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**Final report**

**EFTA Surveillance Authority mission to Iceland**

**from 21 to 25 January 2013**

**regarding application of EEA legislation related to the evaluation of control systems**

**for the quality of water used and produced by the food industry**

Please note that comments from the Icelandic competent authorities to the draft report and information on the corrective actions already taken and planned by the Icelandic competent authorities are included in Annex 4 and referred to in footnotes in *underlined italic print*.

### *Executive Summary*

*This report describes the outcome of a mission carried out by the EFTA Surveillance Authority in Iceland from 21 to 25 January 2013. The objective of the mission was to verify that official controls related to the quality of water used and produced by the food industry were carried out in compliance with the European Economic Area (EEA) legislation.*

*The mission team found that the situation in Iceland concerning potable water was, in general, satisfactory. In comparison to the previous mission carried out in 2007, relevant improvements was observed during this mission and the deficiencies identified this time could be rectifiable without major constraints.*

*However the shortcomings identified by the Authority should be fully addressed by the Icelandic competent authorities. The main needs for improvement were identified in the following areas:*

- the transposition of all requirements in the EEA legislation concerning potable water into the Icelandic internal legal order;*
- the efficient and effective coordination and cooperation between all the competent authorities involved in official controls;*
- the appropriate reporting of relevant parameters by official laboratories;*
- the implementation of all the requirements in the field of water policy;*
- the supply of all relevant information concerning potable water to the Authority and to the public;*
- the fulfilment of the relevant requirements related to potable water in relation to parameters and monitoring concerning all food-production undertaking;*
- the registration and approval of food business operators and their implementation of the hazard analysis critical control points principles.*

*The report includes a number of recommendations addressed to the Icelandic competent authorities aimed at rectifying the identified shortcomings and enhancing the control system in place.*

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## 1 Introduction

The mission took place in Iceland from 21 to 25 January 2013. The mission team comprised three inspectors from the EFTA Surveillance Authority (the Authority).

This was the second mission to Iceland focusing on official controls of the quality of water used and produced by the food industry. The previous mission was carried out by the Authority in December 2007.

The opening meeting was held with representatives of the Icelandic Food and Veterinary Authority (MAST), the Ministry of Industries and Innovation and representatives of five Local Municipal Environmental Health and Protection Offices (LCAs), - one of the five being present at the meeting by way of audio link - on Monday 21 January 2013 at MAST's offices in Reykjavik.

The mission team confirmed the objectives and the itinerary of the mission. The Icelandic representatives provided additional information to that set out in the reply to the Authority's pre-mission document.

Throughout the mission, the mission team was accompanied by a representative of MAST's head office together with representatives of the relevant LCAs and MAST officers in charge of official control in the facilities visited.

The final meeting was held in Reykjavik on 25 January 2013 with representatives of MAST, the Ministry of Industries and Innovation, representatives of the five LCAs mentioned above and representatives of the Environment Agency (*Umhverfisstofnun*; UST).

The abbreviations used in the report are listed in Annex 1.

## 2 Scope and objective of the mission

The following main European Economic Area (EEA) Acts and related EEA legislation fall within the scope of the mission:

- a) the Act referred to at Point 7a of Chapter II of Annex XX to the EEA Agreement, *Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption* (hereinafter "Directive 98/83"), as amended, insofar as relevant and applicable to the food industry, including bottled water;
- b) the Act referred to at Point 13ca of Chapter II of Annex XX to the EEA Agreement, *Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy* (hereinafter "Directive 2000/60"), as amended and adapted to the EEA Agreement by the sectoral adaptations referred to in Annex XX thereto, and insofar as relevant and applicable to water intended for human consumption, including bottled water;

The main objective of the mission was to assess the Icelandic competent authorities' application of the above mentioned legislation with a particular focus on the following areas:

- a) the legal and administrative measures in place to implement the above requirements;
- b) the control framework established and operated by the competent authorities to ensure the uniform application of these requirements;
- c) other measures to achieve compliance;
- d) the follow-up of controls, including corrective actions;
- e) the status of implementation of corrective measures with respect to the previous mission carried out by the Authority from 3 to 7 December 2007.

The evaluation included the gathering of relevant information and appropriate verifications, by means of interviews/discussions, review of documents and records, and on-the-spot inspections, to verify the normal control procedures adopted and enforcement measures in place to ensure that corrective actions will be taken when necessary.

The meetings with the competent authorities and the visits during the mission are listed in Table 1.

**Table 1: Competent authorities and establishments/sites visited during the mission**

	Number	Comments
Competent authorities	2	An initial meeting between the mission team, MAST, the Ministry of Industries and Innovation and five LCAs (one present by way of audio link)  A final meeting with representatives of the same authorities (including the five LCAs attending the opening meeting) and UST
	3	Meetings with LCAs
	1	A meeting with UST
Laboratories	2	One laboratory designated to carry out analysis of official samples, also analysing private samples and one laboratory analysing private samples
Waterworks	1	A municipality running six waterworks of different size
Food business operators	4	Two meat plants and two establishments bottling potable water

### 3 Legal basis for the mission

The legal basis for the mission was:

- a) Point 4 of the Introductory Part of Chapter I of Annex I to the EEA Agreement;
- b) Article 1(e) of Protocol 1 to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice;
- c) Article 45 of the Act referred to at Point 31j of Chapter XII of Annex II to the EEA Agreement, *Regulation (EC) No 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules*, as amended and adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I thereto;
- d) The Act referred to at Point 74 of Chapter I, Subchapter 1.2 of Annex I to the EEA Agreement, *Commission Decision 98/139/EC of 4 February 1998 laying down certain detailed rules concerning on-the-spot checks carried out in the veterinary field by Commission experts in the Member States*, as amended and adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I thereto.

## 4 Background

A mission to Iceland focusing on the official controls of the quality of water used and produced by the food industry and natural mineral waters was carried out by the Authority in December 2007. The final report from this mission can be found on the Authority's website ([www.eftasurv.int](http://www.eftasurv.int)). Following that mission the Icelandic competent authorities provided a plan of corrective actions to all the conclusions contained in the Authority's report. The Authority evaluated these corrective actions as satisfactory; however, in order to evaluate the full compliance of the corrective actions, a follow-up mission was suggested but not considered as urgent.

Other reports from missions carried out by the Authority in Iceland after December 2007, most notably on fishery products and live bivalve molluscs, pointed out that, for some food business operators, the quality of water in food business undertakings was not regularly monitored in accordance with the requirements.

The main sources of water providing potable water in Iceland are as follows: surface waters around 1%, groundwater around 98% and bank filtration water around 1%.

Information on production of bottled water, intra-EEA trade and third countries import/export of products falling within the scope of the mission for the years 2009, 2010 and 2011 is available in Annex 3.

