



FOOD SAFETY AND QUALITY DIVISION

MINISTRY OF HEALTH MALAYSIA

ACTIONS TO BE TAKEN BY COMPETENT AUTHORITY FOLLOWING REJECTION NOTIFICATIONS

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Title: **ACTIONS TO BE TAKEN BY COMPETENT AUTHORITY FOLLOWING REJECTION NOTIFICATIONS**

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Approved by:	
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Date:	

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NO.	DATE OF AMENDMENT	REVISION NO.	AMENDMENT REFERENCE
1.	23 February 2010	03	<p><u>Title and para 2</u> Word "RASSF" has been changed to "rejection".</p> <p><u>Para 2 a.</u> Word "immediately" is included.</p> <p>The statement "The establishment shall provide all the necessary information within 3 working days" is included.</p> <p><u>Para 3</u> New sentences "State Health Department shall take the following actions" is included.</p> <p><u>Para 3 i)</u> The phrase "for subsequent consignments" is included.</p> <p><u>Para 10</u> New para has been included.</p>

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ACTIONS TO BE TAKEN BY COMPETENT AUTHORITY FOLLOWING REJECTION NOTIFICATIONS

1. It is the responsibility of the export establishment to take immediate corrective actions to address the non-conformance which gives rise to the rejection of the consignment and ensure that the non-conformance does not recur, once the rejection is made known to the establishment.
2. Based on the information provided in the rejection notification, MOH (HQ) shall:
 - a. immediately notify the export establishment in writing on the rejection and request for information on the corrective actions taken following the rejection to ensure that the non-conformance does not recur. The establishment shall provide all the necessary information within 3 working days,
 - b. immediately notify the State Health Department in writing to conduct investigation of the food rejection.
3. State Health Department shall take the following actions:
 - i. Suspension of Health Certification for subsequent consignments.
 - ii. The designated officers in the State Health Department shall conduct an investigation, involving other Competent Authorities (DOF/LKIM) if necessary.

The investigation shall include review of traceability records for the rejected consignment and taking of appropriate samples if necessary.
 - iii. The investigating officers who conduct the initial investigation shall conduct follow-up inspection, if necessary, to verify the implementation of the control measures by the export establishment.
 - iv. The Head of Food Safety & Quality Unit of the State Health Department shall forward the investigation report to MOH (HQ) within 14 working days from the date of notification in Para 2(b).
4. If MOH (HQ) is not satisfied with the investigation findings, the MOH (HQ) may take the following appropriate action(s):
 - a. Seek further clarification from State Health Department.

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- b. Request for further investigation.
 - c. Request for additional remedial measures to be undertaken by processing establishment.
 - d. Conduct further investigation.
5. MOH (HQ) shall decide on the necessary actions to be taken based on the response from the establishment, the nature of the rejection, the food establishment's past record with regards to the non-conformance and the investigation report by the State Health Department as in accordance to Article 9, Regulation (EC) No. 854/2004.
6. Such actions shall include any of the following appropriate measure(s):
 - i. Impose sanitation procedures or any other corrective action deemed necessary to ensure the safety of products or compliance with the relevant legal requirements.
 - ii. The suspension of operations or closure of all or part of the food establishment concerned for an appropriate period of time.
 - iii. The suspension or withdrawal of the establishment's approval number.
7. MOH (HQ) shall provide the export establishment concerned with the following:
 - i. Written notification of its decision concerning the action to be taken together with the reason for the decision; and
 - ii. Information on rights of appeal against such decisions and of the applicable procedures and time limits.
8. Once the suspension of Health Certification as in Para 3 is lifted, MOH (HQ) shall impose appropriate measures on subsequent consignments to be exported as follows:
 - i. Health Certification Without The Need For Sampling

This applies to products such as products which do not meet labeling and date marking requirements.
 - ii. Health Certification Requiring Sampling

Five (5) subsequent consignments seeking certification are subjected to sampling for purposes of certification. Based on the analytical results,

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certification will be granted to consignments which comply with EU requirements.

If consignments do not comply with EU requirements, authorisation to allow such products to be used for purposes other than those for which they were originally intended may be granted or to be destroyed.

9. Further investigation shall be carried out if any of the five (5) consignments do not comply with EU requirements. After corrective actions have been taken, para 8(ii) shall apply.
10. Action On Rejected Consignment / Affected Product
 - i. MOH (HQ) shall notify the relevant entry point to seal rejected consignments upon arrival.
 - ii. State Health Department shall seal the remaining affected products and raw materials, if any.
 - iii. MOH (HQ) shall decide on action to be taken on the rejected consignments/ affected products. Authorisation to allow such products to be used for purposes other than those for which they were originally intended may be granted or to be destroyed.
11. If MOH (HQ) is satisfied with the investigation findings, the MOH (HQ) shall send report of the investigation to DG SANCO at sanco-rasff@ec.europa.eu.