Traceability of food products

The Food Standard Agency have published Guidance Notes relating to the traceability of food products, and those products which are intended or expected to be incorporated into food.

What the law says

The Guidance Notes relate to the General Food Law Regulation (EC) 178/2002, which states that

Under this Article, food businesses are required to:

- identify their suppliers of food, food-producing animals and any other substance intended or expected to be incorporated into food;
- identify the businesses to which they have supplied products; and
- produce this information to the competent authorities on demand

The purpose of the traceability provisions is to assist in targeted and accurate withdrawals and to give information to control officials in the event of food safety problems, thereby avoiding the potential for wider disruption.

The requirements apply to any business that trades in food at all stages of the food chain. This includes primary producers, manufacturers, wholesalers, retailers, transporters, distributors, those dealing in the purchase and sale of bulk commodities, caterers and food brokers. Also included are charities where these meet the definition of a food business, and businesses importing from third countries, even though their supplier is not within the EU. The requirements do not, however, extend to suppliers in third countries.

Live animals supplied for eventual use in food constitute 'food producing animals' and are subject to the traceability requirements. Other items such as seeds will be subject to the traceability requirements only if these go directly into a food product. Veterinary medicines, pesticides and fertilisers are not within the scope of the Regulation as they are not regarded as 'food' under Regulation (EC) 178/2002.

What the guidance suggests

Taken at face value, the only information Article 18 requires food business operators to provide is the name of businesses who supply them and to whom they supply their products, i.e. one step back – one step forward.

However, EC law should be interpreted according to its purpose, and account has to be taken of the relevant recitals (7, 28 and 29) and role of Article 18 in supporting the notification requirements of Articles 19 and 20.

It follows that, as a minimum, traceability records should include the address of the customer or supplier, nature and quantity of products, and the date of the transaction and delivery. It is expected that the provision and retention of this type of information is already standard practice in basic accounting. It can also be helpful to record the batch number or durability indication (where applicable).

This requirement does not mean that businesses necessarily need a dedicated traceability system. It is the need to produce information that is important, not the format in which it is kept.

Article 18 requires that the traceability records be made available to the competent authorities on demand. As the purpose of the traceability provision is to assist with withdrawals and recalls of unsafe food, food businesses should have their records sufficiently organised and available to be produced within the short timescale needed for them to be of use in any such withdrawal or recall.

The Regulation does not specify how long traceability records should be kept, although this may be required by sector specific legislation. Again, this article should be interpreted according to its purpose in supporting the notification requirements of Article 19. It is for businesses to decide how long they should keep their records. Businesses should bear in mind the nature of the food, its product life, and the circumstances under which they might be required to produce records, should a notification under Article 19, or assistance to enforcement authorities, be subsequently required.

However, failure to produce such documentation constitutes an offence.

Food retailers are not required to keep records of sales to the final consumer (since consumers are not food businesses). Wholesalers supplying to retail outlets are required to keep records. Where a retailer knows that it is supplying to another food business, for example a catering outlet, traceability requirements should be adhered to. Caterers such as restaurants will need to keep traceability records of inputs, but will not be required to keep records of supplies to the final consumer.

Although all food businesses must comply with the traceability requirements of Article 18, there are more detailed requirements in separate legislation specific to particular food sectors. These include, for example, mandatory labelling requirements at the point of sale for fresh and frozen beef; the mandatory cattle identification and registration scheme; and the rules relating to consumer information for fish and fish products sold at retail, where commercial documentation (e.g. sales note, invoice) is the usual means of providing this information through the chain.

Article 18 does not require internal traceability, i.e. the matching up of all inputs to outputs. Nor is there any requirement for records to be kept identifying how batches are split and combined within a business to create particular products or new batches. For example, a cake manufacturer would not need to specify which batch of flour went into which cakes.

However, internal traceability may be required by commodity specific legislation, for example beef labelling.

The full Guidance Notes for Food Business Operators help businesses to comply with the General Food Law Regulation (EC) 178/2002 and relate to food safety, traceability, product withdrawal and recall.

How we can help?

Call us on **01277 631 811** or complete the form on our **website** for more information.