## 5 Main findings and conclusions

### 5.1 Applicable EEA legislation and national implementing measures

#### Legal requirements

Article 7 of the EEA Agreement states that acts referred to or contained in the Annexes to the Agreement are binding upon the Contracting Parties and shall be, or be made, part of their internal legal order.

#### Findings

According to information provided by Iceland in its reply to the pre-mission document of the Authority, the EEA legislation falling within the scope of this mission has been implemented into the internal Icelandic legal order by way of national regulations.

According to the same information, the Ministry of Industries and Innovation and the Ministry for the Environment and Natural Resources are responsible for the implementation and application of EEA legislation related to official controls of the quality of water used and produced by the food industry. National implementation of this legislation is ensured either by acts passed by the Parliament or regulations issued by the relevant Ministry.

Directive 98/83/EC was implemented into the Icelandic internal legal order by IS Regulation 536/2001, which entered into force on 28 June 2001. According to Article 12 of that Regulation, LCAs are responsible for official control under MAST supervision.

Directive 2000/60/EC was transposed into national law by IS Act 36/2011, which entered into force on 7 April 2011, and by IS Regulations 535/2011 and 935/2011. The regulations are enforced by the Environment Agency of Iceland in cooperation with the LCAs (in particular for IS Regulation 535/2011).

The mission team noted that the Icelandic legislation transposing Directive 98/83/EC into the Icelandic internal legal order appears to include some additional requirements while certain requirements laid down in the Directive 98/83/EC have not been addressed.

For example, for audit monitoring purposes, Iceland includes more microbiological parameters than the Directive 98/83/EC requires, including total plate count 22°C and coliforms in addition to *E.coli* and Enterococci; coliforms are as well added to the list of parameters required for audit monitoring for bottled water in the Icelandic legislation. However, the frequency for audit monitoring of chemical parameters in waterworks providing equal or less than 100m<sup>3</sup>/day is not included in the Icelandic legislation<sup>1</sup>.

In relation to exemptions as laid down in Article 3 Point 2(b) of Directive 98/83/EC, the Icelandic regulation states that waterworks serving 20 homes or summer houses do not have to be checked or audit monitored except those serving food business operators.

In relation to Article 13(2) of Directive 98/83/EC, the Icelandic text doesn't state that Iceland shall publish a report every three years on the quality of water intended for human consumption with the objective of informing consumers and that Iceland shall send the report to the Authority within two months of the publication<sup>2</sup>.

In relation to Article 6(d) of Directive 98/83/EC (Point of compliance), the parametric values set in accordance with Article 5 shall be complied with (d) in the case of water used in food production undertaking, at the point where the water is used in the undertaking; while according to the Icelandic regulation the point of compliance is where the water is taken for use into the house.

### Conclusions

The relevant EEA legislation concerning the quality of water used and produced by the food industry included in the scope of this mission has been made part of the Icelandic

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<sup>1</sup> See Annex 4 for comments from the Icelandic competent authorities

<sup>2</sup> See Annex 4 for comments from the Icelandic competent authorities

internal legal order. For audit monitoring the Icelandic legislation implements more parameters than those laid down in the EEA legislation. However, the national implementing measure, IS Regulation 536/2001, does not appear to fully transpose all the requirements laid down in Directive 98/83/EC.

## 5.2 Competent authorities

### Legal Requirements

Article 4(1) of Regulation (EC) No 882/2004 requires Member States to designate the competent authorities responsible for the official controls set out in the Regulation.

Article 4(3) of Regulation (EC) No 882/2004 requires that efficient and effective coordination and cooperation shall be ensured between all the competent authorities involved in official controls.

### Findings<sup>3</sup>

According to information provided by Iceland in its reply to the pre-mission document of the Authority, MAST, UST and ten LCAs are the competent authorities for the relevant legislation applicable to Iceland falling within the scope of the mission.

The ten LCAs are responsible within their municipalities (Iceland is divided into ten municipal control districts) for the surveillance of quality of water used and produced for/by the food industry. MAST (food and feed safety) and UST (environmental protection and general hygiene) are responsible for supervision and coordination as well as issuing guidelines and general information.

According to information provided by Iceland in its reply to the pre-mission document from the Authority, the LCAs are supervised by MAST although the latter has no direct legal power over the LCAs. At the opening meeting MAST's representative further explained this issue, with reference to Article 6 of the IS Act 93/1995, maintaining that MAST does not have instructional powers over the LCAs. In order to achieve the common goal of ensuring food safety, MAST, however, issues guidelines for food control which the LCAs are obliged to follow. In order for MAST to carry out its task of supervision and coordination of the LCAs there are several mechanisms of cooperation including regular meetings. At the opening and final meeting, MAST indicated that, starting in 2013, audits of the LCAs will be carried out by MAST.

According to IS Act 7/1998, UST has the role of supervising and coordinating pollution and hygienic inspections in Iceland. The representatives of UST stated to the Authority that although the LCAs shall be supervised and coordinated by UST, the latter does not have a supervisory power over the local LCAs. In order for UST to carry out its role of supervising and coordinating the LCAs there are several mechanisms of cooperation described, such as issuing of guidelines and regular meeting scheduled.

UST is the central competent authority and is responsible for the supervision of other designated competent authorities and administrative bodies with regards to the requirements of Directive 2000/60/EC (see chapter 5.4.1).

In relation to supervision and coordination, two LCAs visited stated that this role was not fulfilled by MAST, one of the LCAs visited made the same statement for UST. This issue

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<sup>3</sup> See Annex 4 for comments from the Icelandic competent authorities



has, according to information given by a LCA, been reported in minutes from meetings of the organisation of the Icelandic LCAs (the organisation representing the ten LCAs) and this information has also formally been addressed to the relevant ministries (see also chapter 6). The organisation of the Icelandic LCAs discussed the lack of information and the lack of communication to the supervisory institutes UST and MAST in February 2011.

In relation to the implementation of the legal requirements to potable water, the following was observed by the mission team: in one LCA chemicals were not tested for all waterworks because of cost and the fact that the local health committee decided that the chemical parameters did not need to be tested. In another LCA the explanation given for the same practice of non-testing for chemical parameters, was based on the requirements laid down in the Icelandic legislation. The mission team also noted that approvals for waterworks are given a different validity duration (12 years or different length), depending on which LCAs issue them.

Finally, the absence of coordination to ensure that information submitted by the LCAs in relation to the effective amount of water supplies to be included in the report pursuant to Article 13 of Directive 98/83/EC (see chapter 5.4.2) was also pointed out by the mission team.

### Conclusions

Iceland has designated competent authorities responsible for the official controls falling within the scope of this mission in line with the requirements laid down in the Article 4(1) of Regulation (EC) No 882/2004.

However efficient and effective coordination and cooperation between all the competent authorities involved in official controls as required in Article 4(3) of Regulation (EC) No 882/2004, appeared not to have been adequately ensured in practice by the Icelandic competent authorities.

