

**SUMMARY RECORD OF THE  
STANDING COMMITTEE ON THE FOOD CHAIN AND ANIMAL HEALTH  
HELD ON 14 OCTOBER 2008 IN BRUSSELS  
(Section Biological Safety of the Food Chain)  
(Section Animal Health and Animal Welfare)**

Chairmen: Koen Van Dyck & J. Moynagh

**1. Report for 2007 on the results of residue monitoring in food of animal origin in the Member States (Directive 96/23/EC)**

The Commission's representative presented the main findings of the report, which summarises the results of the national residue monitoring plans during the year 2007 in the Member States. It includes for the second time the data obtained in Romania and in Bulgaria.

In addition to targeted samples, suspect samples may also be taken as part of residue control as a consequence of non-compliant results, suspicion of illegal treatment, or suspicion of non-compliance with the withdrawal period for an authorised veterinary medicinal product.

**2. Information by EFSA on the progress of the research carried out on alternative methods for the detection of marine biotoxins**

Marine biotoxins are produced by planktonic algae and can be found in various filter-feeding bivalve molluscs such as mussels, scallops, oysters and clams. A representative of the European Food Safety Authority gave a presentation on "EFSA's risk assessments on marine biotoxins". EU limit values are established in order to avoid poisoning which is characterised by symptoms such as diarrhoea, nausea, vomiting and abdominal pain.

The EFSA has provided scientific opinions for 2 marine biotoxins: okadaic acid and analogues (OA); and azaspicacid group (AZA)<sup>1</sup> and established acute reference doses for these two marine biotoxins. The EFSA's Panel on Contaminants in the Food Chain concluded that the mammalian bioassays have shortcomings that make them inappropriate for assessing the current EU limits. Biochemical and analytical methods have the greatest potential to replace the mammalian bioassay for the detection of OA and AZA toxins and to detect their levels below the current regulatory limit. EFSA will finalise the risk assessments of seven other marine biotoxins by mid 2009.

**3. Information on a draft guidance document on the shelf-life studies for ready-to-eat foods, under Regulation (EC) No 2073/2005 of 15 November 2005 on microbiological criteria for foodstuffs (SANCO/1628/2008)**

This document provides guidance to food business operators who produce ready-to-eat foods and conduct *Listeria monocytogenes* shelf-life studies for them in accordance with Article 3(2) and Annex II of Regulation (EC) No 2073/2005.

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<sup>1</sup> [http://www.efsa.europa.eu/EFSA/efsa\\_locale-1178620753812\\_1211902121673.htm](http://www.efsa.europa.eu/EFSA/efsa_locale-1178620753812_1211902121673.htm)  
[http://www.efsa.europa.eu/EFSA/efsa\\_locale-1178620753812\\_1178682985887.htm](http://www.efsa.europa.eu/EFSA/efsa_locale-1178620753812_1178682985887.htm)

The Commission will finalise the document on the basis of comments from the industry and the Member States. It will then be presented at the Codex Committee on Food Hygiene that will take place on 1-5 December 2008 in Guatemala.<sup>2</sup>

#### **4. Information on a draft technical guidance document on shelf-life studies for *Listeria monocytogenes* in ready-to-eat foods**

This document was prepared by the Community Reference Laboratories for *Listeria monocytogenes* in collaboration with some National Reference Laboratories. It is directed at the laboratories conducting *Listeria monocytogenes* shelf-life studies in collaboration with food business operators. It provides recommendations on how to select, implement and perform the tests required.

The Commission will finalise the documents on the basis of comments from the industry and the Member States. It will then be presented at the Codex Committee on Food Hygiene that will take place on 1-5 December 2008 in Guatemala.

#### **5. Exchange of views and possible opinion of the committee on a Draft Commission Decision authorising certain Member States to revise their annual BSE monitoring programme (SANCO/3142/2008 Rev. 3) (Right of scrutiny of the European Parliament)**

Under Article 6(1b) of Regulation (EC) No 999/2001, Member States (MS) which can demonstrate the improvement of their BSE epidemiological situation according to certain criteria to be laid down in accordance with a Committee procedure may apply for a revision of their annual BSE monitoring programme.

