RECOMMENDATION OF THE EFTA SURVEILLANCE AUTHORITY
No 98/03/COL
of 19 June 2003
concerning a coordinated programme for the official control of foodstuffs for 2003

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the Agreement on the European Economic Area (EEA), and in particular Article 109 and Protocol 1 thereof,

Having regard to the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice, and in particular Article 5(2)(b) and Protocol 1 thereof,

Having regard to the Act referred to at point 50 of Chapter XII of Annex II to the EEA Agreement (Council Directive 89/397/EEC of 14 June 1989 on the official control of foodstuffs) [1], as adapted to the EEA Agreement by Protocol 1 thereto, and in particular Article 14(3) thereof,

After consultation of the EFTA Foodstuffs Committee assisting the EFTA Surveillance Authority,

Whereas:

(1) It is necessary, with a view to the sound operation of the European Economic Area, to arrange for coordinated food inspection programmes within the EEA designed to improve the harmonised implementation of the official controls by the EEA States.

(2) Such programmes place emphasis on compliance with the legislation in force under the EEA Agreement, the protection of public health, consumer interests and fair trade practices.

(3) Article 3 of Council Directive 93/99/EEC of 29 October 1993 on the subject of additional measures concerning the official control of foodstuffs [2] requires the laboratories referred to in Article 7 of Directive 89/397/EEC to comply with the criteria in European Standard EN 45000 series, now replaced by EN ISO 17025:2000.

(4) The results from simultaneous implementation of national programmes and coordinated programmes may provide information and experience on which to base future control activities and legislation.

(5) In Commission Recommendation 2003/10/EC of 10 January 2003 concerning a coordinated programme for the official control of foodstuffs for 2003 [3], the proposed control programme for labelling of oils from olives, contains references to four Community regulations which have not been incorporated into the EEA Agreement. However, since a reference to these regulations could be of support to the official control in verifying that oil products are correctly labelled, the references to these regulations are also included in the EFTA Surveillance Authority's Recommendation to the EFTA States.

(6) The proposed control programmes for the safety of fishery products are based on acts referred to in Chapter I of Annex I to the EEA Agreement. Liechtenstein is exempted from the provisions of Chapter I and consequently this part of the Recommendation is not addressed to Liechtenstein,

HEREBY RECOMMENDS TO THE EFTA STATES:

1. During 2003, carry out inspections and controls including, where indicated, taking samples and analysing such samples in laboratories, with the aim of:

   — monitoring that olive oils are clearly and correctly labelled according to EEA rules,

   — assessing the safety of certain fishery products (bacteriological safety of cooked crustaceans and molluscan shellfish and level of histamine in fish species of families *Scombridae*, *Clupeidae*, *Engraulidae* and *Coryphaenidae*).

2. Although sampling and/or inspection rates are not set in this Recommendation, ensure that they are sufficient to provide an overview of the subject under consideration.

3. Provide information as requested following the format of the record sheets provided in the Annexes to this Recommendation to help enhance the comparability of results. This information should be sent to the EFTA Surveillance Authority by 1 May 2004 accompanied by an explanatory report.

4. Foodstuffs submitted for analysis under this programme should be submitted to laboratories complying with the provisions of Article 3 of Directive 93/99/EEC. However, if such laboratories do not exist in the EFTA States for certain analysis included in this Recommendation, the States may also nominate other laboratories providing the capacity to carry out these analyses.

[1] OJ L 186, 30.6.1989, p. 23.
[2] OJ L 290, 24.11.1993, p. 14.
[3] OJ L 7, 11.1.2003, p. 76.

SCOPE AND METHODS

A. **Labelling of oils from olives**

1. *Scope of the programme*

In 2001 a contamination problem of polycyclic aromatic hydrocarbons (PAHs e.g. benzo(a)pyrene) was identified in the low grade oil known as olive-residue oil or pomace oil. In their investigations the EEA States identified a labelling problem for different grades of oils from olives, with confusion between olive-residue oil, olive oil and virgin olive oils. This created difficulties in managing the contamination problem. Incorrect or misleading product labels were found regarding the grade(s) of oil in the products as sold. Moreover, the possible illegal mixing of low grade oils in higher grade products was identified. Not only does this mislead consumers, but it poses a risk to public health where low grade contaminated oil might be present.

The aim of this element of the programme is to verify that oil products from olives are correctly labelled, to ensure that unlawful mixing using lower grade possibly contaminated oils is not practised and which might otherwise pose a health risk to consumers. This will assist in the management of risks from possible contaminated oils as well as helping to avoid misleading the consumer.