## **5.3 Laboratory services**

### Legal Requirements

Article 12(1) of Regulation (EC) No 882/2004 states that the competent authority shall designate laboratories that may carry out the analysis of samples taken during official controls. Article 12(2) of the same Regulation states that the competent authority may only designate laboratories which operate and are assessed and accredited in accordance with the European standards. Article 12(3) of Regulation (EC) No 882/2004 holds that accreditation and assessment of testing laboratories may relate to individual test or groups of tests.

Part A of Annex I to Directive 98/83/EC lays down the requirements applicable to water offered for sale in bottles or containers. Tables A 1 and A 2 of Annex II to the same Directive lays down the parameters and parametric values to be tested in the context of monitoring programmes.

### Findings

The mission team visited one of the laboratories performing analysis in the context of official controls and own checks related to potable water. Adequate facilities were observed. The laboratory was accredited by a Swedish accreditation body and it participated in inter-laboratory tests. Methods of analysis concerning the relevant microbiological parameters were corresponding to relevant ISO methods and were

accredited. Results of ring tests performed by a Swedish laboratory were available; the mission team checked the results of ring tests related to *Pseudomonas aeruginosa* and Enterococci. Concerning *Pseudomonas aeruginosa*, one out of the three samples revealed a false positivity. This had been evaluated by the responsible person in the laboratory; the cause was identified and solved (interaction with other microbes).”

The management informed the mission team that the water samples were mainly analysed in the context of official controls. For some chemical parameters samples of water to be tested were sent to Sweden.

During the visit to two bottling water facilities, the analysis carried out by one of the laboratories, revealed that for audit monitoring, *E. coli*, Enterococci and *Pseudomonas aeruginosa* the parametric value was based on 100ml instead of 250ml. Colony count 22°C and 37°C were tested per ml.

According to information provided by the same laboratory, analyses of potable water were regularly carried out for coliforms. However, only if coliforms are found, further analyses for *E. coli* are performed. The mission team noted that the sheet accompanying samples of water have the possibility to require coliforms and *E. coli*; therefore it was up to the responsible authority performing sampling, to indicate what the parameters to be tested were. The majority of the reports of analysis checked by the mission team reported only coliforms and very few included *E. coli* as well. Results from other laboratories (one official laboratory and one laboratory in a third country) were nevertheless mentioning both coliforms and *E. coli*.

A private laboratory performing analyses in the context of own checks was also visited. The laboratory was not accredited but worked according to standard methods for the examination of water and wastewater 21, APHA, Edition 2005.

### Conclusions

The Icelandic competent authorities have designated laboratories that may carry out the analysis of samples taken during official controls in accordance with the provisions in Article 12(1), (2) and (3) of Regulation (EC) No 882/2004.

The official laboratory visited appeared well-organized. However the parametric value for *E. coli*, Enterococci and *Pseudomonas aeruginosa* is not tested in conformity with the requirements applicable to water offered for sale in bottles or containers, as laid down in Part A of Annex I to Directive 98/83/EC. The analytical reports in the context of monitoring programmes did not always include *E. coli* in accordance with Table A 1 and 2 of Annex II to Directive 98/83/EC.

## **5.4 Control systems for the quality of water used and produced by the food industry.**

### *5.4.1 Framework for action in the field of water policy (Directive 2000/60/EC)*

#### Legal Requirements

Article 3(1) of Directive 2000/60/EC requires that Member States shall identify individual river basins lying within their national territory and assign them to individual river basin districts. Article 3(2) of the same Directive requires that Member States shall ensure the

appropriate administrative arrangements, including the identification of the appropriate competent authority within each river basin district. Article 3(8) requires that Member States shall provide the Authority with a list of their competent authorities including the information set out in Annex I.

Article 7(1) requires Member States to identify, within each river basin district, all bodies of water used for the abstraction of water intended for human consumption providing more than 10 m<sup>3</sup> a day as an average or serving more than 50 persons, and those bodies of water intended for such future use. Article 7(3) of Directive 2000/60/EC requires that Member States shall ensure the necessary protection for the bodies of water identified according to Article 7(1), with the aim of avoiding deterioration in their quality.

### Findings

According to information provided by UST, Iceland has begun the work on identifying individual river basins and all river basins in Iceland have been assigned to one river basin district with a surface area of 141.162 km<sup>2</sup>. Administrative arrangements with regards to the requirements of Directive 2000/60/EC are described in IS Act 2011/36 and IS Regulations 535/2011 and 935/2011. A Water Council consisting of five members and chaired by the Ministry of Environment and Natural Resources has the general role of preparing, for ministerial approval, a draft river basin management plan including relevant programmes of measures. The council oversees how objectives are met and reports to the ministry every third year. UST as the central competent authority acts as an advisory body to the council and is responsible for the supervision of other designated competent authorities. The other designated competent authorities are the Icelandic Institute of Natural History, the Institute of Freshwater Fisheries, the Marine Research Institute and the Icelandic Meteorological Office. Also described in the plan are four district steering committees and two consultation groups. LCAs within the water districts are required to participate in the committees and also be represented in one of the consultation group.

A report submitted to the Authority in 2012 describes the different roles of involved parties supplying detailed information on the five competent authorities mentioned above. In the report the LCAs are not indicated as being competent authorities although they play a significant role when it comes to protection measures, monitoring activities and enforcement. For example the LCAs play an important role concerning provisions related to the necessary protection for the bodies of water used for the abstraction of drinking water and may designate protective zones according to IS Regulation 796/1999 as amended by IS Regulation 533/2001 and IS Regulation 536/2001. LCAs can restrict the use of land and use and storage of polluting or dangerous substances in relation to abstraction sites for drinking water. For the relationship between UST and the LCAs see chapter 5.2.

According to information provided by UST, the Icelandic Meteorological Office has been given the task to identify all bodies of water used for the abstraction of water intended for human consumption providing more than 10 m<sup>3</sup> a day as an average or serving more than 50 persons, and those bodies of water intended for such future use. Identification of ground water bodies are according to UST in the final stages and information on bodies of water used for the abstraction of drinking water are being collected. According to information provided by UST safeguard zones that have already been established will be linked with the respective water body for the drinking water sources. Work related to identifying water bodies and establishing an electronic register including protected drinking water sources is still on-going.

## Conclusions

Iceland has assigned all river basins to an individual river basin district as required by Article 3 (1) of Directive 2000/60/EC.

Appropriate administrative arrangements within the river basin district have been ensured, including the identification of the appropriate competent authorities as required by Article 3 of Directive 2000/60/EC. Furthermore Iceland has provided the Authority with a list of competent authorities and relevant information according to Article 3(8) of Directive 2000/60/EC, although this information appears incomplete insofar as the LCAs are not indicated as competent authorities despite their significant role in protection measures, monitoring and enforcement activities.

