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**PLENARY MEETING OF THE ADVISORY GROUP (AG) ON THE FOOD CHAIN AND ANIMAL AND
PLANT HEALTH**

Summary Record

19 DECEMBER 2008

1. Introduction

The Chair explained the agenda which was subsequently approved.

2. Comitology Planner.

Stakeholders expressed their appreciation and satisfaction with this tool, designed to give them prior warning of consultations of interest to them. They were asked to inform Unit 03 which measures they wanted to be consulted on. The AG was also consulted on a suggestion emanating from the Stakeholder Dialogue Group (SDG) that AG participation should be extended to Member States' (MS) representatives. The consensus was that this should only be on an ad-hoc basis when there is a clear interest to do so, e.g. discussions on enforcement measures, a competence of the MS.

3. Better Training for Safer Food

The COM described the training programmes which are designed to bring control staff in EU and third countries up-to-date with EU law and standards in the areas in question. The COM also described a 2009-2010 programme specifically aimed at Africa and focussing on capacity building in African countries on SPS issues. The programmes are organised by external contractors following periodical calls for tender with the COM having the final say on all aspects of training. An intermediate evaluation of the programme for 2006-2007 had been carried out and an Impact Assessment. A Communication, giving an overview of possible options for the long-term organisation of training, had been prepared.

Information was requested on the following:

- whether participation in the training was limited to officials of national authorities and the extent of cooperation with the FVO, TAIEX and other bodies with expertise and training programmes in these areas
- trainers' backgrounds and course content, including whether the material was prepared in coordination with COM officials, up-to-date on feed legislation and what practical training was given; whether farmers' cooperatives were involved in devising training
- the training programme in Africa, in particular content and choice of tutors

The COM clarified that the legislation only allowed the EU budget to be used for training for national authorities' officials. Some professional organisations could participate but paid their own expenses. Contractors preparing the programmes were instructed to coordinate with different organisations, to target different people and to avoid overlap. There was a lot of

cooperation and exchange of experience with the FVO, TAIEX and DG ENLARG and the FVO reports were used to orient programmes. The tutors were from professional fields and the private sector. Farmers'/industry' organisations were invited to several training activities to present their point of view and to share experience. The material used was examined by COM officials prior to organising workshops and the training covered a number of field visits to farms and to food and feed industry establishments. Training covered existing and future legislation. The COM explained the content of the training, in particular on plant protection products and on microbiological criteria.

Training in Africa was not limited to animal health and veterinary issues but also covered other issues such as fruit and vegetable standards. For training in EU and third countries, the contractor proposed a list of potential experts from which the Commission selected the most appropriate. The COM tried to involve the African Union Commission and its specialist bodies, including the Inter-African Phytosanitary Council, on all relevant aspects of the training. One of the African activities concerned SMEs, and therefore targeted both the public and private sector.

4. Guidelines on information required from third countries to carry out FVO controls.

The COM briefly presented the background to the guidelines on information required from third countries in order for the FVO to be able to carry out controls.

Questions were asked about the progress on the exchange of information between authorities and how the information was regularly updated. The COM explained that adequate information was required before an inspection was carried out. Delays could occur, especially in countries where information had to be translated. However 81 missions had been carried out in third countries under the 2007 programme of inspections and generally no major problems are encountered regarding receipt of information as the practice of issuing pre-mission questionnaires is effective in identifying to the third country the information required. In drawing up the annual programme of inspections for third countries account is taken of the risk associated with the product, the requirements of COM legislation, past problems, results of import controls, rapid alerts and warnings from MS and information fed back to the Commission. For products of animal origin the frequency of controls takes account of specific legislative requirements, the volume of imports, the risk category of the product and past history of compliance. With respect to products of non-animal origin inspections are focussed on responding to known or emerging problems (such as contaminants).

5. "Delivering for tomorrow's European Consumers" (brief report on the future challenges conference, Brussels, 29-30 October 2008).

The COM described the two-year process that has led to a common vision and identification of future challenges for DG SANCO's three policy areas. The following 4 key drivers were identified: globalisation, changing society, confidence and governance. These drivers were presented and validated with stakeholders at the high-level conference entitled "Delivering for Tomorrow's European Consumers" that took place in Brussels on 29-30 October. Short video clips from the conference were shown as well as interviews with youth as regards the drivers.

The COM presented concrete examples of follow-up areas of action under each driver; however, these are yet to be finalised.

Several stakeholders were concerned about narrowing the gap between perception and reality and welcomed the new approach and the attempt to ascertain what really motivates consumers.

6. BSE Legislation

The COM gave an overview (state of play and future actions) following the 2005 TSE Road Map and reassured participants that there would be no change of the policy or strategy (eradicate TSE and protect consumers).

Questions were asked on the next steps regarding the monitoring programme for bovines, TSE resistant goats, control tools, tolerance levels, information on where positive animals had been detected, the change to the age limit for testing of bovine animals from 30 to 48 months; cohort animals and the production of milk, TSE transmission via milk in small ruminants; grouping of all related issues in the comitology planner in one working group and the next steps concerning intra-species.

