

## EU legislation on health control of foodstuffs of non-animal origin

**NOTE:** All legal references mentioned refer only to the original basic legislation. The use of the CELEX number provided (ex. CELEX32005R0396) will allow access to the basic legislation, all amendments and the consolidated version of the legislation whenever available on EUR-Lex (European Union legislation database).

### 1. General principles and requirements of Food Law

- 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 ([OJ L-031 01/02/2002](#)) ([CELEX 32002R0178](#))

### 2. General foodstuffs hygiene rules

- Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs ([OJ L-226 25/06/2004](#)) ([CELEX 32004R0852](#))
- Commission Regulation (EC) No 2076/2005 of 05 December 2005 laying down transitional arrangements for the implementation of Regulations (EC) No 853/2004, (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004 ([OJ L-338 22/12/2005](#)) ([CELEX 32005R2076](#))
- Commission Regulation (EC) No 2074/2005 of 05 December 2005 laying down implementing measures for certain products under Regulation (EC) No 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No 854/2004 of the European Parliament and of the Council and Regulation (EC) No 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004 ([OJ L-338 22/12/2005](#)) ([CELEX 32005R2074](#))
- Commission Regulation (EC) No 2073/2005 of 15 November 2005 on microbiological criteria for foodstuffs ([OJ L-338 22/12/2005](#)) ([CELEX 32005R2073](#))

### 3. General conditions concerning contaminants in food

#### a) Maximum levels of radioactive contamination of foodstuffs

- Council Regulation (Euratom) No 3954/87 of 22 December 1987 laying down maximum permitted levels of radioactive contamination of foodstuffs and of feedingstuffs following a nuclear accident or any other case of radiological emergency ([OJ L-371 30/12/1987](#)) ([CELEX 31987R3954](#))
- Commission Regulation (Euratom) No 944/89 of 12 April 1989 laying down maximum permitted levels of radioactive contamination in minor foodstuffs following a nuclear accident or any other case of radiological emergency ([OJ L-101 13/04/1989](#)) ([CELEX 31989R0944](#))

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- Council Regulation (EC) No 733/2008 of 15 July 2008 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station ([OJ L-201 30/07/2008](#)) ([CELEX 32008R0733](#))

#### **b) Materials intended to come into contact with foodstuffs**

- Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC ([OJ L-338 13/11/2004](#)) ([CELEX 32004R1935](#))
- Commission Regulation (EC) No 450/2009 of 29 May 2009 on active and intelligent materials and articles intended to come into contact with food ([OJ L-135 30/05/2009](#)) ([CELEX 32009R0450](#))
- Commission Regulation (EC) No 2023/2006 of 22 December 2006 on good manufacturing practice for materials and articles intended to come into contact with food ([OJ L-384 29/12/2006](#)) ([CELEX 32006R2023](#))
- Council Directive 84/500/EEC of 15 October 1984 on the approximation of the laws of the Member States relating to ceramic articles intended to come into contact with foodstuffs ([OJ L-277 20/10/1984](#)) ([CELEX 31984L0500](#))
- Commission Directive 2007/42/EC of 29 June 2007 relating to materials and articles made of regenerated cellulose film intended to come into contact with foodstuffs ([OJ L-172 30/06/2007](#)) ([CELEX 32007L0042](#))
- Commission Directive 2002/72/EC of 06 August 2002 relating to plastic materials and articles intended to come into contact with foodstuffs ([OJ L-220 15/08/2002](#)) ([CELEX 32002L0072](#))
- Council Directive 78/142/EEC of 30 January 1978 on the approximation of the laws of the Member States relating to materials and articles which contain vinyl chloride monomer and are intended to come into contact with foodstuffs ([OJ L-44 15/02/1978](#)) ([CELEX 31978L0142](#))
- Commission Regulation (EC) No 1895/2005 of 18 November 2005 on the restriction of use of certain epoxy derivatives in materials and articles intended to come into contact with food ([OJ L-302 19/11/2005](#)) ([CELEX 32005R1895](#))

#### **4. Special provisions on Genetically Modified (GM) food and Novel food**

- Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed ([OJ L-268 18/10/2003](#)) ([CELEX 32003R1829](#))
- Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms" and amending Directive 2001/18/EC ([OJ L-268 18/10/2003](#)) ([CELEX 32003R1830](#))

