Chairman: K. Van Dyck

All the Member States were present.

1. External evaluation of inspection fees systems (Articles 26 to 29 of Regulation (EC) No 882/2004) (GF)

The purpose of this external evaluation is to gain a complete overview of the situation with regard to inspection fees systems. The information gathered has been included in the Report from the Commission to the European Parliament and the Council on the implementation of Regulation (EC) No 882/2004 on the basis of its Article 65 (COM/2009/334/Final). Two specific aspects have to be considered: the extension of the inspection fees regime to other sectors and the update of minimum fees taking into account risk factors.

The Commission representative explained in detail the findings of the study on inspection fees. The objectives of the study are to establish a detailed picture and evaluate the present situation as regards the application of the current fees regime; and to assess the advantages and disadvantages of a range of policy options.

The study provides a valuable insight of the current functioning of the fees systems across the European Union. It points out that the main objective, namely adequate financial resources for official controls, is not fulfilled because of many various factors.

On the basis of the reported findings, the study assessed advantages and disadvantages of a range of possible options and compares possible alternative scenarios to the current rules. Further analysis and debate on the issues raised by the study are now needed. The Commission intends to carry out an Impact Assessment on the available options in the course of 2009. The impact assessment will be prepared through and accompanied by extensive consultation with relevant stakeholders and specific consultation with Member States. On the basis of that, the Commission will consider putting forward legislative proposals if changes to the current legal framework are deemed appropriate.
2. **Protocol in case of findings of SEM (semicarbazide) residues (AMBR)**

The purpose of this flowchart (see Annex 1) is to provide BIPs in the Member States with practical indications on how to proceed in case of findings of SEM (the marker residue of nitrofurazone) depending on the nature of the matrix used for the analysis and in particular for the shrimps *Macrobrachium rosenbergii*. During 2009 there have been more than 40 RASFF notifications (most of them notified by Belgium) on the presence SEM residues in frozen batches of raw deheaded shrimps (*Macrobrachium rosenbergii*) from Bangladesh. SEM is the only stable metabolite suitable to be used as a marker of nitrofurazone abuse. However current scientific data indicates that tissue-bound SEM can also be found in food of animal origin, both raw and processed, due to other sources including natural occurrence. The Commission is also following closely the situation in Bangladesh which in the meantime has voluntarily stopped the exports to the EU since May 2009 for 6 months.

3. **Exchange of views and possible opinion of the Committee on a draft Commission authorising certain Member States to revise their annual BSE monitoring programmes (SANCO 5511/2009 Rev.5)** (Legal basis: Regulation (EC) No 999/2001, Art. 6(1b), submitted to the right of scrutiny of the European Parliament) (See point 3 of 16 June 2009 SCFCAH) (MP)

This proposal aims at authorising Slovenia to revise its annual monitoring programme and to lay down 48 months as the new age limit for BSE testing. Indeed, the inspection of the Food and Veterinary Office carried out in Slovenia on 26-30 January 2009 and the opinion of the European Food Safety Authority of 22 April 2009 have concluded that less than one BSE case would be missed annually in those Member States if the age of the bovine animals covered by the BSE monitoring was increased from 24 months to 48 months. The proposal also sets the rules for the movement of animals.

Vote: In favour with unanimity


The Commission distributed a revised version of the proposal further to comments made by the Commission's legal revisers so as to use the most legally correct wording. The Commission's representative went through the amendments made. One of the changes concerned the transitional period: Article 7 specifies clearly that the concerned transitional measures should not be extended further than 31 December 2013. The Member States expressed their concerns on many issues:

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- Many delegations requested that the derogation set in Article 6 be extended to the laboratories performing Trichinella testing located outside of the slaughterhouse or game handling establishment because of the difficulties in accreditation.
- Clarification was requested on the issue of accreditation of laboratories as the interpretation of the legal basis at national level seems to be different from the Commission's.
- Some Member States wished to shorten the proposed transitional period of 4 years.
- Assurance was requested that progress will be made in harmonising the rules for composite products (Article 3).

In order to address the main concerns raised by the Member States, the Commission made the following declarations:

- **Commission Declaration on accreditation of official laboratories responsible for Trichinella testing.**
  
  The Commission considers that official laboratories carrying out Trichinella testing, which are assigned to a slaughterhouse or a game handling establishment such as laboratories situated in the room of the Competent Authority or in the premises of the official veterinarian, may benefit from the transitional measure provided for in Article 6 of Document SANCO/1733/2008 Rev.6.

