Bilateral Screening

General Food Law

Ministry of Agriculture and Environmental Protection
Veterinary Directorate

Brussels
20 – 24 October 2014
Content

- Food Safety Legal Framework
- Competencies and division of responsibilities
- Table of compliance
- General principles
- General food and feed requirements
- Directorate for National Reference Laboratories
- Expert Council for Risk Assessment
- Rapid Alert System (RASFF Serbia)
- Emergency measures
- Food and Feed hygiene
- Amendments to the Law on Food Safety
Food Safety legal framework:

- Law on Food Safety (OG RS No 41/09)
- Law on Veterinary Matters (OG RS No 91/05, 30/10, 93/12)
- Law on genetically modified organisms (OG RS No 41/09)
- Law on Waters (OG RS No 30/10)
- Law on Health Safety of Products of General Use (OG RS No 92/11)
Two Ministries and their related services have overall responsibility for Food and Feed Safety:

- **Ministry of Agriculture and Environmental Protection (MAEP)**
  - Central Competent Authority for Food and Feed Safety

- **Ministry of Health (MH)**

Within the **MAEP**:

- Veterinary Directorate (VD)
- Plant Protection Directorate (PPD), and
- Sector of Agricultural Inspection (SAI)

have responsibility for food and feed safety and quality.
**Law on Food Safety (OG RS No 41/09):**

**FOOD CLASSIFICATION (Art. 5)**

According to food origin:

1) **Food of animal origin**
2) **Food of plant origin**
3) **Mixed/Composite food** - ingredients of plant&animal origin
4) **Food** of neither plant nor animals origin (mineral substances, salt)
5) **Other food** (novel food, genetically modified food)
**Law on Food Safety (OG RS No 41/09)**
DIVISION OF COMPETENCIES – Article 12:

- **Veterinary Inspection – food of animal origin:**
  - primary production
  - food production, processing and wholesale
  - food on retail level: fresh meat, milk, eggs, honey, fish, game
  - composite food *(Rulebook OG RS, No 33/10)*

- **Border Veterinary Inspection – import/export and transit:**
  - food of animal origin
  - composite food *(Rulebook OG RS, No 33/10)*
  - GMO feed

- **Veterinary Inspection – Feed:**
  - production, processing and wholesale
  - import and transit
Law on Food Safety (*OG RS No 41/09*)

DIVISION OF COMPETENCIES – Article 12:

- **Phytosanitary inspection:**
  - food of plant origin in primary production,
  - primary products of plant origin - *import, export and transit*
  - Food of plant origin – *import, export and transit*
  - composite food - *import and transit* (*Rulebook OG RS, No 33/10*)
  - GMO at all stages of production, processing and distribution, (except GMO feed)

- **Agricultural inspection:**
  - food of plant origin, composite food, wines and spirits and non-alcoholic beverages - *production, processing and wholesale*
  - composite food *and wines* – *export* (*Rulebook OG RS, No 33/10*)
Law on Food Safety (OG RS No 41/09)
DIVISION OF COMPETENCIES – Article 12:

Ministry of Health - Sanitary Inspection:

- novel food
- dietary products
- Infant formula
- dietary supplements
- salt for human consumption
- production of additives
- flavourings
- enzyme preparations of non-animal origin
- drinking water in original packaging & water for public supply
- food contact materials
Overall Food & Feed Control Systems in Serbia

MINISTRY OF AGRICULTURE AND ENVIRONMENTAL PROTECTION

- Veterinary Directorate
  - Veterinary Inspection
    - Animal health
    - Use of VMPs
    - Animal welfare
    - Feed
    - Food/Animal Origin
    - Composite Food

- Plant Health Directorate
  - Phytosanitary Inspection
    - Plant/primary prod
    - Plant prot.products
    - Food/plant origin
    - Composite food

- Sector for Agricultural Inspection
  - Agricultural Inspection
    - Food/plant origin
    - Composite food
    - Wines
    - Spirits

MINISTRY OF HEALTH

- Sector for public health
  - Sanitary Inspection
    - Infant formula
    - Dietary products
    - Novel food
    - Salt
    - Additives
    - Water
    - Food contact mats

- FBOs
- Holdings

- FBOs
- Primary production

- FBOs
- Laboratories

- Public Health Institutes
- Laboratories
- Faculties

- FBOs
# Regulation (EC) No 178/2002: European Food Law

<table>
<thead>
<tr>
<th>EU Legislation</th>
<th>Area</th>
<th>RS Legislation</th>
<th>National text</th>
<th>Compliance</th>
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</thead>
<tbody>
<tr>
<td><strong>AIM AND SCOPE</strong></td>
<td>Law on Food Safety (OG RS No 41/09)</td>
<td>National provisions are in line with the EU Regulation</td>
<td>Yes</td>
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<tr>
<td><strong>DEFINITIONS</strong></td>
<td>Law on Food Safety (OG RS No 41/09)</td>
<td>National definitions not all line with the EU Regulation</td>
<td>Partially</td>
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<tr>
<td><strong>GENERAL PRINCIPLES</strong></td>
<td>Law on Food Safety (OG RS No 41/09)</td>
<td>National provisions are in line with the EU Regulation</td>
<td>Yes</td>
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<tr>
<td><strong>GENERAL OBLIGATION OF FOOD TRADE</strong></td>
<td>Law on Food Safety (OG RS No 41/09)</td>
<td>National provisions are in line with the EU Regulation</td>
<td>Yes</td>
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<tr>
<td><strong>GENERAL REQUIREMENTS OF FOOD LAW</strong></td>
<td>Law on Food Safety (OG RS No 41/09)</td>
<td>National provisions need amendments in line with Article 17 of the EU Regulation (Responsibilities)</td>
<td>Partially</td>
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<tr>
<td>REGULATION (EC) No 178/2002 laying down the general principles and reqs of food law</td>
<td>EUROPEAN FOOD SAFETY AUTHORITY</td>
<td>Law on Food Safety (OG RS No 41/09)</td>
<td>Serbian Ekspert Council has equivalent mission and tasks for risk assessment; Not established yet</td>
<td>Partially</td>
</tr>
<tr>
<td>REG (EC) No 178/2002 (Regulation EU 16/2011 laying down implementing measures for the Rapid alert system for food and feed )</td>
<td>RAPID ALERT SYSTEM FOR FOOD&amp;FEED</td>
<td>Law on Food Safety (OG RS No 41/09) Rulebook on the manner and organization of Rapid Alert System (RASFF) for food and feed (OG RS No 62/13)</td>
<td>National provisions are in line with the EU Regulation Not fully operational yet</td>
<td>Yes</td>
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<td>REGULATION (EC) No 178/2002 laying down the general principles and reqs of food law</td>
<td>CRISIS MANAGEMENT AND EMERGENCIES</td>
<td>Law on Food Safety (OG RS No 41/09)</td>
<td>National provisions are in line with the EU Reg. General plan for crisis management in the field of the safety of food and feed not developed yet</td>
<td>Partially</td>
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</tbody>
</table>
Law on Food Safety (OG RS No 41/09):
Regulation (EC) No 178/2002 - European Food Law

- **Scope** – application to the entire food chain (Art. 1)
- **Not-apply** - private domestic use & consumption (Art. 2)
- **Aim** - protection of human health & consumers’ interest (Art. 3)
- **Definitions** (Art. 4)
Law on Food Safety (OG RS No 41/09):

GENERAL PRINCIPLES:

1) Risk analysis and scientific basis (Art 6)
   - Risk Assessment (Expert Council)
   - Risk Communication (Expert Council)
   - Risk Management (MAEP, MH)

2) Precautionary principle
3) Protection of consumers’ interests (Art. 8)
4) Principle of transparency (Art. 9)
Law on Food Safety (*OG RS No 41/09*)
RESPONSIBILITY - Article 13:

- All FBOs and CAs are responsible for any action or failure to take action in the field of food and feed safety - in accordance with this Law.
Registration and approval of establishments

**Law on Food Safety (OG RS No 41/09)**

**Law on Veterinary Matters (OG RS No 91/05, 30/10, 93/12)**

- **Law on Food Safety** (OG RS No 41/09) - Article 15:
  
  - Any legal person, entrepreneur or natural person
  - Notify the appropriate competent authority (Application form)
  - Registration of each establishment (under FBO’s control)
  - Any stage of production, processing and/or distribution of food/feed
  - Registration, or (in accordance to the special rules) – approval
**Registration and approval of establishments**
Law on Food Safety (OG RS No 41/09)
Law on Veterinary Matters (OG RS No 91/05, 30/10, 93/12)

