

made on 8 June 2006.

According to the decision of the Swedish Parliament, the following is prescribed.

**Aim and scope of the Act**

**§ 1** This Act aims to assure a high level of protection of human health and consumers' interests in relation to food.

**§ 2** In this Act the terms “food”, “stages of production, processing and distribution”, “primary production”, “placing on the market” and “food business operator” have the same meanings as in Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

The term “establishment” has the same meaning as in Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs.

**§ 3** The Act applies to all stages of production, processing and distribution of food.

In the Act the following are treated as food

1. water from the point at which it is taken into a waterworks to the point of compliance as defined in Article 6 in Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption, as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council, and
2. snuff and chewing tobacco.

**§ 4** The Act does not apply to primary production for use in private households or to domestic handling of food for consumption in private households.

The Government or the authority appointed by the Government may issue regulations that the Act, wholly or in part, shall apply to drinking water in private households.

### **EC regulations that are complemented by the Act**

**§ 5** The Act complements regulations in EC Regulations (EC regulations) that have the same aim as the Act and which fall within the scope of the Act. In the Swedish Code of Statutes (Svensk författningssamling, SFS) the Government shall clarify which primary EC Regulations are referred to.

In the case of EC regulations that fall within the scope of several acts, the Government shall clarify, in the same way as in the first paragraph, which regulations are complemented by this Act.

The Government or the authority appointed by the Government may issue regulations or in an individual case make a decision necessary to complement the EC regulations.

### **Regulations and decisions to protect human life or health or the interests of consumers**

**§ 6** If necessary to protect human life or health or otherwise to look after the interests of consumers, the Government or the authority appointed by the Government may issue regulations or in an individual case decide on

1. prohibition on or conditions for the handling, importation into the country or placing on the market of food,
2. labelling and presentation of food,
3. the nature or designation of food,
4. the use of products, substances or equipment in the handling of food or together with food,
5. medical examination or other health control of personnel engaged in food operations and on other matters concerning personnel hygiene associated with such operations, and
6. prohibition on the re-exportation of food that has been stored at a Border Inspection Post or a Customs warehouse or in a free zone or a free warehouse.

### **Regulations on food establishments**

**§ 7** The Government or the authority appointed by the Government may issue regulations

1. that food may be handled or placed on the market only in establishments that have been approved by the control authority,
2. on the requirements that shall be met in order for such approval to be granted, and
3. on the registration of establishments.

**§ 8** The Government or the authority appointed by the Government, after observing the notification procedure in Regulation (EC) No 852/2004 of the European Parliament and of the Council and Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin, may issue regulations on the adaptation of and exemptions from the requirements in the EC Regulations.

### **Regulations on measures against sabotage or other damage**

**§ 9** The Government or the authority appointed by the Government may issue regulations on precautions aimed to prevent or repair the damaging effects of sabotage or other damage that can affect Sweden's food supply.

### **Prohibition on placing food on the market**

**§ 10** In addition to what follows from the EC regulations that are complemented by the Act, it is prohibited to place on the market food that

1. does not comply with the requirements and conditions that have been prescribed or decided under the provisions of § 6, points 2 and 3, and § 8,
2. has been handled or earlier placed on the market in an establishment that has not been approved according to the regulations issued under the provisions of § 7 or registered according to the EC regulations that are complemented by the Act,
3. has not been approved or notified according to the regulations that have been issued under the provisions of the Act or according to the EC regulations that are complemented by the Act or does not fulfil the conditions in an approval or permit,
4. contains substances that have not been approved or that have been prohibited according to the regulations that have been issued under the provisions of the Act or according to the EC regulations that are complemented by the Act,
5. contains substances at a level that exceeds the limits that have been prescribed under the provisions of the Act or in the EC regulations that are complemented by the Act.

What is stated in the first paragraph does not apply if the Government or the authority appointed by the Government has prescribed otherwise.

### **The control authorities' official controls**

§ 11 Official controls of compliance with this Act, the regulations and decisions that have been issued under the provisions of the Act, the EC regulations complemented by the Act and the decisions that have been issued under the provisions of the EC regulations shall be exercised by the National Food Administration, the county administrative boards, other government authorities and the municipalities according to decisions made by the Government.

A municipality's tasks shall be performed by the municipal committee(s) that perform(s) tasks in the environment and health protection area.

### **Additional duties of the control authorities**

§ 12 The National Food Administration and, in the case of the counties, the county administrative boards coordinate the activities of the other control authorities and provide advice and assistance in these activities, unless the Government prescribes otherwise.