The identification of all bodies of water, within the river basin district, used for the abstraction of water intended for human consumption providing more than 10 m<sup>3</sup> a day as an average or serving more than 50 persons, has not yet been completed in Iceland as required by Article 7(1). Therefore, the necessary protection for such bodies of water that should have been identified in accordance with Article 7(1) cannot be ensured, as required by Article 7(3)<sup>4</sup>.

### *5.4.2 The quality of water used in the food industry (Directive 98/83/EC)*

#### Legal Requirements

According to Article 13(2) and (3) of Directive 98/83/EC, Member States shall publish a report every three years on the quality of water intended for human consumption with the objective of informing consumers, and forward such to the Authority. Each report shall include, as a minimum, all individual supplies of water exceeding 1 000 m<sup>3</sup> a day as an average or serving more than 5000 persons and it shall cover three calendar years and be published within one calendar year of the end of the reporting period.

Article 5 of Directive 98/83/EC deals with quality standards and states that Member States shall set values applicable to water intended for human consumption for the parameters set out in Annex I. Annex I lays down the microbiological, chemical and indicator parameters and parametric values. Table A of Annex II requires that all parameters set in accordance with Article 5 must be subject to monitoring.

Article 7(2) of Directive 98/83/EC states that appropriate monitoring programmes shall be established by the competent authorities and that those monitoring programmes shall meet the minimum requirements set out in Annex II to the same Directive. According to Table B1 of Annex II to Council Directive 98/83/EC, read in conjunction with note 6 thereto, the frequency of check and audit monitoring has to be decided by the Member State for volume of water distributed or produced each day within a supply zone equal or less than 100m<sup>3</sup>; a Member State may use the number of inhabitants in a supply zone instead of the volume of water, assuming a water consumption of 200 l/day/capita.

#### Findings

According to information provided by Iceland in its reply to the pre-mission document of the Authority, there are approximately 755 water supplies in Iceland. Around 84 % of the population is served by these water supplies. Around 8,7\*10<sup>7</sup> m<sup>3</sup>/year is supplied as potable water by these water supplies. Most of the smaller supplies are used mainly in the food industry, such as fish processing establishments. There are 435 private water supplies

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<sup>4</sup> See Annex 4 for comments from the Icelandic competent authorities

used by farms (milk and other food products) and 14 aquaculture farms are providing their own water supplies.

In relation to water supplies, the LCAs did not always have information on the production volume of waterworks and they based categorisation of waterworks on the number of people served. In its reply to the pre-mission document of the Authority MAST included information supplied by the Icelandic Meteorological Office concerning number of waterworks serving more than 5000 people or supplying more than 1000m<sup>3</sup>/day. The mission team was informed by representatives of the LCAs that the list is not fully accurate. As an example a waterwork not in use was included in the list and the volume supplied by another waterwork was wrongly indicated .

Reports on the quality of water intended for human consumption were prepared by MAST and submitted to the Authority. The reports were based on the information received by the LCAs and covered a three year period; the last report available is for the years 2008, 2009 and 2010. According to information provided by Iceland in its reply to the pre-mission document of the Authority, the reports included only 24 of 40 water supplies providing or exceeding 1000 m<sup>3</sup>/day as an average or serving more than 5000 persons. The mission team was informed by a representative of MAST on the difficulties to collect the relevant information from the LCAs. The mission team noted inconsistencies in these reports: some microbiological parameters (Enterococchi), chemical (Bromate, Pesticides, etc) and indicator parameters (Oxidisability, Tritium) were not monitored by all the 24 individual supplies included in the reports. The number of analyses performed by the laboratories was in some cases (report of 2008 but also in 2009 and 2010) lower than the number of individual suppliers (confirming that not all parameters were tested by all the individual supplies). There was no evidence of any evaluation conducted by MAST of the information submitted by the LCAs for the reports.

A municipality in charge of six waterworks and catching areas was visited by the mission team. The waterworks were in the range of supplying a small community of 35 people up to a waterwork supplying a population of 1500 individuals with an annual supply of 3500m<sup>3</sup>. The sources were in the range from deep bore holes to shallow wells. A system was established indicating distribution network and care was taken to ensure the good maintainance of, and if necessary, renew the pipeline material. The LCA took samples four times a year, in each waterwork. Enterococci was never monitored in the sampling, nor colour, odour, taste or turbidity. Samples were taken at the tank for one annual chemical sample and considered valid for the entire distribution network including the point(s) of compliance. The municipality was not taking any samples, but rather relying on the sampling conducted by the LCA. Food business operators such as fish factories took their own samples but the LCA often performed the sampling on behalf of the FBO. The waterwork visited experienced an incidence (presence of *E. coli*) in November 2012. The waterwork subsequently decided to install an ultraviolet light as a method of water purification, and in order to have additional protection against similar incidents.

In relation to the volume of water distributed or produced each day within a supply zone equal to or less than 100m<sup>3</sup> (Table B1 of Annex II to Directive 98/83/EC read in conjunction with note 6 thereto), Iceland uses the number of inhabitants in a supply zone instead of the volume of water to set monitoring frequencies. However, the minimum frequency of audit monitoring which should be determined for waterworks providing equal to or less than 100m<sup>3</sup> per day or, as the requirement is in the transposed national Icelandic legislation, for 500 inhabitants, has not been set. This was confirmed in a LCA where the mission team checked the relevant information available and where the

frequency of check and audit monitoring was in conformity with requirements for water works supplying more than 500 inhabitants. However, the frequency of audit monitoring for waterworks serving less than 500 inhabitants was not set and therefore not carried out.

According to the information provided by Iceland to the pre-mission document of the Authority, as already mentioned in chapter 5.1, there is an exemption from the provision of Directive 98/83/EC for water supplies serving less than 50 inhabitants or 20 households/summerhouses, but no exemption if such are serving food business operators. However, the LCAs visited confirmed that some food business operators (see chapter 5.4.3) having their own water supplies systems are also excluded from the full audit monitoring concerning the chemical parameters (only microbiological parameters are tested).

### Conclusions

Iceland published and submitted to the Authority reports every three years on the quality of water intended for human consumption with the objective of informing consumers in accordance with Article 13(2) and (3) of Directive 98/83/EC. However the reports did not include, as a minimum, all individual supplies of water exceeding 1000m<sup>3</sup> a day as an average or serving more than 5000 persons. Furthermore, not all the relevant information which should be available in the reports was included therein.

Not all relevant parameters set out in Annex I to Directive 98/83/EC were subject to monitoring, as required by Article 5 and Table A of Annex II to Directive 98/83.

The minimum frequency of check and audit monitoring which should be determined for 100m<sup>3</sup> pr day/week/year has not been decided by Iceland as required by Article 7 and Table B1 of Annex II to Council Directive 98/83/EC, read in conjunction with note 6 thereto.

