

EUROPEAN COMMISSION

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Dear Chairman,

The Commission would like to thank the Houses of the Oireachtas for their Opinion concerning the import of Brazilian beef and poultry and welcomes the opportunity to provide the Houses of the Oireachtas with comprehensive information regarding the measures taken on this issue.

On 17 March 2017, the Commission learned from media reports about the investigation into meat fraud in Brazil. There was no official communication from the Brazilian authorities. On the same day, the Commission asked the Brazilian authorities to urgently provide detailed information on the extent of these allegations and in particular about the products exported to the European Union. The Commission also asked Brazil to immediately suspend certification for exports to the European Union for establishments involved in the fraud until the procedure to withdraw them from the European Union's list of approved establishments was completed. The Commission asked the Brazilian authorities to outline the measures they would propose to address the reliability of the controls and the certification of exports.

In subsequent information exchanges with the Commission, Brazil confirmed that all the establishments approved for export to the European Union and involved in the fraud were to be delisted indefinitely from exporting to the European Union.

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At the same time, the Commission informed Member States and asked them to maintain a continued high level of checks on consignments from Brazil and especially an increased level of physical checks, including checks for food hygiene. The Commission also requested that consignments from the establishments involved in the fraud "en route" to the European Union should be rejected, with information to be reported to the Commission and other Member States.

On 24 March 2017, the European Union's Chief Veterinary Officers met in Brussels and agreed with the Commission on the measures necessary to deal with the fraud in Brazil, including the need for reinforced checks to be carried out on imports at the points of entry to the European Union.

Commissioner Andriukaitis met the Brazilian Minister of Agriculture, Livestock and Food Supply, Mr Maggi, on 28 March 2017 in Brazil during an official visit. He discussed the issue with the Minister, highlighting the Commission's serious concerns and asked him to provide additional information and guarantees.

On 29 March 2017, at the request of the Chief Veterinary Officers, the Commission met with the Member States to ensure that a harmonised approach to the reinforced checks on consignments from Brazil was implemented at all Union border inspection posts. This was considered essential to provide a high and uniform level of health protection in the European Union and to avoid any risk of controls being evaded by exploiting eventual differences of approach between individual Member States. Consensus was reached on these reinforced checks and on their selection process. It was confirmed that there should be 100% physical checks on all consignments presented for import to the European Union from Brazil and 20% microbiological (laboratory) checks. It was also confirmed that importers would bear the costs of these reinforced checks. The procedures to follow in relation to unfavourable findings, including the information to be transmitted to the Commission and other Member States and for the return or destruction of these consignments, were also clarified.

The actual results of these reinforced checks, registered in the TRACES database, indicate that the Member States are applying the agreed measures properly. The result of these checks at the European Union's border inspection posts until the end of June 2017 is as follows: 5 972 consignments of meat and meat products from Brazil were checked at the European Union's borders. 1566 consignments were tested in laboratories. These controls resulted in a total of 176 rejections due to 133 positive results for Salmonella, 5 for Shiga toxin-producing Escherichia coli. (STEC) on beef meat, 2 for drug residues on horse meat and 36 for other reasons.

An extensive Commission audit was carried out from 2 to 12 May 2017 to evaluate the operation of the Brazilian controls over the production of animal products intended for exports to the EU. The outcome of this audit raises important concerns which have already been brought to the attention of the Brazilian authorities in the draft report of the audit. This includes a failure to act on recommendations to address shortcomings raised in previous audits. When considered in the light of the meat fraud scandal, especially its impact on the credibility of official controls in Brazil, the audit findings

require urgent action by the Brazilian authorities. Accordingly, The Commission wrote to the Brazilian Minister of Agriculture on 7 June requesting:

- 1) The delisting of all horse meat slaughterhouses and horse exporting companies from the list of establishments eligible for export to the European Union;*
- 2) To not submit further requests for the addition of new establishments to the lists of premises approved for export to the European Union;*
- 3) To introduce 100% systematic pre-export microbiological checks for export of poultry meat and meat products and preparations from Brazil to the European Union, backed-up by a health certificate stating that the consignment have been sampled and analysed in relation to the presence of salmonella strains and were found compliant with Union legislation.*

The Brazilian authorities have also been asked to provide a comprehensive plan of concrete corrective actions in response to the recommendations of the audit report, and to report regularly to the Commission on the progress with their implementation. Brazil provided the Action Plan with corrective measures on 29 June which is now being evaluated by the audit service. The Commission will carry out a follow-up audit by the end of 2017 which will assess the effectiveness of these measures.

Brazilian Minister of Agriculture replied on 16 June 2017 accepting to implement all the measures requested by the Commissioner.

On 30 June the Commission asked clarification on a number of the undertakings provided by the Brazilian authorities, putting in place the necessary measures to ensure their effective implementation and advising Brazil of the risks that failure to effectively implement corrective measures may lead to suspension of all imports of poultry meat, meat preparations and meat products into the European Union.

With regard to the reinforced controls carried out by Member States, the Commission would like to stress their compulsory nature, in line with Directive 97/78/EC¹ laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries. According to Union legislation, all consignments of imported meat and meat products from Brazil, or any other non-European Union country, are systematically subjected to harmonised veterinary checks at the European Union's border inspection posts. Under normal circumstances, imported consignments are subjected to 100% documentary checks, 100% identity checks, and 20% physical checks for bovine meat or 50% physical checks for poultry meat. Any unfavourable result found by these checks triggers an immediate and automatic mechanism subjecting all the consignments of the same product from the same establishment to reinforced controls. Any unfavourable checks also trigger a notification

¹ Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries, OJ L 24, 30.1.1998, p. 9 -30.

to all authorities in Member States and in the country of origin. These measures ensure a very high level of protection in a harmonised, transparent and effective manner.

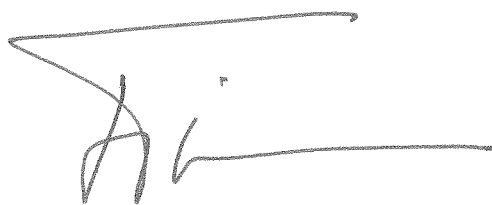
The Commission would like to highlight the audits it regularly conducts. These audits identify compliance issues of which the Commission might otherwise not be aware, and also allow tailor-made measures to be taken in cases of established risks, whether from within or outside the European Union. They also allow follow-up on the efficiency of these measures. Furthermore, they provide an insight into whether our legal framework aimed at ensuring food safety continues to be fit-for-purpose.

Regarding the review of the inspection regime for food produced in non-European Union countries, the Commission would like to recall that Union legislation establishes that for imports of products of animal origin from non-European Union countries, authorities have to provide guarantees in the form of official certificates. These are, together with the products they cover, subject to controls at the European Union's points of entry. The Commission then checks, both in the European Union and outside, whether officials are performing their tasks to agreed standards, and intervene if they are not.

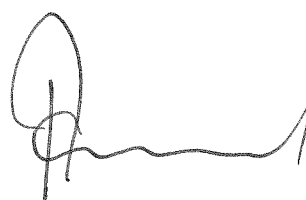
As regards the Houses of the Oireachtas' concern about the problems that could be associated with free trade agreements, the Commission would like to stress that no trade agreement can lower our high regulatory requirements for food safety. The European Union does not authorise imports of agri-food products if they do not meet the European Union's high safety requirements. An agreement with Mercosur might provide for enhanced cooperation on sanitary matters, which would help in the future to address safety issues more effectively.

The Commission hopes that these clarifications address the issues raised by the Houses of the Oireachtas and looks forward to continuing our political dialogue in the future.

Yours faithfully,



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First Vice-President*



*Vytenis Andriukaitis
Member of the Commission*