The authority that exercises official controls shall, by providing advice and information and in other ways, make it easier for private parties to fulfil their obligations according to the Act, the regulations and decisions that have been issued under the provisions of the Act, the EC regulations complemented by the Act and the decisions that have been issued under the provisions of the EC regulations.

§ 13 The authority that exercises official controls shall act in such a way that legal action can be taken against contraventions of the Act, of the regulations and decisions that have been issued under the provisions of the Act or of the EC regulations complemented by the Act.

### **Municipal cooperation in official control**

§ 14 A municipality may reach agreement with another municipality that control tasks that the municipality shall carry out according to this Act shall be carried out, wholly or in part, by the other municipality. However, the municipality may not transfer the authority to issue a decision in a case.

After agreement with another municipality, a municipality may also commission employees in that municipality to make decisions on behalf of the municipality in a certain case or group of cases, but not, however, in the cases referred to in Chapter 6, § 34 of the Local Government Act (SFS 1991:900). The regulations in Chapter 6, §§ 24-27 and § 35 of the Local Government Act on bias and notification of decisions to committees shall be applied to the person who makes such decisions.

### **Transfer of responsibility for official control**

§ 15 The National Food Administration may, in consultation with a municipality, decide that responsibility for the official control of a certain establishment which the municipality should otherwise have shall be transferred to the Administration. Such a decision may be made if the operations are extensive, especially complicated or if there are other special reasons for doing so.

The National Food Administration may decide that responsibility for control shall be returned to the municipality, if the Administration and the municipality agree on this.

§ 16 The National Food Administration may decide, in consultation with a municipality, that responsibility for the official control of a certain establishment which the National Food Administration should otherwise have shall be transferred from the Administration to a municipality.

§ 17 If a municipality grossly or during a longer period of time has neglected its control responsibility as regards a certain establishment, the Government, following an application from the National Food Administration, may decide that the responsibility for the official control of the establishment shall be transferred to the National Food Administration.

The Government may decide to transfer responsibility for control back to the municipality.

### **Injunctions directed towards municipalities**

§ 18 If a municipality fails to carry out the responsibilities that follow from its control mandate, the National Food Administration may issue an injunction to the municipality to rectify the deficiency. Such an injunction shall contain information on the measures that the National Food Administration considers necessary to rectify the deficiency.

### **Regulations on control**

§ 19 The Government or the authority appointed by the Government may issue regulations on

1. how official controls shall be carried out,
2. the obligation on a control authority or a control body that is engaged in the official control to provide information to such a coordinating control authority as is referred to in § 12, first paragraph,
3. the duty of a food business operator to exercise internal control (self-checking) of the operations appropriate to the nature of the operations, and

4. the obligation on those who present animals for slaughter to provide information.

### **The right to information and access**

**§ 20** A control authority and a control body that is engaged in the official controls have the right, to the extent necessary for the control, to

1. on request receive information and documents, and
2. gain access to areas, premises and other spaces which are connected with the operations and there carry out investigations and take samples.

The regulations in the first paragraph also apply to EC institutions and to inspectors and experts that have been appointed by the institutions.

### **Obligation to provide assistance**

**§ 21** Those who are the subject of official controls shall provide the assistance necessary for the execution of the controls.

### **Injunctions and prohibitions**

**§ 22** In addition to what follows from the EC regulations complemented by the Act or what is specifically stated in § 18, a control authority may issue the injunctions and prohibitions that are necessary to ensure compliance with the Act, the regulations and decisions that have been issued under the provisions of the Act, the EC regulations complemented by the Act and the decisions that have been issued under the provisions of the EC regulations.

### **Fines**

**§ 23** Injunctions and prohibitions according to § 22 or according to the EC regulations complemented by the Act may be combined with fines.

### **Special interventions, etc.**

**§ 24** In addition to what follows from the EC regulations complemented by the Act, a control authority may seize a product that

1. has been placed on the market, or is obviously intended to be placed on the market, in contravention of § 10 or the EC regulations complemented by the Act, or
2. is referred to in an injunction or prohibition according to § 22, if the injunction or prohibition is not complied with.

If a product has been seized, the owner, under the supervision of the control authority, may make the product fit for use as food or use it for some

other purpose. Otherwise the control authority shall arrange for the product to be destroyed at the owner's expense.

The control authority shall, at the owner's expense, also arrange for the destruction of such products as are covered by a prohibition according to regulations issued under the provisions of § 6, point 6, unless there are special reasons for doing otherwise.

**§ 25** Following information from the medical officer responsible for infectious disease control that an infection is being spread or is suspected to be spread via food, the control authority shall immediately take the necessary measures to trace the source of the infection and eliminate the risk of the spread of infection.

