

Commission Regulation (EU) No 16/2011 of 10 January
2011 laying down implementing measures for the Rapid alert
system for food and feed (Text with EEA relevance) (repealed)

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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⁽¹⁾, and in particular Article 51 thereof,

Whereas:

- (1) Regulation (EC) No 178/2002 establishes a Rapid alert system for food and feed (hereinafter — ‘RASFF’), managed by the Commission and involving the Member States, the Commission and the European Food Safety Authority, to provide the control authorities with an effective tool for the notification of risks to human health deriving from food or feed. Article 50 of that Regulation sets out the scope and requirements for the RASFF to operate.
- (2) Article 51 of Regulation (EC) No 178/2002 requires the Commission to establish implementing measures for Article 50 of that Regulation, in particular as regards the specific conditions and procedures applicable to the transmission of notifications and supplementary information.
- (3) Member States are primarily responsible for the enforcement of the EU legislation. They perform official controls, the rules for which are laid down in Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules⁽²⁾. The RASFF supports the Member States’ actions by allowing the rapid exchange of information on risks posed by food or feed and on measures taken or to be taken to counter such risks.
- (4) Article 29 of Regulation EC No 183/2005 of the European Parliament and of the Council of 12 January 2005 laying down requirements for feed hygiene⁽³⁾ extends the scope of the RASFF to serious risks to animal health and to the environment. Therefore, the term ‘risk’ used in this Regulation is to be understood as a direct or indirect risk to human health in connection with food, food contact material or feed in accordance with

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- Regulation (EC) No 178/2002 or as a serious risk to human health, animal health or the environment in connection with feed in accordance with Regulation (EC) No 183/2005.
- (5) Rules should be established to allow the RASFF to operate correctly both in relation to cases where a serious risk within the meaning of Article 50(2) of Regulation (EC) No 178/2002 is identified and in relation to other cases where, even though a risk of lesser gravity or urgency is identified, an efficient exchange of information is necessary between and among the members of the RASFF network. Notifications are classified into alert, information and border rejection notifications to allow for a more efficient handling by members of the network.
 - (6) For the RASFF to operate efficiently, requirements should be formulated for the procedure for transmission of the different types of notifications. Alert notifications should be transmitted and treated with priority. Border rejection notifications are particularly relevant to controls carried out at border inspection posts and designated points of entry along the European Economic Area border. Templates and data dictionaries enhance the legibility and understanding of the notifications. Flagging members of the network for certain notifications draws their attention to particular notifications ensuring thereby that they are handled quickly.
 - (7) In accordance with Regulation (EC) No 178/2002, the Commission, the Member States and EFSA have designated contact points, which represent the members of the network in order to benefit from a correct and fast communication. In application of Article 50 of that Regulation and in order to avoid possible mistakes in the transmission of the notifications, only one designated contact point should exist for each member of the network. This contact point should facilitate the rapid transmission to a competent authority inside a member country.
 - (8) In order to ensure the correct and efficient functioning of the network between its members, common rules for duties of the contact points should be established. Provisions concerning the coordinating role of the Commission should also be set out, including the verification of the notifications. In this respect, the Commission should also assist members of the network in taking appropriate measures by identifying recurrent hazards and operators reported in the notifications.
 - (9) In case that, notwithstanding the checks carried out by the notifying member and by the Commission, a transmitted notification turns out to be erroneous or unfounded, then a procedure providing for either its amendment or its withdrawal from the system should be laid down.
 - (10) According to paragraphs 3 and 4 of Article 50 of Regulation (EC) No 178/2002 the Commission is required to inform third countries of certain RASFF notifications. Therefore, without prejudice to specific provisions in agreements concluded pursuant to Article 50.6 of Regulation (EC) No 178/2002, the Commission should ensure direct contact with food safety authorities in third countries in order to send out notifications to these third countries and at the same time ensure the exchange of relevant information with regard to these notifications and any direct or indirect risk to human health deriving from food or feed.

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- (11) Article 10 of Regulation (EC) No 178/2002 requires the public authorities to inform the public of risks to human health inter alia. The Commission should provide summary information about the RASFF notifications transmitted and annual reports highlighting the trends in food safety issues notified through RASFF and the evolution of the network itself to inform members, stakeholders and the general public.
- (12) This Regulation has been discussed with the European Food Safety Authority.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

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- (1) OJ L 31, 1.2.2002, p. 1.
- (2) OJ L 165, 30.4.2004, p. 1.
- (3) OJ L 35, 8.2.2005, p. 1.

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