2. *Sampling and method of analysis*

The competent authorities of the EFTA States should carry out controls, including, where possible, documentary checks, at production level before placing on the market, at retail level to cover products for direct sale to consumers and also at appropriate points such as wholesale level to cover products destined for catering use. The purpose of the controls is to verify that labelling of oils from olives is accurate with respect to the grade(s) of oil contained in the product, with reference to Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs [1], Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats [2] and Commission Regulation (EC) No 1019/2002 of 13 June 2002 on marketing standards for olive oil [3]. Regulations No 136/66/EEC and (EC) No 1019/2002 are not a part of the EEA Agreement.

Samples of products should be taken and analysed to determine the oil components with reference to Commission Regulation (EEC) No 2568/91 [4] and Commission Regulation (EC) No 796/2002 [5]. These two regulations are not a part of the EEA Agreement.

The overall level of sampling is left to the judgment of the competent authorities of the EFTA States.

The results of the controls should be recorded on the record sheet model provided in Annex I to this Recommendation.

B. **Safety of fishery products: bacteriological safety of cooked crustaceans and molluscan shellfish**

1. *Scope of the programme*

The microbiological quality of cooked crustaceans and molluscan shellfish is often critical. These products are typically able to support the growth of a wide variety of microorganisms. In addition certain specific features in their production, such as cooking on board in fishing vessels, chilling with seawater, intensive handling and long transports, make them susceptible for undesirable microbiological contamination and growth.

Commission Decision 93/51/EEC [6] lays down some microbiological criteria for these products. These criteria include end product criteria for *Staphylococcus aureus* and *Salmonella* as well as process criteria for *Escherichia coli*, thermotolerant coliforms and mesophilic aerobic bacteria. Recently special attention has been paid for human health risk linked to the presence of pathogenic *Vibrio parahaemolyticus* in this type of product. However, there is currently not enough scientific information to set a criterion into Community legislation for this pathogen/commodity combination.

The aim of this element of the programme is to investigate the microbiological safety of cooked crustaceans and shellfish in order to promote a high level of consumer protection and to collect information on the prevalence of pathogenic and indicator microorganisms in these products.

2. *Sampling and method of analysis*

The investigations should concern cooked crustaceans and molluscan shellfish before placing on the market, at production level, and which are already on the market. The competent authorities of the EFTA States should take representative samples of these products, both at the production level and the retail level, with a view to testing for the presence of *Salmonella* and enumeration of *Staphylococcus aureus*, *Escherichia coli* and total *Vibrio parahaemolyticus* count. The samples, of 100 grams minimum each, should be handled hygienically, placed in refrigerated containers and sent immediately to the laboratory for analysis.

The overall level of sampling is left to the judgment of the competent authorities of the EFTA States.

[1] OJ L 109, 6.5.2000, p. 29.
[2] OJ 172, 30.9.1966, p. 3025/66.
[3] OJ L 155, 14.6.2002, p. 27.
[4] OJ L 248, 5.9.1991, p. 174.
[5] OJ L 128, 15.5.2002, p. 8.
[6] OJ L 13, 21.1.1993, p. 11.

Laboratories are allowed to use a method of their choice provided that its level of performance matches the aim to be achieved. However, the most recent version of standard ISO 6579 is recommended for the detection of *Salmonella*, the most recent version of standard EN/ISO 6888-1,2 is recommended for *Staphylococcus aureus*, the most recent version of standard ISO 16649-1,2,3 for *Escherichia coli* and the most recent version of standard ISO 8914 with MPN technique [1] is recommended for *Vibrio parahaemolyticus*. Additional equivalent methods recognised by competent authorities may also be used.

The results of these controls should be recorded on the record sheet model provided in the Annex II to this Recommendation.

C. **Safety of fishery products: levels of histamine in certain fish species**

1. *Scope of the programme*

The ingestion of fishery products containing high levels of histamine can cause consumer illness. Histamine and other amines are formed by the growth of certain bacteria as a result of time/temperature abuse and of unhygienic practices during harvesting, storage, processing and distribution of fishery products. Fish of the families *Scombridae*, *Clupeidae*, *Engraulidae* and *Coryphaenidae*, which include tuna, sardines, mackerel, abalone, etc., are the most implicated in this food poisoning because of their high content of the aminoacid histidine which is considered the precursor of the histamine. Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products [2] establishes safety requirements as concern the limits admitted of histamine, sampling and methods of analysis.

The aim of this element of the programme is to verify that fishery products placed on the market do not exceed the limits of histamine established in the EEA law in order to ensure a high level of consumer protection.