- **Commission Declaration on composite products.**
  
  The Commission understands the difficulties raised by certain Member States and will start discussing the conditions relating to the importation of food containing both products of plant origin and processed products of animal origin with all relevant parties in the last quarter of 2009.

Vote: In favour by qualified majority, (in favour: 285 votes, 41 abstention votes, 19 votes against)

**Hungary made the following declaration:**

   Hungary agrees with the professional content of the proposal. However, as we indicated on previous expert meetings, we have serious concerns regarding the high accreditation cost of laboratories in small slaughterhouses. These expenditures can only be met after finding alternative solutions on reduction of costs.

Declaration of **Belgium** – see Annex 2.

Declaration of **Finland** – see Annex 3.

Declaration of **France** – see Annex 4.

The Commission representative distributed a new revision of the document and introduced the changes made by the legal revisers. The title has been made more specific and the language used more legally correct. Regulation (EC) No 853/2004 foresees that food chain information must be provided to slaughterhouse operators no less than 24 hours before the arrival of animals at the slaughterhouse, except in certain circumstances. The purpose of this proposal is to make permanent the transitional arrangement allowing food chain information to be provided together with the animals' arrival.

Vote: In favour with unanimity

6. Exchange of views and possible opinion of the Committee on a draft Commission Decision concerning a financial contribution from the Community towards a survey on the prevalence of *Listeria monocytogenes* in certain ready-to-eat foods to be carried out in the Member States (SANCO/5100/2009) (Legal basis: Council Decision 90/424/EEC) (See point 2 of 16 June 2009 SCFCAH) (KDS)

The following point was foreseen for exchange of views and possible opinion. However, given that the Legal Service introduced a number of modifications in the text there was a need to discuss the legal basis. Consequently the vote was postponed until September. The Commission representative distributed the updated version of the document and explained the major changes.

Member State appreciated clarification of the legal basis which was provided. Some of them expressed their agreement on the latest version of the proposal. In particular they applauded deletion of the letter (l) of the point 2 Part D of the Annex 1 of the proposal as well as they expressed a harmonised opinion in favour of deletion of the letter (m).

The delegation of Luxembourg asked whether the number of samples to be taken per ready-to-eat food category in the Member States, mentioned in Annex II, was only suggested or was a minimum to be reached to receive co-financing. The Commission answered that the number of samples was based on a size of the population of the country and the Member States were supposed to follow the number which was allocated to them in order to keep the reliability of the whole exercise. Reducing of the number of samples would accordingly reduce the co-financing.

Referring to the Art.6 § 1 in light of which laboratories other than national ones would be allowed to carry out tests on Listeria, Germany asked whether those laboratories also would profit from the co-financing. The Commission confirmed that it would be the case.

Moreover, the delegation from Germany suggested that the date for establishing of the format of the Data Dictionary mentioned in Art. 5 § 2 should be modified. The Commission answered that taking into consideration procedure reasons it would be difficult because of the necessity to comply with the Right of Scrutiny of the European Parliament


Regulation (EC) No 2160/2003 lays down rules for the control of salmonella in different poultry populations in the Community. On the basis of this Regulation the Commission requires that third countries provide it with so called Control Programmes which are to be evaluated. The Control Programmes will be approved by the Commission only if they contain the guarantees equivalent to those contained in the national control programmes for Salmonella in the Member States. The approval of the Control Programme means that the import of poultry and poultry products will be possible from the country submitting. Import will be blocked when the Commission is not provided with a Control Programme or when the guarantees required by the Regulation are not satisfying. So far the Commission has received Control Programmes from 4 countries: USA, Canada, Chile and Israel. The list of third countries from which the poultry and poultry products may be imported has been updated accordingly. Import from Israel should be reauthorized on the basis of the Control Programme delivered by this country.

Technical vote: in favour with unanimity

The proposal will be sent for SPS consultation and re-presented for a final vote in October 2009.