- **Law on Veterinary Matters** (OG RS No 91/05, 30/10, 93/12) – *Art. 73*:
  - Slaughterhouses
  - Facilities for the production and distribution of food of animal origin
  - Facilities for the production and distribution of feed

- Written request - Compliance with the general and spec. hygiene rules
- Granted a approval number (“veterinary control number”)
- Establishments Registered or Approved

**Notes:**
- **No special Act** on procedures for Registration and Approval of ESTs
- **Currently** – Only Approval procedure for ALL ESTs dealing with food of animal origin and feed (except retail establishments) and ABP’s ESTs
**Registration and approval of establishments**
Law on Food Safety (OG RS No 41/09)
Law on Veterinary Matters (OG RS No 91/05, 30/10, 93/12)

<table>
<thead>
<tr>
<th>Law on Food Safety (OG RS No 41/09):</th>
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<tr>
<td>➢ <strong>Entering into the Central Registry:</strong></td>
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<tr>
<td>• Not to start the production and distribution of food and feed</td>
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<td>• Before entered in the Central Registry, and/or</td>
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<td>• A Registry prescribed by the special regulation</td>
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<tr>
<td>• Registry of establishments</td>
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<td>• Registry of Approved establishments</td>
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</table>
Law on Food Safety *(OG RS, No 41/09)*
DIRECTORATE FOR NATIONAL REFERENCE LABORATORIES

Art. 18 - 22

- Directorate for National Reference Laboratories - Activities

- *Laboratories (Accredited ISO 17025 and Authorized)*

**Note:**

- Law on Accreditation *(OG RS No 73/10)* – Only ACC Labs

- Law on Veterinary Matters – Only ACC and Authorised *(OG RS No 91/05, 30/10, 93/12)*
**Law on Food Safety (OG RS No 41/09)**

**EXPERT COUNCIL**

for Risk Assessment in the field of Food Safety

**Provides:**

- Independent risk assessment
- Scientific advice to CAs
- Clear communication on existing and emerging risks

- Activities of the Food Safety Council (EFSA)
- **NOTE:** Not established yet
Law on Food Safety *(OG RS No 41/09)*

**FOOD AND FEED SAFETY**

- General food and feed safety requirements *(Art. 25-30)*
  - General & specific hygiene requirements for food/feed ESTs
  - Labelling, marking and advertising of food and feed
  - Responsibilities – withdrawal/recall *(Article 33)*
  - Procedures
Traceability principle applied in FBOs self-control system (Art. 31-34):

- **Identification of origin** of feed and food ingredients / food sources

- **Defined** as the **ability to trace and follow** food, feed, and ingredients through **all stages** of production, processing and distribution

- **Identify** the immediate supplier and the immediate subsequent recipient (one step back-one step forward)

- **Enables** consumers to be provided with **targeted and accurate information** concerning implicated products

- **Facilitates withdrawal/recall** of foods
Law on Food Safety (OG RS No 41/09)

IMPORT & EXPORT OF FOOD AND FEED - GENERAL DUTIES (Art. 35 - 37)

• International Standards, Guidelines and Recommendations
• Equivalency in Imports and Exports
• Division of competencies between inspections – veterinary, phytosanitary and agriculture (MAEP) and sanitary (MH)
Law on Food Safety (OG RS No 41/09)

RAPID ALERT SYSTEM - RASFF Serbia (Article 38)

Rulebook on the manner and organization of Rapid Alert System (RASFF) for food and feed (OG RS No 62/13)
(Regulation EU 16/2011)

1. Organization of RASFF Serbia
2. Exchange of information with EU RASFF and Serbian authorities
3. Establishment of National Contact Point – Vet Directorate
4. Establishment Contact Points based on responsibility within the Food Law: Agriculture, Phytosanitary and Sanitary inspections, Border inspections, Trade inspection (link with RAPEX)
5. Type of notification
6. Actions and measures that has to be taken – risk based
Law on Food Safety *(OG RS No 41/09)*

(Article 41)

Adoption of EMERGENCY MEASURES based on assessed risk

**Internal market – Import (country of origin/transit):**

- suspension of the placing on the market of food or feed
- suspension of imports of food and feed
- suspension of use of food and feed
- special conditions for food or feed from domestic market, or from importing/transit country, or
- any other appropriate interim measure
Law on Food Safety *(OG RS No 41/09)*