On 17 July 2008, the European Food Safety Authority (EFSA) released two scientific opinions relating to the revision of the BSE monitoring regime in some MS.

Several MS have submitted to the Commission an application to revise their annual BSE monitoring programme. On 18 September 2008, applications submitted by EU 15 MS were assessed by an ad-hoc working group of experts which concluded that the risk analyses provided by the MS in support of their applications were suitable and would ensure the protection of human and animal health. It is therefore appropriate to authorise EU 15 MS to revise their annual BSE monitoring programme and to retain 48 months as the new age limit for BSE testing in those MS, which will apply from 1 January 2009.

For Member States which joined the European Union after the 1<sup>st</sup> May 2004, the Commission will consult the EFSA to take into consideration in its risk analysis epidemiological data for each dossier submitted by the new MS. At the same time inspections will be carried out by the Food and Veterinary Office in order to verify criteria compliance, in particular implementation of the feed ban for a period of 6 years.

Several MS showed their concerns on the different approach between EU 15 MS and new MS.

Slovenia sent on 15 October 2008 the following statement which it requested to be added to the minutes of the meeting:

*Slovenia does not agree with the Commission's approach to processing applications submitted by the new Member States.*

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<sup>2</sup> <http://www.codexalimentarius.net/web/archives.jsp?lang=en>

*Slovenia's application for revising the BSE monitoring programme submitted to the Commission on 1.9.2008 was not processed simultaneously and equivalently with the applications submitted by the other eligible Member States. Assessment of Slovenian application has been postponed until an updated EFSA opinion and result of additional FVO mission is available. In our opinion, the Commission has no legal basis which would justify the treatment of new Member States in a different manner than the old ones. Our request in writing to the Commission's legal service to clarify the legal basis for the Commission's handling as it has done has to date been unanswered.*

*It is evident from the document presented by Commission at the SCFCAH that all the Member States, except Slovenia and Cyprus, should comply with the criteria for revising the BSE monitoring programme. However, FVO Mission reports of the period 2003 – 2008 show that some Member States listed in the draft Commission Decision had not been complying with certain criteria within the past 6 years. As we had no insight into the applications and dossiers presented by the other Member States, we are naturally in no position to assess the adequacy of applications by the other eligible Member States.*

*Taking into account the facts as set out above, Slovenia **abstains from voting on** draft Commission Decision authorising certain Member States to revise their annual BSE monitoring programme (SANCO/3142/2008 rev 3).*

Vote: In favour at qualified majority (325 votes), 20 votes abstaining, Malta was represented by the United Kingdom.

**6. Exchange of views and possible opinion on a draft Commission Regulation amending Regulations (EC) No 2160/2003 and 1003/2005 as regards the control and testing of *Salmonella* in flocks of breeding hens of *Gallus gallus* and breeding turkeys (SANCO/1932/2008) (Legal basis: Regulation (EC) No 2160/2003, Right of scrutiny of the European Parliament) (See point 4 of the SCFCAH of 16 September 2008)**

The purpose of this proposal is to extend the requirements provided for in Regulation (EC) No 2160/2003 to breeding turkeys. It also allows for more flexibility to the testing schemes and for fewer samples if the target has been reached regarding breeding hens of *Gallus gallus*.

The Commission representative presented the changes requested by the legal service following the Inter-services consultation.

He also explained the following interpretation from the legal service on the approval of amendments to national control programmes: the legal service considered that "*since in this case we are dealing with a change of Community rules which are set out in the form of a Regulation, which is directly applicable to MS, it does not appear from a legal point of view necessary for the MS to resubmit their control programmes. It seems that Art. 6(3) of Regulation (EC) No 2160/2003 wants to address the circumstances where a MS needs to make a specific amendment to its control programme which is aimed at addressing an internal situation of that specific MS*".