The COM explained that the monitoring programme for bovines was an ongoing process and it might, following advice from EFSA, be necessary at some stage to review the current programme. EFSA would present an opinion on resistance in goats before the end February 2009. With respect to control tools, a methodology first had to be established for the tolerance level for farm animals to quantify protein in feed and research was ongoing within the Community Research Laboratories. There was a specific project for the species specific tests which would end in 2009. Information on where positive animals had been detected could be found on the SANCO website at:

http://ec.europa.eu/food/food/biosafety/bse/monitoring_en.htm.

Over the past few years there has been a significant decrease in the number of positive cases of BSE detected in the EU, due to the stringent risk reducing measures at EU level. It had therefore been possible to amend certain TSE measures while still making food safety and consumer protection the highest priority. Cohort animals were those without any symptoms but linked to BSE positive animals so normally should be destroyed. However, there was strong scientific evidence that BSE could not be transmitted through milk so such animals could safely be used, but only on strict conditions and at the request of a MS. With respect to the transmission of TSE via milk in small ruminants, a recent study had confirmed that the transmission between sheep could occur. The COM would try to combine working groups.

7. Food Chain Study

DG ECFIN presented their study on the Food Supply Chain and the Commission Communication on Food Prices in Europe¹. Five COM services had worked together to see what was driving food price increases up until summer 2008. Although prices had come down the COM believed that structural factors remained and a decline in productivity would push up prices.

Several concerns were expressed about the study: overly concise leading to inconsistencies between different parts of the report; the increase in price was limited and the report was not balanced; too much consideration had been given to consumers and distribution structures for final products and not enough to the reasons why the sector is performing poorly; the survey showed recent high price rises but a different picture emerged when looking at the last 50 years where prices had remained stable. In addition, the need for some price rises, to finance investment in agriculture and research, was underscored.

¹ COM(2008)821

Attention was drawn to the wide disparity in collective wage agreements e.g. in Germany there was no minimum salary, which could also account for price differences. Although the price of agricultural commodities and oil prices were decreasing, producers were worried about the time lapse between a decrease in price of such commodities and the decrease in price of fertilisers and other inputs. They were also concerned about the volatility of prices.

The COM underlined that its Communication had involved all the core services and did look at the entire food chain. The intention was not to generalise but to examine areas needing review. It was looking at the transmission from input prices to consumer prices and believed that margins were growing and reductions not being passed on. The COM recognised that an integrated supply chain did not exist because of different regulations, differences in wage structures and pointed to significant differences in prices between MS. Work was necessary at Community and national level to ensure the smooth functioning of the internal market.

8. Draft Regulation on active and intelligent materials and articles intended to come into contact with food

A presentation was made on how such material is and will be regulated at EU level. Examples of active and intelligent materials were given, together with descriptions of their uses.

Questions mainly related to testing. The COM explained that testing was in place for food contact materials. Different methodologies using food simulants already exist to test a material before it comes into contact with food. Tests can also be carried out on the food but then it has to be ascertained whether the substance is released from the food contact material or whether it has been added to the food directly. Controls are carried out by the food authorities on the food itself or on the food contact material. As is the case with plastics, applicants wishing to have a substance authorised will have to provide an analytical method with the application. Analytical methods do not exist for all substances but manufacturers are obliged to test. The area of packaging is complex and it is necessary to rely on the declaration of compliance and analytical methods. The manufacturers need to have the information available that is supporting their declaration of compliance. This information is available to food inspectors. Food manufacturers can judge on the basis of the declaration of compliance which type of food packaging should be used. Analytical methods are made available to third parties via the Community Reference Laboratory and the relevant website. Participants were invited to send further questions to the Commission.

9. Bio-Preparedness

The COM outlined the follow-up to the Green Paper on Bio-preparedness, the Commission Staff Paper detailing the responses received following a public consultation and the policy being developed with respect to chemical, radiological and nuclear (CBRN) materials. An all hazards approach had been adopted as the terrorist threat was not limited to terrorists using conventional methods. DG JLS was dealing with this issue in close cooperation with other DGs. The main challenges included avoiding duplication, looking at existing legislation and health safety measures to see if they suffice and raising awareness of the threat. One of the threats was the possible introduction of a pathogen or contaminant into the food chain so early detection methods and responses were needed. The synthesis of the replies to the Green Paper can be found under:

http://ec.europa.eu/justice_home/doc_centre/terrorism/protection/docs/sec_2008_2374_en.pdf

Responding to questions, the COM stated that strategic reserves and Action Plan were still being discussed. It confirmed that water contamination was part of the Action Plan but this was the responsibility of the MS and the COM's role was limited to awareness-raising.

10. Other Legitimate Factors (OLFs)

The COM explained that OLFs had never been defined in a food safety context. They were normally understood to compose factors relevant to risk management other than safety factors e.g. animal welfare, ethical, environmental considerations but it was difficult to measure and weigh their importance. The COM had unsuccessfully tried to obtain agreement on definition at multinational level, notably in the Codex. Although there was no precise legal definition at EU or international level, EU Food Law and the WTO/SPS and Codex did make explicit provision for OLFs in the risk management process but without going into detail. Reliance therefore was on WTO jurisprudence where there had been more success. Europeans were prepared to pay for considerations other than food safety, e.g. lower levels of additives, contaminants, veterinary drugs and pesticides than warranted by food safety concerns whilst trading partners were prepared to live with higher levels or were unable to afford the costs of higher standards.

The COM was asked why it needed to intervene in such initiatives if they were in accordance with the legislative framework; beneficiaries, cost to the consumer, the high number of private standards which had been developed and what the next steps might be. Finally the need to narrow the gap between perception and reality was highlighted.

The COM stated that no immediate initiatives were foreseen on this issue at EU level. However, it was being tackled through private voluntary standards (ethical, environmental, animal welfare) which could ultimately mean that action might be necessary. The EU's trading partners in the WTO were increasingly complaining about the impact of such standards and a WTO SPS committee working group had been set up specifically on private standards.

11. Feedback on the Working Groups of the AG and the Special Plenary on Animal Cloning on 14 November 2008

- Private Voluntary standards (PVS) on 13 June 2008

PVS were linked to OLFs and were increasingly finding their way into current Community policies and needed to be followed closely. The issue had been raised in DG AGRI's Green Paper on Food Quality, the DG ENTR High Level Group on the Food Industry's Competitiveness and the ECFIN communication on the functioning of the food chain. The WTO has established a working group on this topic and had prepared a questionnaire to which the Community would respond on behalf of MS. Finally the AGRI Council in December 2008 had adopted conclusions on imports with a paragraph, essentially dealing with PVS.

- Working groups on GMOs – 18 December 2008 and 7 July

The working group on 18 December concerned a technical solution for asynchronous authorisations in the sector of feed for animals following a COM debate in May 2008 which recognised the problems of trading with third countries in this sector as certain imports which were marketed in third countries were not authorised in the EU. The COM believed that the real solution for a harmonised system of trade was for third countries to only start marketing once authorisation had been given at EU level but it recognised the problems this may cause in particular for European feed operators. Measures being considered concern GMOs for which a request for authorisation has been introduced at EU level and for which a quantitative analysis method has been validated. The COM would try to harmonise controls at European level for these GMOs by fixing a limit of 0.1%, as the lowest level at which the detection of GMOs is feasible and robust by the control authorities. Sampling will also be harmonised on the basis of an existing recommendation.

Participants in the WG had seen this as a first step in the right direction. The COM clarified that the scope of the measure was still under discussion. The COM explained that it was not possible to cover GMOs other than those which fell within the current authorisation framework. Some stakeholders criticised third countries policy on GMOs and considered that a proposal through co-decision enabling a thorough political debate on GMOs at EU level would be the right way to address the global issue of GMOs. Other comments included the need for the EU approach to be consistent with the international approach. Clarification was requested on one important aspect on work on technical solutions: the work on interpretation of test results where there are huge variations. The COM explained the difference between the work it was undertaking and the guidelines on low-level presence of GMOs recently adopted by CODEX Alimentarius.

- **Working Group on composition and labelling of foods suitable for people intolerant to gluten, 8 July 2008**
- **Special Plenary on animal Cloning, 14 November 2008**
- **Working Group on AMTs on 9 April 2008 - Follow –up**

The COM informed participants that, following all the different discussions, in June 2008 the SCOFCAH rejected by 26 MS and one abstention the proposal to allow the use of four substances for the decontamination of poultry carcasses. The proposal was subsequently discussed in the Agricultural Council on 18 December 2008 which voted 26 against and one abstention (UK). The Council highlighted the need to continue to collect data and to update the Joint AFC/BIOHAZ guidance document on the submission of data for the evaluation of the safety and the efficacy of substances for the removal of microbial surface contamination of foods of animal origin. (EFSA-Q-2006-008). This document is under revision as there is a need to include new requirements in relation to the impact on AMR (Anti Microbial Resistance) and the Environment.

- **Most useful method of reporting.**

COPA-COGECA underlined the usefulness of receiving feedback on working groups at the plenary meetings.

12. Any Other Business

Members requested that the following issues should be put on the agenda of the next plenary:

- Framework package on additives and enzymes: presentation on how the new basis will work in practice
- Pesticide package
- State of play of the animal by-product regulation and maybe with the presence of the Czech presidency
- Perception versus reality together with communication e.g. MRLs
- Hygiene package – what is in the pipeline
- OLFs
- Feedback on draft Commission Regulation implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards official controls on imports of certain feed and food of non-animal origin

13. Date of next meeting: (to be decided)