### **Corrective measures**

**§ 26** If a person fails to carry out his/her obligations according to the Act, the regulations and decisions that have been issued under the provisions of the Act, the EC regulations complemented by the Act or the decisions that have been issued under the provisions of the EC regulations, the control authority may decide on corrective measures at his or her expense.

### **Assistance from the police authority**

**§ 27** The police authority shall provide the assistance necessary for the exercise of official controls or the execution of decisions according to this Act, the regulations and decisions that have been issued under the provisions of the Act, the EC regulations complemented by the Act or the decisions that have been issued under the provisions of the EC regulations.

Assistance according to the first paragraph may only be requested if

1. because of special circumstances it can be feared that the measure cannot be executed without resorting to the special authority assigned to the police according to § 10 of the Police Act (SFS 1984:387), or
2. there are otherwise exceptional reasons.

### **Fees**

**§ 28** The Government or the authority appointed by the Government may issue regulations on the obligation to pay fees for

1. official controls according to this Act, the regulations that have been issued under the provisions of the Act or the EC regulations complemented by the Act,
2. examination or registration according to this Act, the regulations that have been issued under the provisions of the Act or the EC regulations complemented by the Act.

The authorisation according to the first paragraph comprises the right to issue regulations on the obligation for municipalities to charge such a fee.

The Government or the authority appointed by the Government may issue regulations on the calculation of the fees that are charged by government authorities and by control bodies.

## **Penalties**

**§ 29** A fine is imposed upon a person who intentionally or through negligence

1. contravenes a regulation or a decision that has been made under the provisions of § 5, third paragraph, points 6, 7, 8 or § 9,
2. contravenes § 10, first paragraph, or
3. does not fulfil his/her obligations according to § 20, first paragraph, point 1.

A fine is also imposed upon a person who intentionally or through negligence contravenes obligations, conditions or prohibitions in the EC regulations complemented by the Act. However, this does not apply if the contravention applies to regulations on the exercise of authority.

**§ 30** If a deed referred to in § 29 is considered to be insignificant it is not punishable.

A deed is not punishable according to § 29 if it is punishable according to the Penal Code or the Act on Penalties for Smuggling (SFS 2000:1225).

If an injunction combined with a fine or a prohibition combined with a fine has been contravened, a deed that is covered by the injunction or prohibition is not punishable according to this Act.

## **Appeals, etc.**

**§ 31** An appeal against a decision made by a municipal committee according to this Act, according to the regulations that have been issued under the provisions of the Act or the EC regulations complemented by the Act can be made to the county administrative board.

**§ 32** An appeal against a decision made by the National Food Administration or another government administrative authority in individual cases according to this Act, according to the regulations that have been issued under the provisions of the Act or according to the EC regulations complemented by the Act can be made to a general administrative court.

Leave to appeal is required for an appeal to the Administrative Court of Appeal.

An appeal against other decisions made by the National Food Administration or another government administrative authority can be made



to the Government. In order to safeguard the consumer interest in matters concerning food, an appeal against such a decision can be made by an organisation that is regarded as a central employee organisation according to the Act on Co-determination in Working Life (SFS 1976:580) or a corresponding organisation on the employer's side.

**§ 33** An authority may decide that its decision shall apply immediately, even though an appeal against is made.

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1. This Act comes into force on 1 July 2006. Through this Act the Food Act (SFS 1971:511) is repealed, however with the restrictions that are given below under points 5 and 7.
  2. Older approvals of premises shall continue to apply until such time as the control authority has examined whether the establishment in which the premises are located can be approved according to the regulations that have been issued under the provisions of the new Act or the EC regulations complemented by the Act or, if approval is not required, until the control authority has registered the establishment.
  3. A person who, when the Act comes into force, carries on activities in approved food premises may continue to place on the market food which in compliance with this Act has been handled on the premises until the control authority under the provisions of § 7 has examined if the establishment in which the premises are located can be approved or until it has been registered.
  4. Prohibitions, injunctions and other decisions on obligations for private parties that have been issued under the provisions of older regulations shall be considered decided according to this Act.
  5. An appeal against a decision made by a veterinary meat inspector before the Act comes into force shall be made according to the older regulations.
  6. The Government or the authority appointed by the Government may issue regulations on the calculation of the municipalities' fees until the end of 2006.
  7. The authorisation in § 29 a, second paragraph, of the Food Act (SFS 1971:511) for the Government to prescribe that a municipality shall arrange for the collection of fees for the national control applies until the end of 2006.

On behalf of the Government

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