In May 2009 the OIE2 has adopted Resolution No. XXII - Recognition of the Bovine Spongiform Encephalopathy Risk Status of Members3. That Resolution recognises Chile as having negligible BSE risk and Columbia and Japan as having a controlled BSE risk. The list of countries or regions set in the Annex of Decision 2007/453/EC should be amended accordingly.

It is intended to present the proposal for vote at the SCFCAH meeting of 16 September 2009.


As provided by Regulation (EC) No 2160/2003 Community targets have been set for the reduction of the prevalence of Salmonella in breeding hens, laying hens, broilers and turkeys as provisional measures. Regulation (EC) No 1003/2005 sets the target for breeding hens for a transitional period ending on 31 December 2009. The present

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2 World Organisation for Animal Health – Organisation Mondiale de la Santé Animale
http://www.oie.int/fr/fr_index.htm

The proposal aims at setting a definitive target for reduction on the basis of the information gained from the sampling during the transitional period.

The Commission representative introduced the changes made to the text and in the technical specifications laid out in the annex. Many Member States provided their views on the proposed target of 2% for all serotypes. Including all serotypes was not found relevant for public health, but only five, which was more consistent with Regulation (EC) No 2160/2003. Some MS wished to keep the target to less than 1%. Other MS were concerned that the benefit would not be proportionate to the cost. The Commission representative pointed out that the extra burden is created by the MS because they requested confirmatory testing. The proposal will be further discussed at working group level.


The purpose of this proposal is to grant Romania a further transitional period of 2 years for compliance:
- by certain milk processing establishments with structural requirements;
- by certain milk processing establishments which are authorized to process both compliant and non-compliant milk, provided it is carried out on separate production lines;
- for raw milk not in compliance with the relevant hygiene requirements.

The Romanian delegate exposed the current situation in her country which justifies for an extension of the derogation granted under the Act of Accession of Bulgaria and Romania.


The purpose of this proposal is to grant Bulgaria a further transitional period of 18 months to comply with the requirements of Regulations (EC) Nos 852/2004 and 853/2004.

The Bulgarian delegate also outlined the state of play in his country to support his request for an extension of the transitional period.

Miscellaneous

Monitoring of lipophilic biotoxins in shellfish

The French delegate wished to draw the Commission's attention to the major problem of biotoxins surveillance arising in certain oyster regions. The mouse bioassay is the
official reference method for lipophilic biotoxins but it has shortcomings. Therefore there is a need to study alternative method to improve surveillance. The French Minister of Agriculture would like to organise a conference in September 2009 at EU level so as to examine the possibilities for alternatives. Furthermore a working group meeting will be held on 10 September where this issue will be discussed so as to provide more clarity. The Commission will rely on the opinions of the European Food Safety Authority on marine biotoxins: http://www.efsa.europa.eu/EFSA/efsa_locale-1178620753812_1211902812884.htm.

Eric Poudelet
Director
Protocol in case of CONFIRMED findings of SEM

- Raw materials
- De-shelled crustaceans

Strong indication of misuse
Presumption non-compliance
art.19 882/2004

Rationale:

Border Rejection-RASFF Border Rejection
Withdrawal from the market-RASFF notification

- Composite products
- Processed food
- Whole crustaceans (not de-shelled)

Risk of false positive results!
SEM not always linked to nitrofurazone

Action:

Confirmatory method
should be performed in the flesh (meat)

For composite or processed products
where it is not possible to differentiate the meat (flesh)

If result at or above 1 ppb

If result < 1 ppb
Comm Dec 2003/94

Where the result of analytical tests on products are below the MRLs laid down in Decision 2002/657/EC, the products will not be prohibited from entering the food chain. The information should be used as an indication of possible misuse of nitrofurazone. MS inform the Commission

Article 3 of Com. Dec.2006/34/EC
Where the results of analytical tests on products from the same origin show a recurrent pattern indicating a potential problem related to one or several prohibited for unauthorised substances, including for instance the recording of four or more confirmed results below the reference points for action for the same substance in imports from a particular origin within a period of six months, the competent authority shall inform the Commission and the other Member States in the Standing Committee on the Food Chain and Animal Health. The Commission shall bring the matter to the attention of the competent authority of the country of origin and shall make appropriate proposals.

SCOFAH 15.7.2009
DECLARATION DE VOTE DE LA BELGIQUE


La Belgique vote contre ce projet de Règlement pour les raisons suivantes

- elle ne peut pas approuver avec l’article 6 qui reporte l’obligation d’accréditation pour les laboratoires qui effectuent l’analyse officiel Trichines lors de l’expertise en abattoir ou en atelier de traitement de gibier ; cette prolongation défavorise la garantie de la qualité de ces analyses et donc la protection efficace de la santé des consommateurs ; elle défavorise également les laboratoires qui on investit des efforts et des moyens pour obtenir l’accréditation pour la fin de la période transitoire actuelle ; elle défavorise les États membres dans lesquelles ces efforts ont été faits et ont amenés l’autorité compétente à imposer des mesures strictes voire à la fermeture de certains laboratoires
- bien que le projet impose aux pays membres de rapporter chaque année sur le progrès réalisé, la Commission n’a pas pu expliquer ce qu’elle envisageait comme contenu précis ni suivi de ce rapport, qui reste, dans ces circonstances, une exercice sans engagement.
Finland voted against for the following reasons.

According to the draft text in Article 6 the possibility to derogate from the accreditation requirement applies only to laboratories located in a slaughterhouse or game handling establishment. Official *Trichinella* tests are undertaken in several other kinds of laboratories which in our view should all be able to benefit from the derogation in the same way as those situated in a slaughterhouse. The Commission Declaration covers some of these other laboratories, but not all, e.g. public or private laboratories operating in the field of food safety and environment protection. Some of these not doing any other official analyses in the food safety sector and thus having no requirement for accreditation, may find it attractive to offer *Trichinella* tests. In order to undertake or continue doing these, they will now have to be accredited by 1.1.2010.

Thus at the committee meeting we expressed the view that the words ‘and located in a slaughterhouse or game handling establishment’ be deleted from the first paragraph of Article 6.

We are very much in favour of having all official tests performed in accredited laboratories but at the same time operators in the laboratory network should be treated equally. Laboratories in small slaughterhouses will probably ultimately have no interest in accreditation and possibilities for doing the *Trichinella* tests elsewhere, in laboratories outside slaughterhouses, should be promoted. But now, on the contrary, due the limitations still imposed by the article and the declaration, the number of laboratories supplying *Trichinella* tests is expected to go down.


D’une façon globale, cet article a pour conséquence :

- la création d’une distorsion de concurrence entre les laboratoires bénéficiant de la nouvelle période transitoire et ceux n’en bénéficiant pas, avec des répercussions éventuelles,
  - au sein de chaque Etat membre, dû à la une différence tarifaire entre les 2 catégories de laboratoires,
  - entre États membres frontaliers, pour le même motif et dans le cadre de l’entrée en vigueur des dispositions de la directive 2006/123/CE relative aux services dans le marché intérieur qui peut potentiellement permettre aux laboratoires officiels d’un pays de rentrer en concurrence avec ceux de n’importe quel État membre ;
- la création d’un déséquilibre entre les États membres ayant fait l’effort de ne travailler qu’avec des laboratoires accrédités ou en cours d’accréditation ;
- de faire perdurer une situation qui, à maints égards, manque de clarté sur les attentes de la Commission vis à vis des conditions de réalisation des analyses officielles ; les autorités françaises se joignent à ce titre à la demande des autorités espagnoles qui ont demandé en réunion une note à la Commission afin de clarifier s’il
fallait accréditer les laboratoires pour les tests trichines en particulier ou le laboratoire en général ; cette question doit être abordée pour l'ensemble des analyses officielles.

La France n'était toutefois pas opposée à une nouvelle période transitoire afin de permettre aux États membres de se mettre en conformité avec les critères techniques prévus par le règlement 882/2004 sous réserve que cette dérogation

- soit accordée pour l'ensemble des laboratoires officiels réalisant des analyses de trichine,
- et pour une période de 2 ans seulement contre 4 ans prévus dans le projet, ce afin que le signal donné sur l'importance de la qualité des analyses réalisées soit clair pour tous les États membres.

Conclusion

Ce n’est pas à cette solution qu’ont abouti les discussions lors du CPCASA du 13 juillet. La distorsion de concurrence prévisible entre laboratoires associée à l’absence de définition des laboratoires concernés par cette nouvelle mesure transitoire ont donc conduit les autorités françaises à s’abstenir lors du vote.