- Commission Regulation (EC) No 65/2004 of 14 January 2004 establishing a system for the development and assignment of unique identifiers for genetically modified organisms ([OJ L-10 16/01/2004](#)) ([CELEX 32004R0065](#))
- Commission Regulation (EC) No 641/2004 of 06 April 2004 on detailed rules for the implementation of Regulation (EC) 1829/2003 of the European Parliament and of the Council as regards the application for the authorisation of new genetically modified food and feed, the notification of existing products and adventitious or technically unavoidable presence of genetically modified material which has benefited from a favourable risk evaluation ([OJ L-102 07/04/2004](#)) ([CELEX 32004R0641](#))
- Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC ([OJ L-106 17/04/2001](#)) ([CELEX 32001L0018](#))
- Commission Decision 2009/770/EC of 13 October 2009 establishing standard reporting formats for presenting the monitoring results of the deliberate release into the environment of genetically modified organisms, as or in products, for the purpose of placing on the market, pursuant to Directive 2001/18/EC of the European Parliament and of the Council ([OJ L-275 21/10/2009](#)) ([CELEX 32009D0770](#))
- Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients ([OJ L-43 14/02/1997](#)) ([CELEX 31997R0258](#))
- Commission Recommendation 97/618/EC of 29 July 1997 concerning the scientific aspects and the presentation of information necessary to support applications for the placing on the market of novel foods and novel food ingredients and the preparation of initial assessment reports under Regulation (EC) 258/97 of the European Parliament and of the Council ([OJ L-253 16/09/1997](#)) ([CELEX 31997H0618](#))

## 5. General conditions of preparation of foodstuffs

### a) Authorised food additives and flavourings

- European Parliament and Council Directive 94/36/EC of 30 June 1994 on colours for use in foodstuffs ([OJ L-40 11/02/1989](#)) ([CELEX 31994L0036](#))
- Council Directive 62/2645/EEC on the approximation of the rules of the Member States concerning the colouring matters authorised for use in foodstuffs intended for human consumption ([OJ L-115 11/11/1962](#)) ([CELEX 31962L2645](#))
- European Parliament and Council Directive 94/35/EC of 30 June 1994 on sweeteners for use in foodstuffs ([OJ L-237 10/09/1994](#)) ([CELEX 31994L0035](#))
- European Parliament and Council Directive 95/2/EC of 20 February 1995 on food additives other than colours and sweeteners ([OJ L-61 18/03/1995](#)) ([CELEX 31995L0002](#))

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Requirements & Taxes section - Export Helpdesk for developing countries  
<http://exporthelp.europa.eu>

- Commission Directive 2008/84/EC of 27 August 2008 laying down specific purity criteria on food additives other than colours and sweeteners ([OJ L-253 20/09/2008](#)) ([CELEX 32008L0084](#))
- Commission Directive 2008/128/EC of 22 December 2008 laying down specific purity criteria concerning colours for use in foodstuffs ([OJ L-6 10/01/2009](#)) ([CELEX 32008L0128](#))
- Commission Directive 2008/60/EC of 17 June 2008 laying down specific purity criteria concerning sweeteners for use in foodstuffs ([OJ L-158 18/06/2008](#)) ([CELEX 32008L0060](#))
- Council Directive 88/388/EEC of 22 June 1988 on the approximation of the laws of the Member States relating to flavourings for use in foodstuffs and to source materials for their production ([OJ L-184 15/07/1988](#)) ([CELEX 31988L0388](#))
- Regulation (EC) No 2065/2003 of the European Parliament and of the Council of 10 November 2003 on smoke flavourings used or intended for use in or on foods ([OJ L-309 26/11/2003](#)) ([CELEX 32003R2065](#))
- Regulation (EC) No 2232/96 of the European Parliament and of the Council of 28 October 1996 laying down a Community procedure for flavouring substances used or intended for use in or on foodstuffs ([OJ L-299 23/11/1996](#)) ([CELEX 31996R2232](#))
- Directive 2009/32/EC of the European Parliament and of the Council of 23 April 2009 on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients foodstuffs ([OJ L-141 06/06/2009](#)) ([CELEX 32009L0032](#))

