RASFF/AAC SOPs version 2

Special

RASFF/AAC joint working group meeting

3 October 2019

Scope of the SOPs

On the basis of the existing legal framework, the RASFF/AAC SOPs codify the experience gained over the years by the members of the network, in particular the European Commission's RASFF contact point (ECCP), regarding the following key elements:

- types of notifications
- duties of the members of the network
- requirements for transmitting the different types of notifications
- Commission's contact point's specific tasks
- withdrawal and amendment of a notification
- exchange of information with non-member countries and business operators
- transparency and confidentiality of the information exchanged

SOPs are made available on the RASFF webpages

Food Safety

SOP 1: best practices for SCPs

- Maintaining a simple structure: SCP= single body responsible for both RASFF and AAC
- Rules can apply for any contact point of the network
- The "AAC system" = the AAC procedure in iRASFF

The SCP

- single unit or composed out of persons from different units or sections but identifiable and directly contactable
- Single functional mailbox
- FFCP member of SCP

- Spearhead of the communication network in their country
- Coordinate and consolidate different information inputs
- Makes sure things get done!
- Ensures operational readiness of an on-duty officer for RASFF 24/7.

SCP role

SOP 2: scope of AAC versus RASFF

- Scope of AAC: possible instances of non-compliance requiring assistance of another country:
  - to establish if a non-compliance exists
  - to ensure that compliance is enforced also in another member country
  - to ensure that penalties associated with non-compliance can be imposed

Scope of RASFF

direct or indirect risks to human health in relation to food, food contact material or feed as well as serious risks to animal health or the environment in relation to a specific feed

RASFF or AAC?

- Decision of the notifying country
- Officially RASFF notification only once validated by ECCP
- Before that:
  - AAC procedure or
  - RASFF procedure

RASFF or AAC??

- Depends on the purpose for notifying
  - Enable other members to take rapid remedial action to eliminate or avoid a (*possible*) health risk: RASFF
  - Requiring assistance to investigate a (*potential*) non-compliance or to enforce compliance

RASFF?

- Examples where no risk = no RASFF
- Examples where serious risk = compulsory RASFF
  - Special considerations for:
    - analytical method
    - company own-checks
    - border rejections

Food Alerts

Risk?

- Risk decisions are: "no risk", "not serious", "undecided", "serious"

- **risk evaluation should be performed based on the hypothesis that the product is available to the consumer.** If the product is not a consumer product but a raw material or intermediate product, then the risk evaluation should factor in any processing step eliminating the hazard.
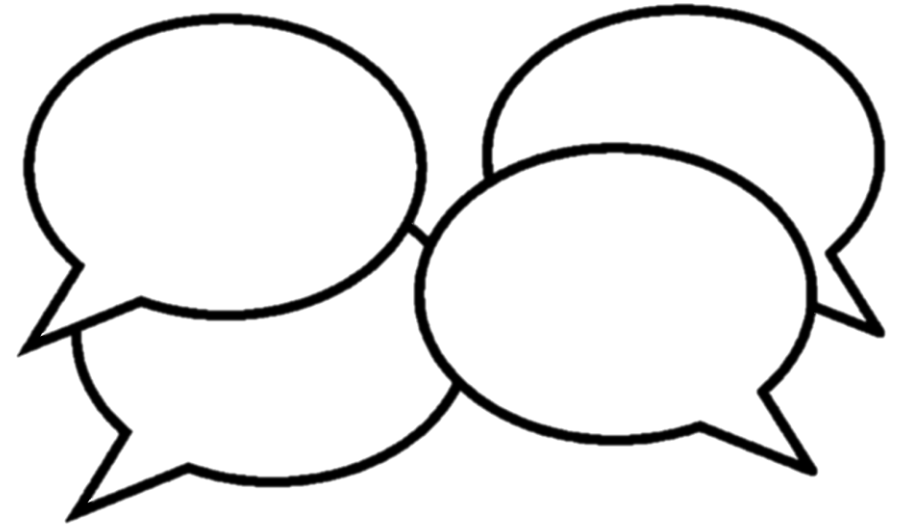
Risk??

- Risk decision is independent of distribution status of the product
- Actual risk is reflected in notification classification by taking into account risk decision and distribution status
- Repository of risk evaluations to be built, making use of the RACE tool where appropriate

SOP 3: preparing an original notification

conversation module

- to share a notification,
- request assistance but also to
- enable cooperation to clarify issues in relation to a RASFF notification

SCP verifies:

✓ Completeness of the notification

✓ Risk decision and arguments

✓ Notification classification

✓ Countries flagged

✓ Escalation to ECCP? (= RASFF)

SOP 4: preparing follow-up notifications

- Follow-ups on initiative or to close a flag
- Two types of flags:
  - Flag in conversation: closed by response, set by all members
  - Flag in notification: closed by follow-up, set and managed by ECCP (only for RASFF)
- Follow-ups can also be used in the AAC procedure (even AAC-type follow-ups in a RASFF notification!)

SOP 5 – transmitting the notification - RASFF procedure

- Requires transmission to ECCP (escalation) and validation by ECCP

- Time limits (48 hours for alert)

- Out-of-the-office arrangements (phone call) apply if other member should be flagged for follow-up
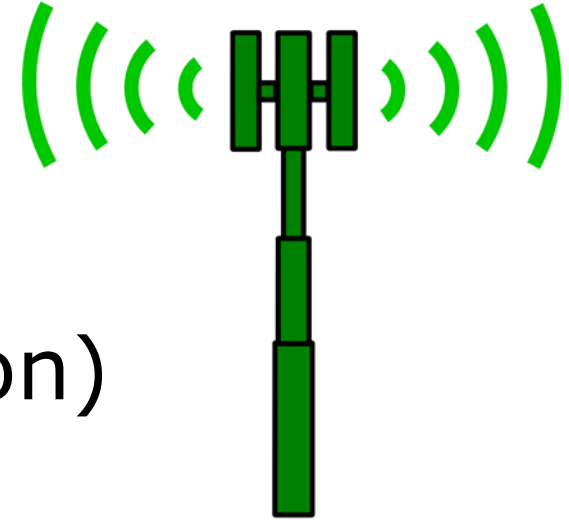
SOP 5 – transmitting the notification - AAC procedure
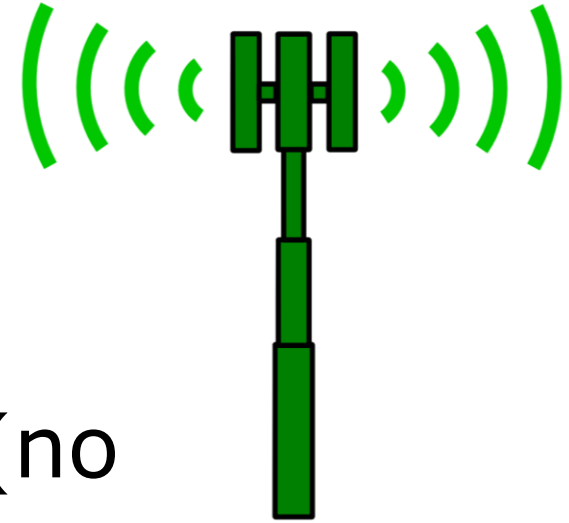
- Requires only validation at national level (no involvement of ECCP)
- Sharing notifications – with flag for attention or for follow-up in conversation
- AAC procedure = non-compliance notification

SOP 6 – ECCP verification of RASFF notifications

- ECCP first checks if notification in scope of RASFF and if correct classification
- ECCP dialog with SCP or feedback to SCP

ECCP tasks

- Verification of notification
  - legal basis
  - legibility and completeness
  - risk evaluation
  - compliance with these SOPs.
- Provide translation if necessary
- Transmit to non-member countries
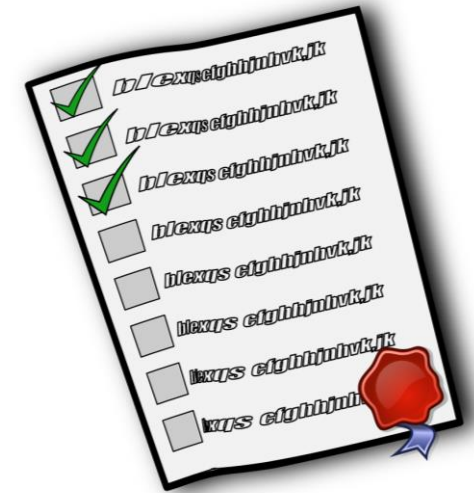
Withdrawal of a notification

- Request by a network member:
  - a) if the information upon which the action to be taken is based appears to be unfounded; or,
  - b) if the notification was transmitted erroneously
- ECCP withdraws if sufficient arguments given

Closing a notification

- RASFF notification: when ECCP has closed all follow-up flags in the notification

- AAC notification: when all follow-up flags, set in the various conversations inside the notification, are closed

SOP 7: distribution of iRASFF notifications

- The SCP can coordinate tasks between services / authorities inside the country using parent conversation

- It is recommended that in-country RASFF and AAC contact points are identical

SOP 8: assessing an iRASFF notification

- The SCP is to carry out an assessment of each notification it has been flagged for, with priority to RASFF notifications, to:
  - Relay to the appropriate service/authority
  - Request additional information
  - Determine follow-up actions

SOP 9: consulting iRASFF notifications, arrangements for personal data protection

- Only staff officially appointed by the authorities in member countries have access to the notifications, if required for their official tasks.

- These persons have to respect the requirements of Art. 52 of the GFL regarding information covered by professional secrecy.

- Personal data: joint controllership – if personal data of business operators are collected, these persons are to be informed by the network member of their rights.

SOP 10 - transparency

- Through RASFF Portal the ECCP publishes information on the type of product, the hazards identified, the analytical results if available, the country of origin of the products, the countries to which the product was distributed, the notifying country, the basis of the notification, the measures taken and the distribution status

- If, depending on the risk, the decision is taken to inform the public of full product details, this decision as well as where this information can be found, should be notified in iRASFF.

- Links to information on the web: "RASFF Consumers Portal"

- Ensure that the professional operators mentioned in the notification are immediately provided with all information they require:
  - To eliminate the risk
  - To provide additional information to the competent authority
  - To safeguard their right to appeal

- Annual report on iRASFF notifications

SOP 10 – confidentiality

- Confidentiality does not apply to any information authorities consider they need to make public in order to protect human or animal health (Article 10 GFL)
- It is advised not to forward complete notifications
- Remove information covered by professional secrecy or commercially sensitive (e.g. client list, prices, recipes, pictures of equipment etc.)
- Access to documents rules apply