

The Foodstuffs Act

No. 93, 28 June 1995

as

subsequently amended.

CHAPTER I

Purpose and scope

Article 1

The purpose of this Act is to ensure as far as possible the quality, safety and wholesomeness of foodstuffs and that their labelling and other information concerning them are correct and satisfactory. This is to be achieved by providing instruction, dissemination of information, research and supervision.

Article 2

This Act shall cover the production and distribution of foodstuffs. The Act shall not cover the handling of foodstuffs in private households, unless this involves production of foodstuffs for distribution outside the household. The Act does, however, cover all materials and articles intended to come into contact with foodstuffs in private households.

Medicinal products, cf. the Pharmaceuticals Act, tobacco, cf. the Act on Tobacco Use Prevention, and psychotropic substances, other than alcohol, cf. the Act on Habit Forming and Narcotic Substances, are exempt from the provisions of this Act. The same shall apply to measures for the prevention of diseases and pests in plants in accordance to the relevant Acts covering such.

Article 3

The production and distribution of foodstuffs is to be carried out in such manner as will not cause damage to health nor shall trade in foodstuffs involve the use of misleading information.

CHAPTER II

Definitions

Article 4

For the purposes of this Act the following terms shall have these meanings:

Foodstuffs are any type of product intended for human consumption, including drinking water, cf. however the second paragraph of Article 2.

Production is the treatment of raw materials, processing, packing and preparation for consumption. This also includes premises, work tasks, hygiene and health of personnel and other aspects connected with production, as well as materials and articles which may come into contact with foodstuffs, cf. the provisions of Chapter IV of this Act.

Distribution is any type of transport, supply and delivery, including import, export and sale. This also includes storage and other aspects connected with distribution, cf. the provisions of Chapter IV of this Act.

Materials and articles are all packaging, containers, instruments, equipment, tableware and all materials of which such articles are comprised and which may come into contact with foodstuffs.

Packaging includes all packaging which enclose or contain foodstuffs or substances which are used in the production of foodstuffs.

Microorganisms are organisms which can cause damage to foodstuffs or make their consumption a health hazard; specific microorganisms are, however, also used in foodstuffs production.

Raw materials are all substances, with the exception of supplements, additives, flavourings and pesticides, which are used in foodstuffs production.

Additives are substances used in foodstuffs production to affect their storage life, colour, smell, taste or other characteristics.

Flavourings are substances which are used to affect the taste characteristics of foodstuffs and are not included under additives.

Supplements are vitamins, minerals, including trace minerals, and essential fatty and amino acids.

Contaminants are substances which are deliberately or incidentally added to foodstuffs or form in foodstuffs and which alter their characteristics, composition, quality or wholesomeness. These include, for instance, growth-stimulating substances and medicinal residues.

Pesticides are substances used, for instance, against weeds, fungi and pests in the production and storage of foodstuffs.

Official supervision under the auspices of public authorities for the purpose of ensuring compliance with the provisions of Acts and Regulations on foodstuffs and encouraging dissemination of information and instruction.

Internal control is supervision by producers or distributors for the purpose of ensuring the quality, safety and healthiness of a product.

Accreditation is formal confirmation that the activities of laboratories (testing laboratories), certification agencies and supervisory bodies are carried out in

compliance with the rules adopted. The objective is to verify the qualifications, knowledge and reliability of the party concerned.

CHAPTER III

Control and administration

Article 5

The Minister for the Environment, hereafter referred to as the Minister, shall be ultimately responsible for matters covered by this Act, insofar as they are not entrusted to other Ministers. The Environmental and Food Agency of Iceland shall advise the Minister.

Article 6

The Minister of Agriculture shall be ultimately responsible for matters concerning the supervisory tasks of veterinarians. The following areas fall under the responsibility of the Minister of Agriculture:

- a. import and export of livestock products;
- b. communicable livestock diseases;
- c. the handling, inspection and classification of slaughterhouse products;
- d. health inspection of farmed fish.