*5.4.3 Food hygiene and the use of potable water (Regulations (EC) No 178/2002, 852/2004, 853/2004, 882/2004)*

### Legal Requirements

Article 2(2) of Regulation (EC) No 178/2002 includes water after the point of compliance in its definition of food. Article 2 (g) of Regulation (EC) No 852/2004 states that '*potable water*' means water meeting the minimum requirements laid down in Directive 98/83/EC on the quality of water intended for human consumption.

Chapter II (3) and VII of Annex II to Regulation 852/2004 and Chapter II, Article 3 of Regulation (EC) No 853/2004 specify when the use of potable water by food business operators is required.

Article 5 of Regulation (EC) No 852/2004 requires food business operators to put in place, implement and maintain a permanent procedure or procedures based on the HACCP principles (Hazards Analysis Critical Control Points).

According to Article 6(2) of Regulation (EC) No 852/2004, every food business operator shall notify the appropriate competent authority, in the manner that the latter requires, of each establishment under its control that carries out any of the stages of production, processing and distribution of food, with a view to the registration of each such establishment. Food business operators shall also ensure that the competent authority

always has up-to-date information on establishments, including by notifying any significant change in activities and any closure of an existing establishment.

Article 31(1) (b) of Regulation (EC) No 882/2004 on registration/approval of feed and food business establishments states that competent authorities shall draw up and keep up-to-date a list of feed and food business operators which have been registered. Article 31(2) (c) of the same Regulation states that competent authorities shall approve an establishment for the activities concerned only if the feed or food business operator has demonstrated that it complies with the relevant requirements of feed or food law.

### Findings

One LCA visited confirmed that microbiological, but no chemical testing of potable water was done in certain food business operators. According to the LCA this was because of the cost of analysis and pursuant to decision of the local health committee. The establishments are e.g. rural restaurants and hotels icecream makers and small meat establishments.

In another LCA the mission team was informed that food business operators under the above mentioned requirements and having their own water borehole were, according to the Icelandic legislation, not tested for the chemical parameters. The LCA explained that they rely on the results on chemical parameters which could be obtained by water supplies located in the surrounding areas.

The mission team visited an establishment placing bottled water on the EEA market. The facilities were found to be in appropriate condition and the production line was conceived to have been constructed in such a way as to avoid possible risks of contamination. The warehouse was kept in good order. However, some plastic tanks labelled with the name of an anti freezer liquid („*frostlögur*“) were found along the production line. The management agreed that they shouldn't have been there and explained that they were used to dilute a rinse aid liquid in use to facilitate the placement of the label on the plastic bottle. The establishment had an in-house laboratory managed by people with adequate professional competence and performing mainly microbiological analysis in the context of own-checks. A HACCP plan was available but inconsistencies regarding the frequency of sampling and the parameters tested (e.g. *Pseudomonas aeruginosa* and Enterococci were not always tested as detailed in the HACCP plan). were identified by the mission team and acknowledged by the LCA.

The mission team visited another establishment bottling potable water in containers of 5 liters capacity where the frequency of sampling from both own-checks and official control was consistent with the requirements of Directive 98/83/EC. The HACCP plan was under revision and not updated by the management. The flow chart of the process identified four critical control points (CCPs) out of five steps and almost all of them should have been considered as control points (CPs) rather than CCPs. The temperature of hot water used for cleansing of reusable bottles (containers) was stated at 75°C in the HACCP plan however, during the visit, the responsible person explained that 74°C was the temperature from the pipeline and it would be closer to 72°C in the rinsing facility. Despite the difference between the requirement in the HACCP plan and the real temperature achieved for rinsing, no corrective actions were taken nor indicated in the working sheet. These aspects were not taken into account during official controls carried out by the LCA. Cleansing was performed with addition of soap to water. After cleansing, the disinfection of plastic bottles was performed using a chemical disinfectant (ammonium quaternarium). However no checks on the presence of ammonium quaternarium in the water used for rinsing allowing the exclusion of residual disinfectant were performed. Checking the

parameters tested during official controls, it was noted that there were inconsistencies in the results supplied by the laboratory related to the following: *Pseudomonas aeruginosa*, Enterococci and Coliform tested in 100ml, while colour, odour and taste had never been tested. The LCA admitted on the spot that they should have verified the consistency between the results provided by the laboratory (see also chapter 5.3) and the relevant requirements laid down in Directive 98/83/EC.

Two meat plants were visited by the mission team and both were receiving potable water from the municipal waterworks.

In one of the meat processing/cutting plants visited, the main activities were, according to information provided by the management: meat cutting, production of minced meat and meat preparations and cold store. The approval document issued by MAST on 7.12.2011 did not include meat cutting as one of the approved activities. Concerning the HACCP system implemented by the establishment, frequency of sampling of water was detailed to be carried out twice a year; however, the last report of relevant analysis for water was dated October 2012 while the previous one was dated August 2011. The HACCP plan did not mention any specific parameters for identified hazards. This was identified by the mission team and acknowledged by the official veterinarian in charge of the establishment.

In the second plant visited by the mission team the list of parameters to be tested in water were reported in the HACCP plan however inconsistencies with the frequency and with the parameters tested by the laboratory were pointed out by the mission team. HACCP plan did not identify the points of compliance from where the water samples should have been taken. Results of analyses concerning ice revealed high colony count at 22°C in at least three consecutive sampling carried out in September 2012 (two times) and November 2012 (in this last sample the analysis revealed 2000 colonies). Only general corrective measures were mentioned in the HACCP plan and no documented evidence of the corrective actions was presented to the mission team.

Finally, it should be recalled that the Authority did find evidence, prior to the mission, of Icelandic potable water on sale in containers which were placed on the EEA market. The name of the company was not included in the list provided by Iceland to the Authority in its reply to the pre-mission questionnaire specifying the Icelandic companies placing potable water on the EEA market. This was reported by the mission team to the competent authorities at the initial meeting as a point for further enquiries from their side. At the final meeting the LCA in the area in which the company was located admitted that they were unaware of the activity of the company and agreed to provide the Authority with further details, in particular regarding the fulfillment of the requirements to parameters that should have been tested for for this specific category of food business undertaking (ref. point 3 in chapter 6 concerning the final meeting as additional request of clarification).

### Conclusions

Food-production undertakings could not always provide guarantee that water used in their establishments was potable water in accordance with the requirements laid down in Article 2(2) of Regulation (EC) No 178/2002, Article 2 (g) of Regulation (EC) No 852/2004, Chapter II (3) and VII of Annex II to Regulation 852/2004 and Chapter II, Article 3 of Regulation (EC) No 853/2004.

In the establishments visited HACCP plans were available, however some shortcomings were identified in relation to identification of hazards, limits of detection, corrective



actions etc. These shortcomings were not in conformity with the requirements to HACCP plans laid down in Article 5 of Regulation (EC) No 852/2004.

