

**Food Decree<sup>1</sup>****SFS 1971:807**

(Livsmedelsförordningen SFS 1971:807)<sup>1</sup>

made on 5 November 1971.

**Introductory regulations**

**§ 1** The terms in this Decree have the same meanings as in the Food Act (SFS 1971:511)<sup>2</sup>.

The EC Regulations which the Food Act complements are given in a government promulgation.

**Food composition**

**§ 2** The question of approval of food additives according to § 6 of the Food Act shall be considered by the National Food Administration. An additive may be approved only if it is of value for the consumer or for special reasons is needed for the handling of a food.

**§ 3** *(Deleted by Decree SFS 1993:1376)*

**§ 4** The National Food Administration shall issue regulations on food additives. In the case of enrichment substances it may be prescribed that such substances may be used only after a permit has been obtained from the National Food Administration.

If there are special reasons for doing so, the National Food Administration may, in particular cases, allow a food additive to be used even though it is not approved according to § 6 of the Food Act.

**§ 5** The National Food Administration shall prescribe food standards according to § 7 of the Food Act.

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<sup>1</sup>This translation includes all amendments made up to 8 November 2001.

<sup>2</sup>An English translation of the Food Act is available from the National Food Administration.

§ 6 (*Deleted by Decree SFS 1993:1376*)

## **Handling, etc.**

§ 7 Food packaging materials or machinery, utensils, vessels or other equipment for food handling may not be of such a nature that through their use a risk arises that foreign substances are added to food or that food becomes contaminated or is rendered unfit for human consumption.

§ 8 Food may not be stored together with products, substances or equipment in such a way that it is thereby exposed to the type of deleterious influence referred to in § 7. It is especially important that food is kept well away from products that are harmful when consumed.

§ 9 Those who bring food commercially into Sweden shall be registered with the National Food Administration.

If there are special reasons for doing so, the National Food Administration may issue detailed regulations on the obligation to be registered and on exemptions from that obligation.

The Act on Transport, Storage and Destruction of Products Subject to Import Control, etc. (SFS 1973:980) applies to the handling of uncleared foods.

§ 10 Food may not be treated with ionising radiation. However, herbs, spices and vegetable seasonings may be treated with such radiation according to the conditions prescribed by the National Food Administration.

A food that has been treated with ionising radiation may be brought into or offered for sale in Sweden only if the treatment is permitted in Sweden. The National Food Administration shall issue regulations on further conditions for import of food from countries which are not members of the European Union.

The National Food Administration shall supply the Swedish Customs with a list of

1. the types of food that are irradiated abroad,
2. countries where food is irradiated or can be assumed to be irradiated.

§ 10a When foods are dried using hot air or roasted, the air shall be heated with an indirect technique using a heat exchanger or with electricity.

If there are special reasons for doing so, the National Food Administration may in a particular case or by issuing regulations grant exemptions from the first paragraph.

**§ 11** Milk or milk products that are offered for sale as food or used in the production or preparation of food shall have been subjected to heat treatment, unless the National Food Administration in a particular case or by regulations grants exemption.

The National Food Administration may also prescribe heat treatment for other foods.

Heat treatment shall be carried out according to the regulations issued by the National Food Administration.

**§ 12** Only water that is fit for use as drinking water or is of corresponding bacteriological and hygienic quality may be used in cleaning, cooling or other handling of food, unless the National Food Administration permits otherwise. The same applies to cleaning and other care of equipment that is used in food handling or of food premises or other areas where food is handled.

The first paragraph is correspondingly applicable in the case of ice.

**§ 13** During transportation food shall be enclosed in a container or protected in other ways from the deleterious influences referred to in § 7.

If necessary in view of the nature of the food, its packaging or the duration of transport, the means of transportation of the food shall have closed storage space and facilities for frozen, cold or heated storage.

**§ 14** The novel foods referred to in Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients may be offered for sale in Sweden only if they have been placed on the Community market in accordance with the rules in the Regulation.

**§ 15** If necessary from a health point of view, the National Food Administration may issue regulations about or, in particular cases, decide on special conditions for or prohibit the use of a certain type of packaging material, substance, equipment or means of transportation in the handling of food.

**§ 16** Food may not be handled commercially in places other than food premises, unless a special permit has been granted. The same applies to offering food for sale to the public, even if it is not carried out commercially. The question of permits shall be considered by the municipal committee(s) responsible for carrying out supervision according to the Food Act. A permit may be granted for a certain period of time or until further notice.

A permit is not required for the transportation of food or for handling in connection with such transportation.

The National Food Administration may issue regulations which deviate from what is stated in the first paragraph.

**§ 17** The National Food Administration shall issue regulations according to § 3 of the Food Act.

**§ 18** When food is handled in places other than food premises, special care shall be taken and caution exercised to prevent it being exposed to the deleterious influences referred to in § 7.

**§ 19** The National Food Administration may issue further regulations on the handling, etc of foods according to §§ 9-12 of the Food Act.

**§ 20** *(Deleted by Decree SFS 1993:1376)*

## **Labelling**

**§§ 21-24** *(Deleted by Decree SFS 1993:1376).*

**§ 25** Beef from an animal born, raised and slaughtered in Sweden shall be labelled with its origin.

The National Food Administration shall issue further regulations on the labelling of foods.

**§ 26** Regulations according to § 15 of the Food Act shall be issued by the National Food Administration.

## **Offering for sale**

**§ 27** If necessary from the health or nutritional points of view, the National Food Administration may prescribe conditions for or prohibit the offering for sale of products which in appearance and use resemble foods of a traditional type and which can easily be confused with such foods.

Meat-like products, milk-like products and butter-like fats other than margarine may not be offered for sale without a permit from the National Food Administration.

**§ 28** The National Food Administration shall issue regulations on offering for sale of foods for special dietary uses and of natural mineral waters.

## **Staff hygiene**

**§ 29** All persons engaged in food handling shall maintain a good standard of personal hygiene and also observe strict cleanliness in other respects.

If a person engaged in food handling has reason to suspect that he/she has a disease, infection, wound or other injury that can render the food he/she handles unfit for human consumption, he/she shall inform the person who runs or manages the business without delay.

**§ 30** The person who runs a business where food is handled shall provide the employees with the necessary instructions concerning staff hygiene.

In order to prevent deleterious effects on food, the person who runs the business shall provide the employees with suitable protective clothing.

**§ 31** The National Food Administration may issue regulations concerning the obligation for persons who are to be engaged in food handling to show by means of a medical certificate that they are free from diseases or infections that can be transmitted to man via food.

The medical certificate shall be made out in the form which the National Food Administration prescribes after consultation with the National Board of Health and Welfare.

**§ 32** After consultation with the National Board of Health and Welfare, the National Food Administration shall issue regulations concerning the obligation of persons engaged in food handling to submit to a medical examination or other health check.

The person who runs a business in which food handling is carried out shall arrange and pay for health checks.

**§ 33** If it is necessary for food hygiene reasons, persons engaged in food handling are required to undergo a medical examination when requested to do so by the supervisory authority. The cost of such an examination is paid by the authority, unless it is to be reimbursed according to the Communicable Diseases Act (SFS 1988:1472).

**§ 34** The National Food Administration shall issue further regulations according to the second paragraph of § 21 of the Food Act. If the regulations concern health control of staff, the Administration shall consult the National Board of Health and Welfare.

## **Food premises, etc.**

**§ 35** Space in vehicles shall be regarded as food premises according to the first paragraph of § 22 of the Food Act only if the vehicle is used in connection with the preparation of food, offering food for sale to the public, or delivery to retailers of food that has not been ordered in advance.

**§ 36** Food premises shall be fitted and maintained in such a way that there is no risk that food on the premises is exposed to the deleterious influences referred to in § 7.

The Planning and Building Act (SFS 1987:10) and regulations issued under the provisions of that Act contain regulations on the construction and design in other respects of buildings that contain food premises, as well as on building permits.

**§ 37** Food premises may not be used until the premises with their fittings have been finished and approved for their purpose. Approval shall not refer to such technical building matters as are considered in connection with the building permit or to equipment on the premises, except in the cases referred to in the second paragraph. Approval may be made conditional.

The National Food Administration may prescribe that food premises may only be approved if the activities and the equipment in the establishment in which the premises are located can be assumed to fulfill the requirements which the Administration prescribes.

The National Food Administration may issue regulations which deviate from what is stated in the first paragraph.

**§ 38** The question of approval of food premises shall be considered as follows, unless the second paragraph indicates otherwise:

<i>Type of food premises</i>	<i>Examining authority</i>
1. Slaughterhouses and separate sanitary slaughter departments	National Food Administration
2. Cutting establishments, cold stores for meat products, meat product establishments, and establishments for ground meat, other than small-scale establishments and stores	"-
3. Milk and milk product establishments, other than small-scale establishments	"-

<b>4.</b> Fish and fish wholesalers' establishments, other than small-scale establishments	"-
<b>5.</b> Egg packing centres covered by Council Regulation (EEC) No 1907/90 of 26 June 1990 on certain marketing standards for eggs	"-
<b>6.</b> Egg product establishments	"-
<b>7.</b> Food premises in railway carriages, aircraft and factory ships and also chilled tank boats for fish	"-
<b>8.</b> Manufacturing establishments for spirit drinks, wine, fruit wines, aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails	"-
<b>9.</b> Export-controlled establishments referred to in the Ordinance (1974:271) on Control on the Exportation of Food	"-
<b>10.</b> Premises for treatment of food with ionising radiation	"-
<b>11.</b> Premises other than those specified above	A municipal committee which carries out supervision according to the Food Act

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If, under the provisions of the third paragraph of § 46, supervision of the activities on food premises is transferred from a municipal committee to the National Food Administration, the Administration shall thereafter consider questions of approval of the food premises.

**§ 39** *(Deleted by Decree SFS 1981:1372)*

**§ 40** *(Deleted by Decree SFS 1989:1108)*

**§ 41** An application for approval of food premises shall be made in writing to the authority which shall consider such approval.

**§ 42** Before food premises, including their fittings, or the activities on the premises undergo any fundamental change, the authority which is

responsible for supervising the activities carried out on the premises shall be notified.

**§ 43** A person who hands over or takes over food premises shall immediately notify the authority which is responsible for supervising the activities carried out on the premises of this fact.

**§ 44** Approval of food premises may be revoked by the authority which considers approval of the premises

1. if the premises no longer fulfil the requirements given in the first paragraph of § 36,
2. if the activities or the equipment in the establishment in which the premises are located do not fulfil the requirements in the Food Act, in the present Decree or in regulations which have been issued under the provisions of this Decree,
3. if the activities carried out on the premises cease or undergo a fundamental change,
4. if the premises or their fittings undergo a fundamental change,
5. if the conditions prescribed when the premises were approved are disregarded.

**§ 45** The National Food Administration shall issue further regulations according to the third paragraph of § 22 of the Food Act.

## **Supervision**

**§ 46** The authority that considers approval of the food premises which are included in an establishment shall supervise the activities carried out in the establishment. The National Food Administration supervises the food handling carried out by the retail company referred to in § 2 of Chapter 5 of the Alcohol Act (SFS 1994:1738) and food handling in aircraft.

After consultation with the municipal committee which carries out tasks within the environment and health protection area, the National Food Administration may in a particular case decide that supervision of a particular activity shall be transferred from the Administration to the committee.

After consultation with the municipal committee in the particular case, the National Food Administration may decide that the supervision of a certain activity that the Committee should otherwise exercise shall be transferred to the Administration, if the activity is specially extensive or is complicated or if there are other special reasons for doing so.



**§ 46a** The National Food Administration shall carry out the inspections that are necessary to check that, in the food area, Sweden fulfils its obligations which follow from its membership of the European Union.

The National Food Administration shall carry out the tasks which, according to Title II Section II in Regulation (EC) No 1760/2000 of the European Parliament and of the Council of the 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97 of 21 April 1997, are the responsibility of a competent authority or, according to Article 18 in the Regulation, a Member State.

The municipal committee which carries out tasks within the environment and health protection area shall carry out the tasks which, according to Article 16 in Regulation (EC) No 1760/2000 of the European Parliament and of the Council, are the responsibility of an independent inspection body. At establishments under the direct supervision of the National Food Administration, however, the Administration shall carry out these tasks.

**§ 47** The Surgeon-General of the Armed Forces shall be the supervisory authority within the Armed Forces.

**§ 48** A supervisory authority shall continuously take the samples and carry out the investigations which, with regard to the food handling within the authority's area of responsibility, are required for supervisory purposes.

The county administrative boards and the municipal committees responsible for supervision according to the Food Act are required to assist with special sampling and investigations which the National Food Administration prescribes.

The National Food Administration may issue regulations on how supervision shall be carried out and on investigations and other checks that are necessary to ensure compliance with the Food Act and the EC Regulations which the Act complements. The National Food Administration may also

issue regulations on the obligation for other supervisory authorities to keep the National Food Administration informed about the supervisory activities which they carry out and the results of these activities.

**§ 49** For the control of meat, the National Food Administration may issue regulations on

1. meat inspection,
2. measures connected with meat inspection,
3. the obligation of those who provide animals for slaughter to submit particulars.

Such regulations can be issued for meat from different types of animals to the extent required from the health and nutritional points of view.

**§ 49a** The National Food Administration may stipulate what shall be done with meat that has been seized in connection with slaughter according to the regulations in the first paragraph of § 27 of the Food Act.

**§ 49b** The proprietor of a control slaughterhouse shall pay fees to the National Food Administration for the control carried out by the Administration. The fees are decided by the National Food Administration after consultation with the National Financial Management Authority.

**§ 50** Laboratories which carry out examinations on samples of drinking water and other foods shall be accredited by the Swedish Board for Accreditation and Conformity Assessment (SWEDAC).

If there are special reasons why the testing of such laboratories shall be carried out in another way, the National Food Administration may through regulations decide that the laboratories shall instead be approved by the Administration.

If necessary, the National Food Administration may issue regulations on special requirements for laboratories that carry out examinations on samples of drinking water and other foods. The National Food Administration may also issue regulations on the requirements to be placed on laboratories which the Administration shall approve.

**§ 51** The Swedish Board for Accreditation and Conformity Assessment is responsible for supervision of accredited laboratories according to the Act on Technical Control (SFS 1992:1119).

The National Food Administration is responsible for the supervision of laboratories which the Administration has approved.

The Swedish Board for Accreditation and Conformity Assessment and the National Food Administration shall consult each other on questions related to the supervision of food laboratories and on regulations for such laboratories.

**§ 52** If necessary from a public health point of view, and if the National Food Administration requests it, the owner or manager of a business where food is handled or a laboratory shall make a report when pathogenic bacteria or foreign substances have been found on examination of foods and other control samples. The report shall be made to the National Food Administration and the Swedish Institute for Infectious Disease Control.

A physician or veterinary surgeon who has good reason to assume that food poisoning has been caused by the contamination of food with

pathogenic bacteria or a foreign substance during commercial handling shall report the matter to the county administrative board, the physician responsible for protection against infectious diseases and the municipal committee(s) responsible for supervision according to the Food Act. However, this does not apply in cases liable to notification according to the Communicable Diseases Act (SFS 1988:1472).

A physician who has good reason to assume that a person who is occupationally engaged in the handling of unpackaged food has a disease, infection, wound or other injury that can render the food he/she handles unfit for human consumption shall make a report to the municipal committee(s) responsible for supervision according to the Food Act in the municipality where the handling takes place, as well as to the physician responsible for protection against infectious diseases. The report shall contain information about the person's name and place of work.

**§ 53** The National Food Administration may issue regulations prescribing that food handlers are required to exercise control over the activities carried out (internal control) and on programmes which regulate in more detail how the control is to be carried out (control programme).

**§ 53a** If eggs for consumption or meat from cattle, swine or poultry are brought into Sweden from a country which is a member of the European Union without documents that show that the eggs come from a flock with an approved control programme for salmonella or that salmonella has not been shown to be present in the meat, a report shall be made without delay to the supervisory authority by the first recipient in Sweden of the eggs or the meat. A report need not be made if the eggs are to be used in the manufacture of egg products or if the meat from cattle or swine is to be used as a raw material in the manufacture of heat-treated meat products.

The costs for the sampling and examination which result from the report shall be reimbursed by those for whom the sampling and examination are carried out.

**§ 53b** If salmonella is shown to be present on the examination of meat in internal control, this shall be reported to the supervisory authority without delay. If the supervisory authority is a municipal committee which carries out supervision according to the Food Act, the committee shall inform the National Food Administration as soon as possible that salmonella has been found.

**§ 53c** The costs which arise for a supervisory authority as a result of measures taken according to § 27 of the Food Act shall be reimbursed by the person who was the owner of the food when it was seized.

## **Competent authority**

**§ 53d** The National Food Administration shall carry out the tasks which are the responsibility of a competent authority according to the EC Regulations which the Food Act complements.

The Administration shall also carry out

1. the task which is the responsibility of a Member State according to Article 4 in Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products,
2. the tasks which are the responsibility of the competent authority according to Article 5.2 in Council Directive 91/492/EEC of 15 July 1991 laying down the health conditions for the production and placing on the market of live bivalve molluscs.

## **Other regulations**

**§ 54** Questions of exemption according to § 4 of the Food Act shall be considered by the National Food Administration or, as regards the Armed Forces, by the Surgeon-General of the Armed Forces in consultation with the National Food Administration.

**§ 55** The National Food Administration may issue regulations to complement the EC Regulations which wholly or partially fall within the area of application of the Food Act.

Further regulations for the application of the Food Act and this Decree shall be issued by the National Food Administration.

However, regulations referred to in the second paragraph shall be issued by

1. the Surgeon-General of the Armed Forces after consultation with the National Food Administration as regards application of the Act to the Armed Forces,
2. the National Board of Health and Welfare after consultation with the National Food Administration as regards the obligation to report according to the second paragraph of § 52.

The National Board of Agriculture may in specific cases grant exemptions from § 1 of the Decree on Classification of Meat (SFS 1956:413).

**§ 56** Regulations issued according to this Decree which are obviously of major economic importance or in other respects of great significance shall be ratified by the Government.

**§ 57** An appeal against a decision made according to this Decree by a municipal committee can be made to the county administrative board.

**§ 58** The Food Act contains regulations regarding appeals against decisions made according to this Decree by the National Food Administration.

An appeal against a decision made according to this Decree by the Surgeon-General of the Armed Forces, which is not a decision in a special case, can be made to the Government. The same applies to decisions made according to this Decree by the National Board of Health and Welfare. In order to safeguard the consumer interest in matters concerning food, an appeal against the decisions referred to in this paragraph can be made by an organization which is regarded as a central employee organization according to the Act on Co-determination at Work (SFS 1976:580) or a corresponding employer's organization.

§ 22a of the Administrative Procedure Act (SFS 1986:223) contains regulations on appeals to administrative courts of appeal.

## **Coming into force**

The original Food Decree (SFS 1971:807) came into force on 1 January 1972. Since then, a series of decrees amending the Food Decree have been introduced. The latest amendments came into force on 1 January 2002.