It is planned to take a final vote on this proposal in January-February 2009, after the SPS notification. The annex will be further discussed and modified at working group meetings.

Technical agreement: In favour at qualified majority (303 votes), 29 votes abstaining, Malta was represented by the United Kingdom, the Netherlands were absent and not represented.

**6A. Exchange of views and possible opinion of the committee on a draft Commission Decision on financial aid from the Community for the year 2009 for certain Community reference laboratories in the field of animal health and live animals (SANCO/3030/2008)**

The aim of this draft Decision is to provide Community financial assistance to enable designated Community reference laboratories in the field of animal health and live animals (17) to carry out their functions and duties for the period from 1 January 2009 to 31 December 2009.

Vote: In favour at unanimity, Malta was represented by the United Kingdom.

**6B. Exchange of views and possible opinion of the committee on a draft Commission Decision as regards a Community financial contribution for the year 2009, to certain Community reference laboratories in the feed and food control area (SANCO/3029/2008)**

The aim of this Decision is to provide Community financial assistance to enable certain designated Community reference laboratories in the area of feed and food controls (21) to carry out their functions and duties for the period from 1 January 2009 to 31 December 2009.

Vote: In favour at unanimity, Malta was represented by the United Kingdom.

**6C. Exchange of views and possible opinion of the committee on a draft Commission Decision concerning a Community financial contribution to the Joint Research Centre of the Commission in Belgium and Italy for certain activities carried out pursuant to Regulation (EC) N° 882/2004 of the European Parliament and of the Council for the year 2009 (SANCO/3031/2008)**

The aim of this Decision is to provide Community financial assistance to the Joint Research Centre (JRC) of the Commission in order to enable certain designated Community reference laboratories in the area of feed and food controls (5) to carry out their functions and duties and in order to co-finance their activities for the period from 1 January 2009 to 31 December 2009.

Vote: In favour at unanimity, Malta was represented by the United Kingdom.

**7. Exchange of views on a draft Commission Regulation amending Annex IV to Regulation (EC) No 999/2001 of the European Parliament and of the Council**

**laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (SANCO/2038/2008 Rev. 2)(KVD)**

Annex IV to Regulation (EC) No 999/2001 lays down provisions with regard to the BSE/ TSE total feed ban. A first step was taken in the revision of the feed ban, which was announced in the 2005 TSE Road Map<sup>3</sup> by the adoption of Commission Regulation (EC) No 956/2008 of 29 September 2008<sup>4</sup> with regard to the use of fishmeal for young ruminants.

This proposal is the second step to the revision of the feed ban and intends to extend the existing provisions for beet pulp to all feed materials of plant origin. A tolerance level for insignificant amounts of animal proteins in feedingstuffs caused through environmental contamination can be introduced based on a favourable risk assessment.

**8. Exchange of views on a draft Commission Regulation amending Annexes III and X to Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (SANCO/1048/2008 rev.4) (MP)**

The proposal aims at updating Annexes III and X to Regulation (EC) No 999/2001 in the light of recent changes made to the Manual for diagnostic tests and vaccines for terrestrial animals of the World Organisation for Animal Health (OIE)<sup>5</sup> (latest edition adopted in May 2008).

The Commission went through all the amendments proposed. Member States were requested to send their comments after consultation of the Community Reference Laboratories so as to allow for the text to be voted at the next committee meeting.

N.B. The proposals on which the Committee expressed an opinion are subject to a defined procedure in relation to the formal adoption by the Commission.

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<sup>3</sup> [http://ec.europa.eu/food/food/biosafety/bse/index\\_en.htm](http://ec.europa.eu/food/food/biosafety/bse/index_en.htm)

<sup>4</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:260:0008:0011:EN:PDF>

<sup>5</sup> World organisation for animal health - Organisation mondiale de la santé animale