The Chief Veterinary Officer advises the Minister of Agriculture in these matters.

Article 7

The Minister of Fisheries is ultimately responsible for matters concerning the handling, transport, storage and processing of marine products for export. The Directorate of Fisheries advises the Minister of Fisheries in these matters.

Article 8

A Co-operation Council shall work on co-ordinating rules and instructions on foodstuffs and supervision of foodstuffs and discuss the implementation of supervision of foodstuffs, cf. Chapter IX of this Act. The Council shall be comprised of one representative appointed by the Environmental and Food Agency of Iceland, another by the Directorate of Fisheries and a third appointed by the Chief Veterinary Officer, with their alternates appointed by the same respective parties. The Council shall decide upon the division of tasks and adopt rules of procedure to be confirmed by the minister ultimately responsible for matters in accordance with this Act.

The Council shall make proposals to resolve disputes concerning the implementation of this Act and Regulations adopted by virtue of it. Furthermore, the

Council shall give an opinion on draft statutes and regulations on foodstuffs and supervision of foodstuffs.

The Council shall compile an annual report of its activities during the previous year which shall be presented to the ministers, public supervisory bodies and interest organisations of those involved in foodstuffs production and distribution.

CHAPTER IV

Production and distribution

Article 9

Anyone producing or distributing foodstuffs must notify such activities to the Registry of Companies of Statistics Iceland, and must hold an operating licence from the competent supervisory body, cf. Article 20.

The Minister may, in a Regulation, lay down provisions on notification obligations of parties producing or importing packaging for foodstuffs and substances or mixtures of substances to be used in the production and distribution of foodstuffs.

Article 10

Anyone producing or distributing foodstuffs must conduct their activities in accordance with good hygiene practices and ensure that the foodstuffs do not cause damage to health. Furthermore, care shall be taken that the foodstuffs are not contaminated or spoiled in any other manner.

Personnel working in the production or distribution of foodstuffs shall take care to ensure the utmost hygiene and cleanliness in their work. They shall be knowledgeable in handling of foodstuffs. Foodstuffs producers and distributors shall be responsible for their instruction. [The Minister concerned may set rules providing for persons working in foodstuffs production and distribution to attend courses on the handling of foodstuffs placing special emphasis on internal control and safety of foodstuffs.]¹⁾

Persons who suffer from diseases which are liable to spread via foodstuffs may not work at handling foodstuffs. Supervisory bodies, cf. Chapter IX of the Act, may after consultation with the Director-General of Public Health demand regular health check-ups for personnel. [Supervisory bodies must also use other means to prevent foodstuffs from causing damage to health and shall take suitable measures if food illnesses or risk of infection are discovered.]¹⁾

¹⁾*Act 169/2000, Art. 1.*

Article 11

Foodstuffs may not be offered for sale or distributed in such a manner as to deceive the purchaser with regard to their origin, type, quality class, composition, quantity, nature or effects.

The Minister shall in a Regulation lay down provisions as to the manner in which foodstuffs may be offered for sale or otherwise distributed in such a way as to indicate that the product is especially intended for specific groups, with reference to age, illness or other circumstances.

Article 12

Foodstuffs which are found at a production site or on the premises of a production site shall be considered to be produced there unless proven otherwise. Foodstuffs shall, furthermore, be considered to be offered for sale at a distribution location if they are found there.

In the same manner, substances, articles and other items connected with foodstuffs production shall be considered to be used in production if they are found on the production location. Such goods shall, furthermore, be considered to be offered for sale at a distribution location if they are found there.

The provisions of this Article shall not apply if it can be demonstrated that samples of a finished product are concerned or if a supervisory body has been notified of work on product development.

Article 13

Foodstuffs shall be stored so as to prevent spoilage or other damage from occurring. Storage conditions shall be in accordance with provisions laid down in regulations on storage of foodstuffs; the producer or, as appropriate, the distributor is responsible for storage of the product.

The owner or operator of a transport vehicle is responsible for ensuring that the vehicle fulfils the requirements set for foodstuffs transport.

