

Food Safety Information Notice 03-2024

Guidance on Food Business Operator Obligations when non-compliant seafood or seafood potentially injurious to human health is identified



AN t-ÚDARÁS UM
CHOSAINT
IASCAIGH MHARA

SEA-FISHERIES
PROTECTION
AUTHORITY

The Sea-Fisheries Protection Authority (SFPA) has issued this Food Safety Information Notice in relation to Food Business Operator Obligations when non-compliant food or food potentially injurious to human health is identified.

Introduction:

Key responsibilities for all Food Business Operators, as set out in Food Law, include placing safe food on the market, having procedures based on HACCP principles, adequately labelling of product, maintaining traceability (one step forward and one step back) and withdrawing/recalling potentially unsafe food from the market/final consumer.

Legislative Basis/Relevant Documentation

1. [Regulation \(EC\) No 178/2002](#) laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down the procedures in matters of foods safety
2. [Regulation \(EU\) 2017/625](#) on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products
3. [Commission Regulation \(EC\) No 2073/2005](#) on Microbiological Criteria for Foodstuffs

Glossary of Terms

Below is a glossary of terms and acronyms used in this document.

Terms / Acronyms	Description
FSAI	Food Safety Authority of Ireland
HACCP	Hazard Analysis and Critical Control Points, a systematic preventive approach to food safety.
Product Recall	When unsafe food is removed from the supply chain and consumers are advised to take appropriate action, for example to return or dispose of the unsafe food.
Product Withdrawal	When unsafe food is removed from the supply chain before it has reached consumers.
SFPA	Sea-Fisheries Protection Authority

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Action required on identifying non-compliant seafood or seafood potentially injurious to human health:

For Food Business Operators supervised by the Sea Fisheries Protection Authority (SFPA), the following applies:

If a Food Business Operator considers or has reason to believe that a fishery or aquaculture product which it has imported, produced, processed, or distributed is not in compliance with the food safety requirements or may be injurious to human health, and the product has left the control of the Food Business Operator, procedures must be immediately initiated to withdraw the product in question from the market in accordance with the business's Food Safety Management System.

If the product has been supplied to the final consumer via retail, the product must be recalled, and the final consumer notified.

The SFPA must also be informed. During a withdrawal or recall, the Food Business Operator will be required to fully co-operate with the SFPA and, as necessary, with the Food Safety Authority of Ireland (FSAI).

Withdrawal/Recall:

To ensure efficient and timely withdrawal /recall of a non-compliant product or product which may be injurious to human health, a Food Business Operator must have detailed contact details of each customer including their full address. This information must be made available to the SFPA. In accordance with the rules on traceability, it is not, however, necessary to maintain addresses of final consumers supplied via retail. Copies of any withdrawal notifications and public recall notices displayed at point of sale must also be provided to the SFPA. The recall notices must be sufficiently detailed to inform the consumer of the affected product, the identified hazard and action to take.

Follow up:

Food Business Operators must consider what went wrong (i.e. investigate the root cause) and, as appropriate, take action to prevent reoccurrence. The SFPA may require additional information or may carry out an inspection to verify that remedial action has been put in place. If deemed necessary, enforcement action may be taken. In undertaking any enforcement action, the SFPA always strives to operate in a consistent, proportionate, and transparent manner.

Further Advice:

This Food Safety Information Notice was published on the 22/08/2024.

Contact Details: sfpafood&fisheriessupport@sfpai.ie

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