounced?
- What emphasis do you show on labelling?
- Do you have a law/decreed concerning the right to information?
- Which kinds of acts, documents, etc. are considered under the right to information?
- What sort of information will you never publish? Who decides what not to publish?
- After an inspection –when is the report finalised?
- How and where are inspection and audit reports filed?
- Are all reports available to the general public?
- If so - In what way are they made available?
- Do you go public with reports when major deviations have been documented, or when an enterprise has been closed down temporarily?
- Do you also publish the reasons for deviations?
- If a consumer would want to know the outcome from the last inspection of a special enterprise can they get it? If so how?
- If complaints from consumers occur –will they be followed up with an inspection?

- Do you publish results from laboratory analyses, e.g. from special projects? Are all analytical results publicly available?
- What kind of general reports of official control of food do you publish?
- Is there a general interest from the general public to take part of the reports?
- Do you think that a high level of transparency of inspection and control results improves food safety and correct labelling?
- Do you have data to substantiate that?
- Do you publish reports from FVO inspections in your country?
- How do you inform about potential or known unsafe products?
- Do you publish the yearly report of your national control plan?
- Do you organise public consultations/hearings? If so on which issues?
- Do you have meetings with the general public?
- Which media do you use to inform the general public?
- Can a citizen get a list of all FBOs you've inspected or audited during a certain period?
- Do you use smileys in your country?
- Do you find any advantages with Smileys?
- Do you find any disadvantages?
- What does the distribution look like? What percentage of FBOs are in the respective categories?
- Do you have any data showing improvement in food safety after introduction of smileys?
- Can a person remain anonymous when reporting an incident?
- Can a person remain anonymous when requesting a document from the register?
- Must they declare why they want it?