CHAPTER V

Packaging and labelling

Article 14

Parties producing or importing packaging for foodstuffs, or for products used in the production of foodstuffs, must take care that the packaging will not damage the product for which it is intended, making it hazardous or unsafe for human consumption, detracting from its quality or making the product unfit for consumption. Foodstuffs producers and distributors are subject to the same obligations.

Article 15

Packaging for foodstuffs shall be labelled with the name and address of the foodstuffs producer or distributor. The name of the product shall be indicated, together with information on the contents, storage conditions, shelf life and net weight or liquid measure.

The Minister may in a Regulation¹⁾ lay down detailed provisions on labelling laying down, for instance, requirements that packages have information on the concentration of individual substances, nutritional values, condition of the products and the treatment to which they have been subjected in production. Furthermore, the Minister may exempt certain types of products or product classes from specific provisions on labelling.

¹⁾Reg. 588/1993, cf. 142/1995, 726/1997, 54/2000, 439/2000 and 863/2000.

CHAPTER VI

Specific rules on chemical content

Article 16

The Minister may, in a Regulation,¹⁾ lay down provisions concerning the name, production and composition of foodstuffs, if such is deemed necessary, to promote health or to safeguard the interests of producers and consumers.

When a product name is restricted to a specific type of product, in accordance with this Article, the same name may not be used for other products nor other information provided which could cause consumers to confuse this product with other products of a different origin or different composition.

¹⁾Reg. 446/1994 (on foodstuffs for particular nutritional uses) , cf. 467/2000. Reg. 561/1995 (on fruit juices, etc.). Reg. 218/1996 (on cocoa and chocolate products). Reg. 735/1997 (on infant formulae and follow-on formulae), cf. 465/2000. Reg. 674/1998 (on foodstuffs for weight reduction). Reg. 542/2000 (on coffee, etc.). Reg. 605/2000 (on foodstuffs to be used for special medical purposes).

Article 17

The Minister shall, in Regulations,¹⁾ lay down provisions on the use of additives, flavourings, pesticides and supplements in foodstuffs production and on permissible quantities of contaminants in foodstuffs.

Growth-stimulating substances may not be used in foodstuffs production unless special exemption has been granted for such in a Regulation.

¹⁾Reg. 579/1993 (on additives in foodstuffs), cf. 767/1997, 773/1998 and 407/2001. Reg. 587/1993 (on flavourings in foodstuffs), cf. 305/2001. Reg. 289/1994 (on solvents for use in the food industry), cf. 562/1995 and 493/1998. Reg. 837/2000 (on impurities in foodstuffs).

CHAPTER VII

Implementation and information activities

Article 18

To ensure the implementation of this Act, the Minister concerned will issue a Regulation¹⁾ on aspects covered by the Act. It shall, for instance, make more detailed provisions concerning foodstuffs production and distribution, their chemical contents,

reference limits for microorganisms, packaging, foodstuffs supervision and foodstuffs research.

⁹Reg. 531/1993 (on plastic substances and articles intended for contact with foodstuffs), cf. 576/1999, 705/1998 and 209/2001. Reg. 446/1994 (on foodstuffs for particular nutritional uses) , cf. 467/2000. Reg. 522/1994 (on foodstuffs supervision and hygienic practices in foodstuffs production and distribution), cf. 191/1999. Reg. -319/1995 (drinking water), cf. 747/ 1998. Reg. -390/1995 (mineral spring water), cf. 692/1998. Reg. 561/1995 (on fruit juices, etc.). Reg. 218/1996 (on cocoa and chocolate products). Reg. 392/1997 (on milk and milk products), cf. 970/2000. Reg. 735/1997 (on infant formulae and follow-on formulae) , cf. 465/2000. Reg. 302/1998 (on meat and meat products). Reg. 674/1998 (on foodstuffs for weight reduction). Reg. 542/2000 (on coffee, etc.). Reg. 605/2000 (on foodstuffs to be used for special medical purposes). Reg. 431/2001 (on the irradiation of foodstuffs with ionising radiation).