The fact that there was a food business operator which was placing on the EEA market potable water into containers without being registered nor approved, is not in conformity with the requirements in Article 6 of Regulation (EC) No 852/2004 and Article 31(1)(b) of Regulation (EC) No 882/2004. Additionally, the fact that another food business operator was not approved for an activity carried out in that establishment, is not in conformity with the requirement laid down in Article 31(2)(c) of the abovementioned Regulation.

## **6 Final meeting**

The final meeting was held on Friday 25 January 2013 at MAST's offices in Reykjavik with representatives from MAST, a representative of the Ministry of Industries and Innovation, representatives of the same five LCAs that attended the opening meeting and representatives of UST.

At this meeting, the mission team presented its main findings and some preliminary conclusions of the mission. At the meeting the mission team also explained that, based on a more detailed assessment of the information received during the mission, additional conclusions and recommendations could be included in the report.

The LCAs made some observations to the findings; in particular, and in relation to the mission's team findings indicating shortcomings with reference to coordination and cooperation between competent authorities in Iceland. A representative of one LCA stated that it was their understanding that coordination should be ensured by MAST and UST. Furthermore, several LCAs stated that contrary to MAST's statement at the opening meeting, there is a legal basis for MAST to instruct, supervise, and coordinate the work of the LCAs in Article 22 of the Icelandic Food Law. In fact, this provision even appears to impose such a coordination duty on MAST. In addition, one LCA confirmed that a meeting with the ministries and the relevant competent authorities will take place in May 2013 to discuss the role of each competent authority.

Following the discussion, the Authority invited MAST and the LCAs to provide written explanation related in particular to:

1. the absence of a complete audit monitoring for some categories of food business operators located in certain geographic areas and under the requirements of Regulations (EC) No 852/2004 and No 853/2004;
2. information on official controls on potable water in a game meat establishment approved under Regulation (EC) No 853/2004;
3. additional information on the registration and relevant controls carried out on a company selling potable water in containers and whose products had already been placed on the EEA market.

In relation to point 1, MAST was asked to provide in writing material supporting the understanding that water coming from a supply zone may be considered as being uniform and therefore different water sources could be considered as one in relation to the need for audit monitoring according to Directive 98/83/EC, Annex II, Table B1, Note 1 (see also chapters 5.4.2 and 5.4.3).

In relation to point 2, MAST has already informed the Authority that the approval of the game meat establishments has been withdrawn, and therefore it is not in the official list available on MAST website anymore.

In relation to point 3, the relevant LCA has provided the Authority with a copy of a formal letter to the company putting water in containers and placing on the market, without LCA knowledge. In the letter it is stated that the company has to stop marketing its products until an approval has been issued by the LCA after receiving a formal application with relevant documentation. The letter to the company is dated 31 January 2013.

## 7 Recommendations

Iceland should notify the Authority, within two months of receiving the final report, by way of written evidence, of the corrective actions taken and a plan for corrective measures and actions, including a timetable for completion of measures still outstanding, relevant to all the recommendations hereunder. The Authority should also be kept informed of the completion of the measures included in the timetable.

No	Recommendation
<i>Legislation and implementing measures</i>	
1	Iceland should transpose all the requirements laid down in Directive 98/83/EC concerning the quality of water intended for human consumption into its national legislation
<i>Competent Authorities</i>	
2	The Icelandic competent authorities should take the necessary measures to ensure that there is, in practice, efficient and effective coordination and cooperation between all the competent authorities involved in official controls on potable water, as required by Article 4(3) of Regulation (EC) No 882/2004
<i>Laboratory services</i>	
3	Iceland should ensure that laboratories involved in official controls on potable water test for <i>E. coli</i> , Enterococci and <i>Pseudomonas aeruginosa</i> , to ensure conformity with the requirements applicable to water offered for sale in bottles or containers as laid down in Part A of Annex I to Directive 98/83/EC.
<i>Control systems for the quality of water used and produced by the food industry</i>	
<i>The water framework Directive 2000/60/EC</i>	
4	Iceland should ensure that the list provided under Article 3 (8) of Directive 2000/60/EC to the Authority includes all the competent authorities involved
5	Iceland should identify all bodies of water used for the abstraction of water intended for human consumption providing more than 10 m <sup>3</sup> a day as an average, or serving more than 50 persons, and subsequently ensure the necessary protection of such, as required by Article 7(1) and Article 7(3) of Directive 2000/60/EC
<i>The quality of water used in the food industry (Directive 98/83/EC)</i>	
6	Iceland should ensure that the reports which are published and submitted to the Authority every three years on the quality of water intended for human consumption with the objective of informing consumers, include, as a minimum, all

	individual supplies of water exceeding 1000m <sup>3</sup> a day as an average or serving more than 5000 persons, in accordance with Article 13(2) of Directive 98/83/EC
<b>7</b>	Iceland should ensure that all relevant microbiological parameters set out in Part A of Annex I to Directive 98/83/EC are subject to audit monitoring in accordance with Point 2 (Audit monitoring) of Table A of Annex II to the same Directive
<b>8</b>	Iceland should ensure that the minimum frequency of check and audit monitoring is decided in accordance with the requirements laid down in Table B1 of Annex II to Directive 98/83/EC read in conjunction with note 6 thereto, for supply zones producing 100m <sup>3</sup> or less each day, or, as is the criterion in the national Icelandic legislation, for 500 or less inhabitants
<i>Food hygiene and the use of potable water (Regulations (EC) No 178/2002, 852/2004, 853/2004, 882/2004)</i>	
<b>9</b>	Iceland should ensure that food-production undertakings provide guarantees that water used in their establishments is potable water according to the requirements laid down in Article 2(2) of Regulation (EC) No 178/2002, Article 2 (g) of Regulation (EC) No 852/2004, Chapter II (3) and VII of Annex II to Regulation 852/2004 and Chapter II, Article 3 of Regulation (EC) No 853/2004
<b>10</b>	The competent authority should ensure that establishments implement hazard analysis critical control points principles in line with the requirements laid down in Article 5 of Regulation (EC) No 852/2004
<b>11</b>	The competent authorities should ensure that food business operators placing on the EEA market potable water are registered/approved for these purposes in conformity with the requirements laid down in Article 6 of Regulation (EC) No 852/2004 and Article 31(2)(b) of Regulation (EC) No 882/2004
<b>12</b>	The competent authorities should ensure that food business operators are approved for all activities carried out in their establishment, in conformity with the requirement laid down in Article 31(2)(c) of Regulation (EC) No 882/2004

**Annex 1 - List of abbreviations and terms used in the report**

Authority	EFTA Surveillance Authority
CCP	Critical Control Point
CP	Control Point
EC	European Community
EEA	European Economic Area
EEA Agreement	Agreement on the European Economic Area
HACCP	Hazards Analysis Critical Control Points
ISO	International Organization for Standardization
LCA	Local Municipal Environmental Health and Protection Office
MAST	<i>Matvælastofnun</i> (the Icelandic Food and Veterinary Authority)
UST	<i>Umhverfisstofnun</i> (the Environment Agency)