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**NOTE**

A new EU Food Improvement Agent Package, which consists of four new regulations providing a common authorisation procedure for food additives, food enzymes and food flavourings, and individual regulations on enzymes, additives and flavourings, will become progressively applicable until 2011. Such Regulations are:

- Regulation (EC) No 1331/2008 of the European Parliament and of the Council ([OJ L-354 31/12/2008](#)) ([CELEX 32008R1331](#))
- Regulation (EC) No 1332/2008 of the European Parliament and of the Council ([OJ L-354 31/12/2008](#)) ([CELEX 32008R1332](#))
- Regulation (EC) No 1333/2008 of the European Parliament and of the Council ([OJ L-354 31/12/2008](#)) ([CELEX 32008R1333](#))
- Regulation (EC) No 1334/2008 of the European Parliament and of the Council ([OJ L-354 31/12/2008](#)) ([CELEX 32008R1334](#))

These new Regulations repeal a number of Directives and Regulations included in this file. However, due to their gradual application, the following legislation will continue to apply until the adoption of their implementing measures including the Community lists of enzymes, flavourings and food additives:

- Council Directive 88/388/EEC (OJ L-184 15/07/1988) ([CELEX 31988L0388](#))
- Regulation (EC) No 2232/96 of the European Parliament and of the Council (OJ L-299 23/11/1996) ([CELEX 31996R2232](#))
- European Parliament and Council Directive 94/36/EC (OJ L-237 10/09/1994) ([CELEX 31994L0036](#))
- European Parliament and Council Directive 94/35/EC (OJ L-237 10/09/1994) ([CELEX 31994L0035](#))
- European Parliament and Council Directive 95/2/EC (OJ L-61 18/03/1995) ([CELEX 31995L0002](#))

Further information is available in the following official websites:

- European Commission's Directorate General for Health and Consumers:  
[http://ec.europa.eu/food/food/chemicalsafety/additives/new\\_regul\\_en.htm](http://ec.europa.eu/food/food/chemicalsafety/additives/new_regul_en.htm)
- Summaries of EU legislation:
  - Food enzymes:  
[http://europa.eu/legislation\\_summaries/consumers/product\\_labelling\\_and\\_packaging/sa0004\\_en.htm](http://europa.eu/legislation_summaries/consumers/product_labelling_and_packaging/sa0004_en.htm)
  - Food additives:  
[http://europa.eu/legislation\\_summaries/consumers/product\\_labelling\\_and\\_packaging/sa0003\\_en.htm](http://europa.eu/legislation_summaries/consumers/product_labelling_and_packaging/sa0003_en.htm)
  - Food flavourings:  
[http://europa.eu/legislation\\_summaries/consumers/product\\_labelling\\_and\\_packaging/sa0006\\_en.htm](http://europa.eu/legislation_summaries/consumers/product_labelling_and_packaging/sa0006_en.htm)

**b) Preparation and treatments of certain foodstuffs**

- Council Directive 89/108/EEC of 21 December 1988 on the approximation of the laws of the Member States relating to quick-frozen foodstuffs for human consumption (OJ L-40 11/02/1989) ([CELEX 31989L0108](#))
- Directive 1999/2/EC of the European Parliament and of the Council of 22 February 1999 on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation ([OJ L-66 13/03/1999](#)) ([CELEX 31999L0002](#))
- Directive 1999/3/EC of the European Parliament and of the Council of 22 February 1999 on the establishment of a Community list of foods and food ingredients treated with ionising radiation ([OJ L-66 13/03/1999](#)) ([CELEX 31999L0003](#))
- Commission Decision 2002/840/EC of 23 October 2002 adopting the list of approved facilities in third countries for the irradiation of foods ([OJ L-287 25/10/2002](#)) ([CELEX 32002D0840](#))
- List of Member States' authorisations of food and food ingredients which may be treated with ionising radiation ([OJ C-283 24/11/2009](#))

**c) Specific provisions for certain groups of products and foodstuffs for particular nutritional purposes**

- Directive 2009/39/EC of the European Parliament and of the Council of 6 May 2009 on foodstuffs intended for particular nutritional uses ([OJ L-124 20/05/2009](#)) ([CELEX 32009L0039](#))
- Commission Regulation (EC) No 953/2009 of 13 October 2009 on substances that may be added for specific nutritional purposes in foods for particular nutritional uses ([OJ L-269 14/10/2009](#)) ([CELEX 32009R0953](#))
- Commission Directive 2006/125/EC of 05 December 2006 on processed cereal-based foods and baby foods for infants and young children ([OJ L-339 06/12/2006](#)) ([CELEX 32006L0125](#))
- Commission Directive 96/8/EC of 26 February 1996 on foods intended for use in energy-restricted diets for weight reduction ([OJ L-55 06/03/1996](#)) ([CELEX 31996L0008](#))
- Commission Directive 2006/141/EC of 22 December 2006 on infant formulae and follow-on formulae and amending Directive 1999/21/EC ([OJ L-401 30/12/2006](#)) ([CELEX 32006L0141](#))
- Commission Directive 1999/21/EC of 25 March 1999 on dietary foods for special medical purposes ([OJ L-91 07/04/1999](#)) ([CELEX 31999L0021](#))
- Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements ([OJ L-183 12/07/2002](#)) ([CELEX 32002L0046](#))
- Regulation (EC) No 1925/2006 of the European Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods ([OJ L-404 30/12/2006](#)) ([CELEX 32006R1925](#))
- Directive 2000/36/EC of the European Parliament and of the Council of 23 June 2000 relating to cocoa and chocolate products intended for human consumption ([OJ L-197 03/08/2000](#)) ([CELEX 32000L0036](#))
- Council Directive 2001/111/EC of 20 December 2001 relating to certain sugars intended for human consumption ([OJ L-10 12/01/2002](#)) ([CELEX 32001L0111](#))
- Council Directive 2001/112/EC of 20 December 2001 relating to fruit juices and certain similar products intended for human consumption ([OJ L-10 12/01/2002](#)) ([CELEX 32001L0112](#))
- Council Directive 2001/113/EC of 20 December 2001 relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption ([OJ L-10 12/01/2002](#)) ([CELEX 32001L0113](#))
- Directive 1999/4/EC of the European Parliament and of the Council of 22 February 1999 relating to coffee extracts and chicory extracts ([OJ L-66 13/03/1999](#)) ([CELEX 31999L0004](#))

- Commission Directive 2002/67/EC of 18 July 2002 on the labelling of foodstuffs containing quinine, and of foodstuffs containing caffeine ([OJ L-191 19/07/2002](#)) ([CELEX 32002L0067](#))
- Council Directive 76/621/EEC of 20 July 1976 relating to the fixing of the maximum level of erucic acid in oils and fats intended as such for human consumption and in foodstuffs containing added oils or fats ([OJ L-202 28/07/1976](#)) ([CELEX 31976L0621](#))
- Council Regulation (EC) No 2991/94 of 05 December 1994 laying down standards for spreadable fats ([OJ L-316 09/12/1994](#)) ([CELEX 31994R2991](#))
- Council Directive 98/83/EC of 03 November 1998 on the quality of water intended for human consumption ([OJ L-330 05/12/1998](#)) ([CELEX 31998L0083](#))
- Directive 2009/54/EC of the European Parliament and of the Council of 18 June 2009 on the exploitation and marketing of natural mineral waters ([OJ L-164 26/06/2009](#)) ([CELEX 32009L0054](#))

## 6. Control of foodstuffs

- 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 ([OJ L-165 30/04/2004](#)) ([CELEX 32004R0882](#))
- Commission Regulation (EC) No 669/2009 of 24 July 2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC ([OJ L-194 25/07/2009](#)) ([CELEX 32009R0669](#))

Imports of the food of non-animal origin listed in Annex I to this Regulation are subject to the following controls at the designated point of entry:

- Documentary checks on all consignments
- Identity and physical checks at the frequencies set out in Annex I

The release for free circulation of consignments is subject to the presentation of a common entry document (CED).

- Commission Regulation (EC) No 1162/2009 of 30 November 2009 laying down transitional measures for the implementation of Regulations (EC) No 853/2004, (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council ([OJ L-314 01/12/2009](#)) ([CELEX 32009R1162](#))
- Commission Regulation (EC) No 2074/2005 of 05 December 2005 laying down implementing measures for certain products under Regulation (EC) No 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No 854/2004 of the European Parliament and of the Council and Regulation (EC) No 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004 ([OJ L-338 22/12/2005](#)) ([CELEX 32005R2074](#))