Article 19

The Environmental and Food Agency of Iceland, the Chief Veterinary Officer and the Directorate of Fisheries, each in their own area, shall see to it that information is provided to the general public on matters covered by this Act. Furthermore, these parties shall work to increase information provided to persons working in foodstuffs production and distribution and provide advice in compiling study materials for instruction on foodstuffs and their handling, cf. the second paragraph of this Article.

The Ministry of Education, Science and Culture shall include in the National Curriculum Guide as appropriate provisions on instruction in food preparation, microbiology, food science, nutrition and consumer affairs; it shall supervise such instruction and check that facilities are satisfactory in this regard.

CHAPTER VIII

Granting of licences

Article 20

Foodstuffs production and distribution is subject to a licence from a health committee. The granting of such a licence may be made subject to certain requirements to ensure that foodstuffs are not spoiled or damaged in any other fashion. When these provisions apply to activities under the ultimate jurisdiction of the Ministers of Fisheries or Agriculture, the granting of licences shall be in the hands of the Directorate of Fisheries and the Chief Veterinary Officer respectively.

The granting and renewal of licences is subject to receipt of payment of supervision and licence fees, cf. Articles 25 and 26, and a licence for foodstuffs production and distribution may be invalidated if the party holding such a licence commits repeated or severe violations of this Act, regulations or instructions issued in accordance with it.

Authorities granting licences may review such licences if a producer or distributor plans to introduce production technology which has not previously been in general use; the supervisory body in question must be informed of such plans.

Article 21

Notwithstanding the provisions of Article 20 and Chapters III and IX of this Act, the Ministers may, after consultation with the Co-operative Council, reach an agreement providing for a single party to handle granting of licences and supervision of specific activities.

CHAPTER IX

Foodstuffs supervision

Article 22

The local health committees, under the ultimate supervision of the Environmental and Food Agency of Iceland, shall inspect foodstuffs production and distribution, insofar as this is not entrusted to other parties. The Environmental and Food Agency of Iceland shall keep records of the necessary information on foodstuffs production and distribution for purposes of foodstuffs supervision. In addition, the Minister may, after consulting the local health committees in health surveillance regions, entrust the Agency with supervision of limited aspects.

The Chief Veterinary Officer shall bear the final responsibility for public supervision of foodstuffs covered by the provisions of Article 6 of this Act.

The Directorate of Fisheries shall carry out public supervision of the production and distribution of foodstuffs covered by the provisions of Article 7 of the Act.

Article 23

The Minister concerned may decide in a Regulation that public supervisory bodies must be accredited. The same shall apply to other parties who may assume supervision of foodstuffs production and distribution. The Minister concerned may also decide that testing and granting of certificates as part of supervision in accordance with this Act shall be carried out by duly accredited parties.

The Minister concerned may decide in a Regulation¹⁾ by what means internal control shall be established by foodstuffs producers and distributors and whether and, if so, under what conditions, this can be an aspect of public supervision.

The Co-operation Council shall advise the Ministers on the preparation of draft legislation and regulations concerning the accreditation of testing and supervisory bodies and also concerning internal control.

¹⁾Reg. 40/1999.

Article 24

Foodstuffs producers and distributors must provide bodies carrying out supervision pursuant to this Act with samples for testing at no charge and supply them with any and all information deemed necessary for carrying out such supervision. Furthermore,

unobstructed access must be provided for purposes of supervision to locations where foodstuffs production or distribution takes place.

The supervisory bodies are bound by obligations of confidentiality concerning production or commercial secrets of which they may become aware in the granting of licences, cf. Chapter VIII, and carrying out of supervision.

[Supervisory bodies and parties producing or distributing foodstuffs must notify the relevant institutions which advise the Ministries, pursuant to the provisions of Chapter III of this Act, if data which these parties are in possession of or other evidence indicates a health risk due to consumption of foodstuffs. The same obligation to give notification shall apply to persons who work at testing and analysing foodstuffs, if they discover in foodstuffs microorganisms which can cause illnesses in humans which are subject to notification obligations under the provisions of the Disease Prevention Act, No. 19/1997 or rules set by virtue of this Act.]¹⁾

¹⁾Act 169/2000, Art. 2.

