

**THE TRACEABILITY OF FOOD, FEED, FOOD-PRODUCING ANIMALS,  
AND ANY OTHER SUBSTANCE INTENDED TO BE, OR EXPECTED TO BE,  
INCORPORATED INTO A FOOD OR FEED IMPORTED INTO  
THE COMMUNITY FOR PLACING ON THE MARKET**

Communication from the European Communities

The following communication, dated 25 January 2005, is being circulated at the request of the Delegation of the European Communities.

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The attached paper by the European Commission aims to clarify several points of relevance to Third Countries interested in the new rules on traceability as expressed in the General Food Law implemented in Regulation (EC) 178/2002, article 11 (import) and article 18 (traceability).

The full text of the document "Guidance on the implementation of Articles 11, 12, 16, 17, 18, 19 & 20 of Regulation (EC) N° 178/2002 on General Food Law"<sup>1</sup> (in English only, 31 pages) is available at the internet address indicated below:

[http://europa.sanco.cec.eu.int/comm/food/food/foodlaw/guidance/index\\_en.htm](http://europa.sanco.cec.eu.int/comm/food/food/foodlaw/guidance/index_en.htm)

The full consolidated text<sup>2</sup> of the Regulation (EC) N° 178/2002 (published in Official Journal, L31, Volume 45, 1 February 2002 pp 1-24) can be found at the addresses below:

English: [http://europa.eu.int/eur-lex/en/consleg/pdf/2002/en\\_2002R0178\\_do\\_001.pdf](http://europa.eu.int/eur-lex/en/consleg/pdf/2002/en_2002R0178_do_001.pdf)

French: [http://europa.eu.int/eur-lex/fr/consleg/pdf/2002/fr\\_2002R0178\\_do\\_001.pdf](http://europa.eu.int/eur-lex/fr/consleg/pdf/2002/fr_2002R0178_do_001.pdf)

Spanish: [http://europa.eu.int/eur-lex/es/consleg/pdf/2002/es\\_2002R0178\\_do\\_001.pdf](http://europa.eu.int/eur-lex/es/consleg/pdf/2002/es_2002R0178_do_001.pdf)

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<sup>1</sup> The present document aims to assist all players in the food chain to better understand and to apply correctly and in a uniform way the Regulation. However, this document has no formal legal status and in the event of a dispute, ultimate responsibility for the interpretation of the law lies with the Court of Justice.

<sup>2</sup> This consolidated document is meant purely as a documentation tool.

## ATTACHMENT

### THE GENERAL FOOD LAW OF THE EUROPEAN UNION AND ITS PROVISIONS RELATED TO TRACEABILITY

Article 18, Regulation 178/2002 – OJ L31, 01.02.2002, p1

#### Introduction

Regulation (EC) 178/2002, notified in G/SPS/N/EEC/110 (8 February 2001) was adopted on 28 January 2002, notified in G/SPS/N/EEC/110/Add.2. One of its objectives is to lay down overarching guiding principles and legitimate objectives for food law in order to ensure a high level of health protection and the effective functioning of the internal market.

Because of the broad and general character of the provisions of the Regulation, some stakeholders and third countries have requested some guidance to ensure their compliance with the relevant provisions of the General Food Law. In particular the provisions of Article 18 related to traceability have triggered numerous questions.

This document attempts to eliminate any remaining uncertainty related to the interpretation of Article 18 of Regulation 178/2002, but it has no formal legal status. In the event of a dispute, ultimate responsibility for the interpretation of the General Food Law lies with the European Court of Justice.

#### ARTICLE 11

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

#### ARTICLE 18

*1. The traceability of food, feed, food-producing animals, and any other substance intended to be, or expected to be, incorporated into a food or feed shall be established at all stages of production, processing and distribution.*

*2. Food and feed business operators shall be able to identify any person from whom they have been supplied with a food, a feed, a food-producing animal, or any substance intended to be, or expected to be, incorporated into a food or feed. To this end, such operators shall have in place systems and procedures which allow for this information to be made available to the competent authorities on demand.*

*3. Food and feed business operators shall have in place systems and procedures to identify the other businesses to which their products have been supplied. This information shall be made available to the competent authorities on demand.*

*4. Food or feed which is placed on the market or is likely to be placed on the market in the Community shall be adequately labelled or identified to facilitate its traceability, through relevant documentation or information in accordance with the relevant requirements of more specific provisions.*

*5. Provisions for the purpose of applying the requirements of this Article in respect of specific sectors may be adopted in accordance with the procedure laid down in Article 58(2).*

## **Rationale**

Recent food scares (such as the dioxin crisis) have demonstrated that the identification of the origin of feed and food is of prime importance for the protection of consumers. In particular, traceability facilitates the withdrawal of foods and enables consumers to be provided with targeted and accurate information concerning implicated products. Traceability is not a food safety measure per se. It is a risk management tool to be used in order to contain a food safety problem.

## **Objective**

Traceability rules may have different objectives such as food safety, fair trading between operators and reliability of the information provided to consumers. Regulation 178/2002 introduces the traceability requirement with the particular objective to ensure food safety and to enable unsafe food/feed to be removed from the market.

Traceability is meant to ensure that targeted and accurate withdrawals or recalls can be undertaken, appropriate information can be given to consumers and food business operators, risk assessment can be performed by control authorities and unnecessary wider disruption of trade can be avoided.

## **The implications**

Article 18 requires food and feed business operators:

- to be able to identify from whom and to whom a product has been supplied; and
- to have systems and procedures in place that allow for this information to be made available to the authorities on demand.
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The requirement relies on the "one step up – one step down" approach to ensure chain traceability:

- Food and feed business operators must have in place a system enabling them to identify the immediate supplier and immediate client of their products.
- A link "supplier-product" and "client-product" must be established (from which supplier which products and to which clients which products).

## **Applicability to third country exporters (in connection with Article 11)**

The traceability provisions of the General Food Law do not have an extra-territorial effect outside the European Union. This requirement covers all stages of production, processing and distribution in the European Union, namely from the importer up to the retail level.

Article 11 should not be construed as extending the traceability requirement to food/feed business operators in third countries. It requires that food/feed imported into the European Community complies with the relevant requirements of EU food/feed law.

Exporters in trading partner countries are not legally required to fulfil the traceability requirement imposed on operators within the European Union by Article 18 of Reg. 178/2002. However, there may be circumstances where there are special bilateral legal requirements for certain sectors or where there are specific European Community legal requirements, for example in the veterinary sector, where certification rules require information concerning the origin of the good. These requirements are not affected by the traceability provisions of the general food law.

The objective of Article 18 is sufficiently fulfilled because the requirement extends to the importer. Where the EU importer is able to identify from whom the product was exported in the third country, the requirement of Article 18 and its objective is deemed to be satisfied.

It is common practice among some EU food business operators to request trading partners to meet the traceability requirements and even beyond the "one step back-one step forward" principle. However, it should be noted that such requests are part of food business' contractual arrangements and not of requirements established by the Regulation.

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