**EMERGENCY MEASURES**

*Crisis Management Program - Article 42*

- Establishment of a general plan for food/feed crisis management and creation of a crisis unit
- The situation where exists direct or indirect risk to human and animal health
- The measures that have to be taken when food and feed is harmful to human and animal health
- Procedures for crises management, including principle of transparency and communication
- Plan of simulation and exercises for crises management
Law on Food Safety (*OG RS No 41/09*)

**FOOD AND FEED HYGIENE (Art. 45 – 49)**

- Obligation of food business operators
- Food Hygiene Requirements in Food Operations
- Hazard Analysis and Critical Control Points (HACCP)
- Exception in Food Operation – Flexibility / Derogation
- Direct supply - primary products in small quantities
- National measures
- Instructions for good production/hygiene practices and HACCP
**Law on Food Safety (OG RS No 41/09)**

**QUALITY OF FOOD AND FEED (Article 55)**

- FBOs - fulfillment of the prescribed quality requirements in all stages of production, processing and distribution
- if the quality requirements have not been prescribed, food safety requirements have to be fulfilled

Requirements with regard to the food quality include in particular:

1) Product classification, categorization and name
2) Physical, chemical and sensorial properties, as well as food composition
3) Physical, chemical and sensorial properties of raw materials
4) Type and quantity of raw materials, additives and other substances used
5) Food sampling and testing methods for quality
Law on Food Safety *(OG RS No 41/09)*

**OTHER FOOD (Art. 58 – 63)**

1. Novel food
2. Genetically modified food and genetically modified feed
3. Placing novel food, genetically modified food and genetically modified feed on the market
4. Record of issued licenses
5. Traceability and marking of novel food, genetically modified food and genetically modified feed
Law on Food Safety (OG RS No 41/09)

**FOOD WITH INDICATION OF ITS TRADITIONAL NAME, NAME OF ORIGIN AND GEOGRAPHICAL INDICATION** (Art. 64-65)

Food can be labeled with traditional name, name of origin, geographical origin and the name of product as “old crafts”, if it meets the conditions in accordance with special regulations
Law on Food Safety *(OG RS No 41/09)*

**DATA AND INFORMATION - Data collection and use (Art. 66-68)**

For the purpose of food and feed safety, Ministry is obliged to have:

- Data Base related to followed legislation
- Connection with Register of agriculture holdings
- The network of national reference laboratories
- The coordination with data base from other relevant Ministries (Public health)
- *Information systems – national and international links*
Law on Food Safety *(OG RS No 41/09)*

PLANNING DOCUMENTS - FOOD AND FEED SAFETY, MONITORING, SAMPLING AND ANALYSIS *(Art. 69-71)*

- Plans of official control of food and feed safety
- Sampling and analysis
- Fees
**Law on Food Safety (OG RS No 41/09)**

**OFFICIAL CONTROL (Art. 72 – 78)**
(veterinary, phytosanitary, agricultural and sanitary inspectors):

- Control and verify FBOs implemented measures according to FSL
- Establishment listed in Central register
- Accreditation and authorization of laboratories
- Implementation of self control systems based on HACCP principles
- Labeling and presentation of food and feed
- Traceability system for food and feed
- Measures for withdrawal and recall of food and feed

- Measures and penalties applicable to infringements of the Law
### Amendments to the Law on Food Safety

<table>
<thead>
<tr>
<th>Planned Amendments</th>
<th>Area of Amendments (draft)</th>
<th>Target date of adoption</th>
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<tbody>
<tr>
<td><strong>Law on Food Safety</strong>&lt;br&gt;(OG RS No 41/09)</td>
<td>Art. 4: <em>Definitions</em></td>
<td>2015</td>
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<td></td>
<td>Art. 12: <em>Division of competencies</em></td>
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<td>Art. 13: <em>Responsibilities</em></td>
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<td>Art. 18 – 22: <em>Directorate for NRL</em></td>
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<td>Chapter IX: <em>Duties of Food/Feed BOs</em></td>
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<td>Art. 58-63: <em>GMO</em></td>
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<td>Art. 69: <em>Plans of official control and monitoring the food and feed safety</em></td>
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<td>Art. 70: <em>Sampling and analysis</em></td>
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<td>Art. 71: <em>Fees</em></td>
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<td></td>
<td><em>Overall clarifications and improvements to ensure better cross-sectoral cooperation and coordination of CAs</em></td>
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THANK YOU FOR YOUR ATTENTION