2. *Sampling and method of analysis*

EFTA States should carry out controls at the level of auction and wholesale markets, establishments of production and at retail level, in order to verify that fishery products do not exceed the level of histamine as detailed below. The verifications should concern fish of families *Scombridae*, *Clupeidae*, *Engraulidae* and *Coryphaenidae* either fresh or frozen, prepared, processed or preserved.

According to Directive 91/493/EEC, nine samples must be taken from each batch. These must fulfil the following requirements:

— the mean value must not exceed 100 ppm,

— two samples may have a value of more than 100 ppm but less than 200 ppm,

— no sample may have a value exceeding 200 ppm.

However, products which have undergone enzyme ripening treatment in brine may have higher histamine levels but not more than twice the above values.

Examination should be carried out in accordance with reliable scientifically recognised methods, such as high-performance liquid chromatography (HPLC).

The overall level of sampling is left to the judgement of the competent authorities of the EFTA States.

The results of the controls should be recorded on the record sheet model provided in the Annex III to this Recommendation.

This Recommendation is addressed to Iceland and Norway and to Liechtenstein for the programme on labelling of olive oil.

Done at Brussels, 19 June 2003.

For the EFTA Surveillance Authority

Niels FENGER

Director

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[1] Use a 3 × 3 MPN technique with alkaline salt peptone water (ASPW) as the enrichment medium as follows. Prepare an initial 10^{-1} suspension of the food, and two decimal dilutions of this (giving 10^{-2} and 10^{-3} suspensions), using ASPW as diluent. For each dilution, add 1 ml to each of three tubes containing 9 ml of single-strength ASPW. Incubation, subculture and identification procedures should be undertaken as in ISO 8914. Any tube yielding confirmed *V. parahaemolyticus* is considered positive. MPN tables can be found in Annex B of ISO 4831. Multiplication of the MPN index by 10 will yield the *V. parahaemolyticus* count per gram.

[2] OJ L 268, 24.9.1991, p. 15.

ANNEX I

LABELLING OF OLIVE OIL

Member State: . . . . . .

☐ Production ☐ Wholesale ☐ Retail

Product identification on the label	Inspection sample details	Method of analysis	Results of analysis		Measures taken (number)							
— Name — Oil component indicated — Date of manufacture — Country of origin			Grade(s) of oil component identified	Does the label accurately reflect the content? (Yes/No)	None	Verbal warning	Written warning	Improved in-house control required	Recall of product required	Administrative penalty	Court action	Other

ANNEX II

SAFETY OF FISHERY PRODUCTS

MICROBIOLOGICAL SAFETY OF COOKED CRUSTACEANS AND MOLLUSCAN SHELLFISH

Member State: . . . . . .

☐ Production ☐ Retail

Bacterial pathogens	Product identification	Number of samples	Analysis results (1)			Measures taken (number)							
			S	A	U	None	Verbal warning	Written warning	Improved in-house control required	Recall of product required	Adminis-trative penalty	Court action	Other
Salmonela spp. n = 5 c = 0 absent in 25 g													
Staphylococcus aureus n = 5 c = 2 m = 100 cfu/g M = 1 000 cfu/g													
Escherichia coli n = 5 c = 1 m = 100 cfu/g M = 1 000 cfu/g													
Total *Vibrio parahaemolyticus* count (2) n = 5 c = 2 m = 10 cfu/g M = 100 cfu/g													

(1) S = Satisfactory, A = Acceptable, U = Unsatisfactory. As regards *Staphylococcus aureus*, *Escherichia coli* and *Vibrio parahaemolyticus* the result is satisfactory if all the values observed are < 3 m, acceptable if maximum of c values are between 3 m and 10 m (= M), and unsatisfactory if one or more values are > M or more than c values are between 3 m and M.

(2) The scope of the enquiry is collecting of information on levels of these bacteria in cooked crustacean and molluscs in the EEA and the criterion recommended is an indicator for hygiene in production and handling. The criterion should be used only as a guideline.

ANNEX III

SAFETY OF FISHERY PRODUCTS

LEVELS OF HISTAMINE IN FISH SPECIES OF FAMILIES *SCOMBRIDAE, CLUPEIDAE, ENGRAULIDAE* AND *CORYPHAENIDAE*

Member State: . . . . . .

☐ Auction/Wholesale market ☐ Establishment ☐ Retail

Product identification	Number of product inspections	Analysis results (histamine)		Measures taken (number)							
		Satisfactory	Unsatisfactory	None	Verbal warning	Written warning	Improved in-house control required	Sales prohibition	Administrative penalty	Court action	Other