CHAPTER X

Cost of operation and fees

Article 25

The Minister concerned may set a tariff¹⁾ to cover costs of activities of the Environmental and Food Agency of Iceland, the Directorate of Fisheries and the Chief Veterinary Officer in foodstuffs supervision, cf. Article 22. The Minister concerned shall also set a tariff for public testing of foodstuffs. Fees in accordance with these provisions shall be enforceable by distress and the Minister concerned shall issue a Regulation containing detailed provisions as to the amount, fee obligations, collection, due dates, legal protection and other aspects concerning collection of the fee. [Fees levied by the Environmental and Food Agency of Iceland, the Directorate of Fisheries and the Chief Veterinary Officer shall be based on the cost of preparations, travel, inspection, sampling and testing of samples for foodstuffs supervision.]²⁾

The supervision fees of local health authorities for foodstuffs supervision shall be in accordance with the Act on Health and Hygiene Practices and [Pollution Prevention].²⁾

¹⁾Tariff 140/2000. ²⁾Act 169/2000, Art. 3.

Article 26

[The Minister concerned shall set a tariff¹⁾ for the granting of licences and certificates pursuant to Chapters VIII and IX of this Act, and for registration and receipt of applications for authorisation to use additives and other similar granting of authorisations. The tariff shall be based on costs incurred in issuing licenses and certificates, registration and receipt of applications and granting of authorisations; fees determined may not exceed such costs.]²⁾

¹⁾Tariff 140/2000. ²⁾Act 169/2000, Art. 4.

Article 27

A requirement may be set that the producer or distributor concerned pay necessary cost of testing. For such a demand to be made, there must be reason to suspect that a product or activity does not fulfil the provisions of Acts or Regulations adopted by virtue of them, and no certificate may exist from an accredited party indicating the contrary. [Fees assessed shall be based on the cost of testing and the fee determined may not exceed such cost.]¹⁾

¹⁾Act 169/2000, Art. 5.

CHAPTER XI

Scope of jurisdiction

Article 28

Where there is deemed to be a danger that foodstuffs may cause severe damage to health a Minister may order necessary precautionary and preventive measures, which may extend to all or part of the country. The Minister shall, as appropriate, consult with the Director-General of Public Health, the Environmental and Food Agency of Iceland, the Chief Veterinary Officer or the Directorate of Fisheries before taking such measures.

Article 29

A supervisory body may suspend or limit foodstuffs production and distribution and impound the same if there is reason to suspect that foodstuffs do not fulfil the provisions of this Act or Regulations issued by virtue of it.

If supervisory bodies impound foodstuffs they may dispose of them if such is deemed necessary, cf. also the ninth paragraph of Article 27 of Act No. 81/1988,¹⁾ on Health and Hygiene Practices and Health Surveillance.

When a supervisory body suspends the distribution of a product, such as its import or export, and there is deemed to be a risk that the product will nonetheless be distributed on a market where supervision is in the hands of another party, the bodies responsible for supervision must consult with one another and take suitable measures.

¹⁾Now Act 7/1998.

Article 30

In other respects the provisions of the Act on Health and Hygiene Practices and Health Surveillance shall apply concerning scope of jurisdiction and enforcement measures of supervisory bodies.

CHAPTER XII

Procedures, rulings and penalties

Article 31

Anyone convicted of a violation against the provisions of this Act shall pay the entire cost incurred in obtaining samples, their testing and other costs resulting from the violation. In other respects the provisions of the Act on Health and Hygiene Practices and Health Surveillance shall apply concerning procedures, rulings and penalties.

CHAPTER XIII

Entry into force

Article 32

Upon the entry into force of this Act, which shall take effect immediately, the following shall be repealed:
