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

Summary Record

29 MAY 2009

1. Introduction and Approval of the Agenda

Apologies for absence were received from Ms Paola Testori-Coggi, Deputy Director-General of DG SANCO. The draft agenda was subsequently approved.

2. Animal By-Product Regulation (ABP)

The objectives of the proposal for a new ABP regulation were outlined. There was a need to streamline the rules on ABP and clarify their interaction with other Community legislation as well as introducing a more risk-based approach for the categorisation of ABP, as well as controls. The intention was to reduce the burden of regulation whilst maintaining safety. The European Parliament would have preferred introducing the technical regulations into the legislation itself but had agreed that they should be covered by implementing rules provided those rules were also presented for discussion to the Environment Committee before presenting them to the Standing Committee for an Opinion. A stakeholder consultation (AG working group) was foreseen for autumn 2009.

Responding to EFRA on the application of the requirements related to transport to certain ABP, the COM stressed that it was not a case of lack of harmonisation but rather a case of the interaction between food and feed regulations and different interpretations of when the rules should apply. Existing rules could already be applied in a way which reduced the burden on operators. EFSA was reassured that, concerning the Implementing Regulation, it was not intended to reinvent but to adapt, where necessary and to take due account of scientific advice. Following a question from FEFAC the COM clarified that third countries would be consulted and that the status of materials used for feed would be clarified with respect to food and feed legislation, rather than using the "end point" concept.

3. Evaluation of the Community plant health regime (CPHR)

The Commission considered that the CPHR needed to be evaluated, in the light of developments which had taken place. The Council supported the need for a comprehensive evaluation of the CPHR and invited the Commission to develop a Community plant health strategy, based on the outcome of the evaluation. The evaluation, to be carried out by external contractors (the Food Chain Evaluation Consortium) would commence in June 2009. A working group of the AG would take place on 1 July so that stakeholders could meet the evaluators. A new website had been set up, dedicated to the Community Plant Health Strategy:

http://ec.europa.eu/food/plant/strategy/index_en.htm

CELCAA queried whether export issues are being considered as they view SPS as a new form of technical barrier. They referred to current problems related to plant health with exports to Russia and other countries and stressed the need to consult DG Trade and to consider how to take account of this issue in future negotiations on SPS in the WTO.

4. Pesticide Package

DGs ENV and SANCO outlined what is new for Members States (MS) and stakeholders in the Pesticide Package. Details can be found at the following websites:

<http://ec.europa.eu/environment/pps/home.htm>

http://ec.europa.eu/food/plant/protection/evaluation/index_en.htm

In response to IFAH, the COM explained how statistics are collected and the requirements for MS in the evaluation process including the obligation to share work with other interested MS. It also clarified that mutual recognition obligations were applicable from the date of application of the Regulation. ECPA was concerned that the focus of the Framework Directive should remain on the use and not the registration period. The problem of integrating the IPM concept (integrated pest management) due to the lack of effective alternative solutions for farmers was highlighted. The COM pointed out that the requirement did not entail excluding pesticides but choosing the solution with the least impact on human health and the environment. Monitoring should be focussed on substances where alternatives are available. Reduction targets would apply to substances of concern and therefore this would probably not involve a significant amount. With respect to zonal concepts, this was based on the obligation of MS, when granting authorisations, to take into account conditions in whole zones, not just MS. ECPA voiced concern about pre-empting that some substances may in future not fulfil registration obligations under the new rules. The COM clarified that industry had already predicted that a number of substances would not fulfil obligations under the new rules but pointed out that a framework Directive allowed MS to choose which substances to monitor. CELCAA requested a regular updating of the database on active substances. Responding to ECCA, the COM explained how the level of danger would be ascertained and confirmed to FESASS that there was no direct reference to third countries and imports in the legislation, but this was indirectly covered by the requirement for products to conform to European standards.

5. Perception versus reality and communication

A lively discussion followed a short presentation and film on this topic. Although pesticides had been taken as an example to open up the debate, and the views expressed were not those of the COM, the issues touched upon clearly applied to other areas as well. Communication had improved but more needed to be done. CELCAA believed that industry also needed to improve communication. UGAL emphasised that respecting the legislation did not suffice to sell a product if it was not accepted by the consumer. ECPA underlined the importance of public authorities ensuring public trust in regulatory matters. IFAH stressed the difficulties of changing perceptions when only negative aspects and not benefits were highlighted and CEFIC stressed the need to avoid emotional communication on chemicals. FRESHFEL and IFOAM underscored the need for transparent and balanced information. EUROPABIO stressed the importance of explaining the existing rules and CIAA underscored the importance of using layman's language to ensure topics are understood by non professionals. Both associations suggested consumer organisations had a role to play. AVEC stressed that whilst those involved did not speak with one voice the situation would not improve, citing the use of the term "swine fever" by MS which had impacted on consumer behaviour. EFSA stressed the need to involve DG COMM and supported the need for a coordinated approach. IFAH proposed a WG on

communication (supported by EUROPABIO, AVEC, EFSA). The COM would ascertain whether communication could be debated at the November meeting of the Stakeholder Dialogue Group.

6. Framework package on additives, enzymes and flavourings

On 16 December 2008, the Regulations of the Package on Food Improvement Agents were adopted. This includes Regulations on food additives, food enzymes and flavourings and food ingredients with flavouring properties and an additional fourth Regulation establishing a common authorisation procedure for additives, enzymes and flavourings (REG (EC) 1331/2008, 1332/2008, 1333/2008 and 1334/2008). The COM described how the new basis would work in practice and the time frame for application of new requirements and adoption of implementing measures.

ECCA commented that for pesticides there are a whole range of tasks to perform, specifically related to carcinogenicity and queried whether these tests would also be required for food additives. The COM responded that there is already a core of toxicological tests required for the evaluation of a food additive before it is authorised. EFSA has been asked for an opinion on the data to be included in the proposed COM implementing measures.

UEAPME queried whether the COM guidance document would explain production or use or labelling of food additives. The COM responded that it would propose a measure on the basis of EFSA's opinion about the data needed for the evaluation of food additives. With regard to the conditions of use of food additives, the Regulation sets conditions of use for food additives and maximum levels and another Regulation on specifications sets purity criteria for each additive.

7. Other Legitimate Factors (OLFs)

The COM explained OLFs which mainly concern non food safety issues (environment, social, ethical etc.) and their impact on trading issues. No clear definition or agreement exists on their role in international trade. It is therefore difficult to place restrictions on products for these reasons which can be challenged by the WTO and risk sanctions. The practical consequences of the failure to agree on their status mean that food safety measures are sometimes used as an alternative. Private standards (PS) should be followed closely as they are linked to OLFs and are increasingly finding their way into Community policies. The EU's trading partners in the WTO increasingly complain about the impact of such standards. Initiatives had mainly developed in the private sector: the Global Food Safety Initiative, representing major food retailers and producers, harmonising a range of private standards, the roundtable on sustainable consumption in the food sector set up by major stakeholders in the European food and drink chain (CIAA, CELCAA, COPA-COGECA, EFMA, EUROPEN, FEFAC, IFAH-EUROPE, PRO EUROPE). Developments at Community and international level included: DG AGRI's Communication on Food Quality, the CODEX Commission in July discussing PVS on the basis of the Food and Agricultural Organisation's report. OIE had established a WG on PS, mainly focussing on animal welfare and the WTO's WG on PS would examine replies to its questionnaire and start work on operational guidelines to members.

CELCAA considered it important to ascertain how PS are established and if there is misuse of a dominant position. FEFAC believed the COM should be more active in harmonising PS at EU level and drew attention to the European Accreditation Forum, a voluntary organisation composed of all MS accreditation bodies. However it is still the prerogative of national accreditation bodies to approve private sector standards and decisions could vary between MS and involve huge costs. The COM suggested fora where the issue of PS could be raised such as the follow up to the DG AGRI Communication on Food Quality which includes preparation of

guidelines on PVS. CIAA mentioned the Advisory Group's WG on Public and Private Partnerships on 17 June where a presentation would be given on the GFSI standards.

8. Register of Interest Representatives

The COM outlined the background to the Register which is voluntary, who is expected to register, the information to be disclosed and the code of conduct to be followed. An evaluation of the scheme would be carried out after one year. The register can be found at:

www.ec.europa.eu/transparency/regrin

Questions centred on difficulties in filling in financial information and using the register and whether the register would be used by all the institutions. The COM responded that it was working on clarifying how to fill in financial details and ironing out any problems encountered in using the register. The COM was confident that the EP would agree to a joint register.

9. Stakeholder Dialogue Group of 7 May 2009

The meeting was held with the SDG and DG Health and Consumers' Management Team to discuss the DG's priorities on stakeholder involvement for the next 5 years. Report available at:

http://ec.europa.eu/dgs/health_consumer/sdg/docs/SDG_minutes_07052009.pdf

10. Feedback on Working Groups of the Advisory Group

A short report was given on the Animal Health Advisory Committee (AHAC) of 6 March 2009:

http://ec.europa.eu/food/animal/diseases/strategy/docs/summary_06032009.pdf

FESASS thanked the COM for setting up the AHAC which had allowed participants to exchange views and work constructively on proposals in the area of animal health at an early stage. It congratulated the COM on the group's good working atmosphere and the timely circulation of documents.

11. Any Other Business

- Evaluation of the EU Legislative Framework on GM food and feed

The COM explained its reasons for commissioning an evaluation of the legislation on GM food and feed, the aims and objectives, scope and terms of reference, including the evaluation questions to be addressed. The evaluation would be carried out by the Food Chain Evaluation Consortium. The time-frame was outlined and a final report should be delivered in June 2010. A working group of the Advisory Group on a discussion on the evaluation of the legislation on GM food and feed would take place on 17 July 2009.

CIAA found the wording of evaluation question 13, on risk acceptance, confusing. The COM explained that they were trying to understand how the perception of risk can be analysed against scientific evidence and clarified that the questions were not intended for citizens but concerned the areas which the evaluator was required to cover. EUROPABIO expressed concern about the weighting to be given to risk perception in the final analysis. The COM replied that it was not possible at this stage to know what weighting would be given to it in the evaluation. However, the risk perception factor could not be ignored since it was influencing the way the legislation was implemented in the different MS. In response to FEFAC the COM confirmed that white biotech products had not been considered to be within the scope of the evaluation. The COM

stressed that the evaluation was an analysis of what had been done so far and not a proposal for new legislation.

- **AG members were also informed of the following:**

- The updated Comitology Planner would be circulated to AG members in July 2009 and they would be asked to inform the COM of measures on which they wished to be consulted.
- A call for expressions of interest had been launched to renew up to 10 members of the Stakeholder Dialogue Group. Deadline for applications: 16 June 2009.
- There would be a call for expressions of interest for a partial renewal of the AG on the Food Chain, Animal and Plant Health to fill up to 9 slots currently available.
- A call for expressions of interest for the partial renewal of the EFSA Management Board

12. Date of next meeting: *(to be decided)*