## Annex 2 - Other relevant legislation

The following EEA legislation was also taken into account in the context of this mission:

- a) The Act referred to at Point 11 of Subchapter 1.1 of Chapter I of Annex I to the EEA Agreement, *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*, as corrected and amended;
- b) The Act referred to at Point 12 of Subchapter 1.1 of Chapter I of Annex I to the EEA Agreement, *Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption*, as amended and adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I thereto;
- c) The Act referred to at point 13 of Subchapter 7.1 of Chapter I of Annex I to the EEA Agreement, *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*;
- d) The Act referred to at Point 16 of Subchapter 6.1 of Chapter I of Annex I to the EEA Agreement, *Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs*, as amended;
- e) The Act referred to at Point 17 of Subchapter 6.1 of Chapter I of Annex I to the EEA Agreement, *Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin*, as amended and adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I thereto, insofar as relevant and applicable to the food industry as concerns the use of potable water;
- f) The Act referred to at Point 4 of Chapter II of Annex XX to the EEA Agreement, *Directive 2006/11/EC of the European Parliament and of the Council of 15 February 2006 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community*, as adapted to the EEA Agreement by the sectoral adaptations referred to in Annex XX thereto;
- g) The Act referred to at Point 6 of Chapter II of Annex XX to the EEA Agreement, *Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances*, as adapted to the EEA Agreement by the sectoral adaptations referred to in Annex XX thereto;
- h) The Act referred to at Point 7 of Chapter II of Annex XX to the EEA Agreement, *Council Directive 80/778/EEC of 15 July 1980 relating to the quality of water intended for human consumption*, as amended, and adapted to the EEA Agreement by the sectoral adaptations referred to in Annex XX thereto;
- i) The Act referred to at Point 12 of Chapter II of Annex XX to the EEA Agreement, *Council Directive 86/280/EEC of 12 June 1986 on limit values and quality objectives for discharges of certain dangerous substances included in*

*List I of the Annex to Directive 76/464/EEC (OJ No L 181, 4.7.1986, p.16), as amended, and adapted to the EEA Agreement by the sectoral adaptations referred to in Annex XX thereto;*

- j) The Act referred to at Point 13caa of Chapter II of Annex XX to the EEA Agreement, *Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration;*
- k) The Act referred to at Point 13cab of Chapter II of Annex XX to the EEA Agreement, *Commission Decision 2008/915/EC of 30 October 2008 establishing, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, the values of the Member State monitoring system classifications as a result of the intercalibration exercise;*
- l) The Act referred to at Point 13cac of Chapter II of Annex XX to the EEA Agreement, *Commission Decision 2005/646/EC of 17 August 2005 on the establishment of a register of sites to form the intercalibration network in accordance with Directive 2000/60/EC of the European Parliament and of the Council;*
- m) The Act referred to at Point 13cae of Chapter II of Annex XX to the EEA Agreement, *Commission Directive 2009/90/EC of 31 July 2009 laying down, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, technical specifications for chemical analysis and monitoring of water status.*

### Annex 3 – Information on production and trade<sup>5</sup>

**Table 2. Production of water – bottled or in containers (liters)**

Food establishment <sup>6</sup>	2009	2010	2011
1	281.010	264.822	262.428
2	5.900.000	6.167.348	5.538.562
3	967.241	916.290	1.024.571
4	1.057.527	1.096.979	1.298.614
5		6.950.853	8.141.549

**Table 3. Import and export of bottled water (tons)**

	2009	2010	2011
Total import	46,9	31,1	35,6
From the EEA	46,5	31,1	34,1
From third country	0,4	0	1,5
Exported to the EEA	722,2	509,6	1079,9

<sup>5</sup> Source: MAST

<sup>6</sup> Names of food establishments are not mentioned.

## **Annex 4 - Reply from competent authorities to the draft report**

### **Response to the draft report of the EFTA Surveillance Authority's mission to Iceland,**

**January 21 to 25 2013**

### **Subject: Application of EEA legislation related to the evaluation of control systems for the quality of water used and produced by the food industry**

#### **General remarks**

*The central competent authority, MAST would like to make the following comments to the report of the abovementioned mission:*

#### Recommendation no 1

In the report it is stated that Iceland does not include in its legislation a provision regarding the frequency for audit monitoring of chemical parameters in waterworks providing equal or less the 100 m<sup>3</sup>/day. Regulation No 536/2001 which implements Directive 98/83/EC, clearly states the procedures regarding audit monitoring of chemical parameters, see Article 12 (3) and (4).

It is also stated that Regulation No 536/2001 does not include a text stating that Iceland shall publish a report every three years on the quality of water intended for human consumption with the objective of informing consumers and that Iceland shall send the report to the Authority within two months of the publication. In article 16 of the regulation it is stated that the LCAs are required to send MAST a report every year regarding quality of water in their area. According to the article MAST shall publish the findings in a report, with the aim of informing consumers.

As for the provision regarding the obligation of States to send a report to the Authority, it is the opinion of Icelandic Authorities that such text does not have to be included in the Icelandic regulation.


#### Recommendation no 2


It is clearly stated in Act No 93/1995 on Foodstuffs that food controls are as a general rule under the responsibility of the LCAs, unless the unity falls under article 6 of the Act. In article 6 it is stated that MAST shall carry out official controls pursuant to this act of a. primary production, b. imports and exports of livestock products, c. meat processing and meat packaging facilities, excluding meat processing facilities operated in retail establishments, d. milk processors and egg producers, e. communicable livestock diseases, e. the treatment, inspection and evaluation of slaughter products, f. health inspections of farmed fish, h. the treatment, transport, storage, processing and distribution of marine products, excluding retail, i. the import of food not referred to in points a. to h. In article 6 the tasks of MAST are fully defined and the authority may not act beyond its powers.




As the controls are divided among 10 LCAs (which are all self governing), there is a provision in article 22 of the Act No 93/1995 where it is stated that MAST shall supervise and coordinated the work of the LCAs. The supervision has been interpreted to mean that MAST shall oversee official controls of foodstuffs in general; this includes the coordination of official control to ensure that they are implemented in the same manner throughout the country. In order to fulfil these tasks MAST may issue guidelines that the LCAs are supposed to follow. MAST shall ensure the cooperation of all those working in this field and shall in that respect make sure that control procedures are cost-efficient and designed to avoid as far as possible the duplication and overlap of effort. MAST shall cooperate closely with LCAs and provide advice and services in the field of food controls within the limits of its capacities and as required by the circumstances.

These provisions have never been interpreted to imply that MAST has the responsibility to carry out control nor to organize the control for the LCAs. The LCAs have to bear these duties themselves, including the organization of the control and carrying it out and if necessary to apply enforcements measures.





<b>Table of corrective actions - ESA mission on potable water 2013</b>				
	<b>Recommendation</b>	<b>Action</b>	<b>Time aspect</b>	<b>Enclosures</b>
<i>Legislation and implementing measures</i>				
1	Iceland should transpose all the requirements laid down in Directive 98/83/EC concerning the quality of water intended for human consumption into its national legislation	Necessary amendments of Regulation No 536/2001 will be made to insure that all provisions in Directive 98/83/EC are transposed into the Icelandic legal order.	01.06.2013	
<i>Competent Authorities</i>				
2	The Icelandic competent authorities should take the necessary measures to ensure that there is, in practice, efficient and effective coordination and cooperation between all the competent authorities involved in official controls on potable water, as required by Article 4(3) of Regulation (EC) No 882/2004	Actions will be taken to coordinate the work of the LCAs regarding the official controls of potable water.		
<i>Laboratory Services</i>				
3	Iceland should ensure that laboratories involved in official controls on potable water test for <i>E. coli</i> , Enterococci and <i>Pseudomonas aeruginosa</i> , to ensure conformity with the requirements applicable to water offered for sale in bottles or containers as laid down in Part A of Annex I to Directive 98/83/EC.	An e-mail has been sent to the laboratories and the LCAs to inform them about this recommendation and to reiterate the provisions of Regulation No 536/2001.	Completed.	 Laboratories_e_mail.docx
<i>Control systems for the quality of water used and produced by the food industry</i>				
<i>The water framework Directive 2000/60/EC</i>				
4	Iceland should ensure that the list provided under Article 3(8) of Directive 2000/60/EC to the	Action will be taken to amend the list provided under Article 3(8) of Directive	01.06.2013	

<b>Table of corrective actions - ESA mission on potable water 2013</b>				
	Authority includes all the competent authorities involved.	2000/60/EC.		
5	Iceland should identify all bodies of water used for the abstraction of water intended for human consumption providing more than 10 m <sup>3</sup> a day as an average, or serving more than 50 persons, and subsequently ensure the necessary protection of such, as required by Article 7(1) and Article 7(3) of Directive 2000/60/EC.	ESA's comment is not considered valid as explained in the attached letter.	Identification of all water bodies mentioned in ESA's comment has been completed. A list can be provided upon request.	 Letter from UST.pdf
<i>The quality of water used in the food industry (Directive 98/83/EC)</i>				
6	Iceland should ensure that the reports which are published and submitted to the Authority every three years on the quality of water intended for human consumption with the objective of informing consumers, include, as a minimum, all individual supplies of water exceeding 1000 m <sup>3</sup> a day as an average or serving more than 5000 persons, in accordance with Article 13(2) of Directive 98/83/EC.	The LCAs will in the future be requested to report to MAST on the basis of the amount of water used as well as the population. Use will also be made of the database built up by the Icelandic Met Office. The report for 2011-2013 will cover water supplies serving more than 5000 persons or supplying water exceeding 1000 m <sup>3</sup> per day.		
7	Iceland should ensure that all relevant microbiological parameters set out in part A of Annex I to Directive 98/83/EC are subject to audit monitoring in accordance with Point 2 (Audit monitoring) of Table A of Annex II to the same	See point 3 above.	Completed.	

**Table of corrective actions - ESA mission on potable water 2013**

	Directive.			
8	Iceland should ensure that the minimum frequency of check and audit monitoring is decided in accordance with the requirements laid down in Table B1 of Annex II to Directive 98/83/EC read in conjunction with note 6 thereto, for supply zones producing 100 m <sup>3</sup> or less a day, or, as is the criterion in the national Icelandic legislation, for 500 or less inhabitants.	The minimum frequency of check monitoring has been decided for water supplies serving less than 500 inhabitants but the minimum frequency of audit monitoring is decided by the LCAs in collaboration with MAST. The LCAs perform a risk assessment on the water works on which the frequency of audit monitoring is then based. This issue will be taken up with the LCAs in the coming months.	1.1.2014	
<i>Food hygiene and the use of potable water (Regulations (EC) No 178/2002, 852/2004, 853/2004, 882/2004)</i>				
9	Iceland should ensure that food-production undertakings provide guarantees that water used in their establishments is potable water according to the requirements laid down in Article 2(2) of Regulation (EC) 178/2002, Article 2(g) of Regulation (EC) No 852/2004, Chapter II (3) and VII of Annex II to Regulation 852/2004 and Chapter II, Article 3 of Regulation (EC) No 853/2004..	Food businesses under the control of MAST should according to MAST's inspection manual take samples of the water at the point of compliance and it is MAST understanding that point of compliance is the point where water is used in the establishment. The parameters that should be checked are the microbiological parameters. In the next revision of the inspection manual MAST will review this requirement in order to get confirmation that water used in the food production establishments is potable water as defined in directive 98/93/EC. See suggested amendment attached.		 Control handbook_amendmer

**Table of corrective actions - ESA mission on potable water 2013**

		<p>The local health authorities are taking samples of water from some food businesses when taking samples for check and audit monitoring from distribution system.</p> <p>MAST is in cooperation with the LCAs writing an inspection manual for FB under their control. The food businesses should be able to give evidence that the water is used as an ingredient in the production of food is potable water as defined in directive 98/93/EC.</p>		
10	<p>The competent authority should ensure that establishments implement hazard analysis critical control points principles in line with the requirements laid down in Article 5 of Regulation (EC) No 882/2004.</p>	<p>Verification of the use and implementation of HACCP procedures in establishments is ongoing and will be a continuous task.</p> <p>In February and March two 4-day seminars on audits of HACCP were held with participants from LCAs and MAST. The learning points from the seminars will be included in the Authorities inspection manuals. The agenda and lists of participants are attached.</p>		<p> Control handbook_amendmer</p> <p> Workshop on HACCP Audit seminar feb 201</p> <p> Workshop on HACCP Audit seminar March :</p> <p> CN2 Agenda Iceland HACCP AUDIT FEB 20</p>

**Table of corrective actions - ESA mission on potable water 2013**

11	The competent authorities should ensure that food business operators placing on the EEA market potable water are registered/approved for these purposes in conformity with the requirements laid down in Article 6 of Regulation (EC) No 852/2004 and Article 31(2)(b) of Regulation (EC) No 882/2004.	According to the legislation all FBOs marketing potable water must be approved. Those who start operating without knowledge of the CAs are obliged to follow certain approval procedures as soon as their activities are known to the CAs. Marketing is stopped until an approval is issued.		
12	The competent authorities should ensure that food business operators are approved for all activities carried out in their establishment, in conformity with the requirement laid down in Article 31(2)(c) of Regulation (EC) No 882/2004.	Taken notice of.		