SUMMARY RECORD OF THE
STANDING COMMITTEE ON THE FOOD CHAIN AND ANIMAL HEALTH
HELD ON 18 SEPTEMBER 2007 IN BRUSSELS
(Section Biological Safety of the Food Chain)
(Section Plant Protection Products – Legislation)

Chairman: Willem Daelman

All the Member States were present.

1. Note of the Commission dated 24 July 2007 to the members and observers of the Veterinary Pharmaceutical Committee (GG)

DG SANCO representative explained that the non-reference to honey in the re-designation ("cascade") provision of Directive 2001/82/EC has so far been interpreted as not available for bees. DG ENTR explained that on the request of France in particular they have sought a solution to address the non-availability of treatments for bee hives. Advice of the Commission Legal Service suggested that the "cascade" provision may nevertheless be applicable for the treatment of bees. DG ENTR informed the members of the Veterinary Pharmaceutical Committee of the result of the consultation (copy distributed to SCFCAH).

Attention was drawn to the fact that substances applied to bee hives are not actively metabolised and are only subject to chemical degradation. Studies of the UK Central Science Laboratory (copy distributed to SCFCAH) show that substantial residues (e.g. 160000 µg/kg of tylosin) can be found in honey 3 weeks after treatment. It was emphasised that under these circumstances honey from treated hives would have to be excluded from human consumption.

2. Oral report from Portugal on their 2007 Residue monitoring plan (Directive 96/23/EC) (GG)

The Commission explained that formal approval by the Member States (MS) of the Portuguese National Residue Plan for the year 2007 could not be recommended (according to Article 8 of Council Directive 96/23/EC). This is due to deficiencies in the Portuguese National Residue Monitoring Plans for 2006 and 2007 concerning sampling and laboratory accreditation.

Portugal presented the efforts made since 1 August 2007 to fulfil the above-mentioned requirements. The first step was a clarification of competences. Thus in the future the Veterinary General Direction (VGD) now establishes the plan; the Economy and Food Safety Standard Authority (ASAE) takes the samples and the National Laboratory (LNIV) analyses the samples.

An accreditation audit against ISO 17025 of the LNIV is foreseen for autumn 2007. In the meantime an ISO 9001:2000 certification has been achieved and methods of analysis for substances listed under Group A of Annex I to Council Directive 96/23/EC have been validated according to Commission Decision 2002/657/EC.
On the request of Belgium, it was confirmed that MS may employ the services of accredited laboratories in other MS if these are not available nationally.

The Commission will keep the development in Portugal under close observation and propose formal approval under Council Directive 96/23/EC for the year 2007 if requirements are satisfactorily met.

3. Information to the Member States on proposed payments to be made in the framework of the 2006 TSE Monitoring and Eradication Programmes (1st batch) (AW)

The Commission presented the proposed payments towards the 2006 TSE eradication and monitoring programmes. The Danish delegate asked whether it would be possible to reallocate unspent funds to Denmark where 3 cases of scrapie were declared at the end of 2006. In virtue of Decision 912/2006/EC of 8 December 2006 as regards the reallocation of the Community’s financial contribution to certain Member States for their programmes for the eradication and monitoring of animal diseases and for checks aimed at the prevention of zoonoses for 2006, the 2006 reallocation exercise is completed and for internal budgetary reasons it is not possible anymore to grant Denmark funding for 2006.


The Commission presented a proposal from the European Federation of Bottled Waters to develop a Community guide to good practices for the bottling of water. Such a guide would assist the bottled water sector to better implement the requirements related to hygiene and food safety as laid down in the European legislation. Existing national guides will be used as a work basis. The committee was asked to give the green light to this initiative and gave a positive response.

5. Progress report on a Commission initiative setting out requirements for accreditation and market surveillance relating to the marketing of products (WD) (see point 9 of the 24-25 April SCFCAH and point 3 of the 19 June SCFCAH)

DG Enterprise is developing two proposals to establish a market surveillance programme for products, covering the same ground as Regulations (EC) No 178/2002 (the General Food Law) and (EC) No 882/2004 (Official feed and food controls). The proposal excludes the areas of General Food Law and of Official Feed and Food Controls are excluded from the scope of these proposals. The chairman asked the Member States to liaise with colleagues in their competent ministries so as to ensure proper coordination during the institutional debates. On the issue of accreditation, DG Enterprise proposes a harmonised accreditation system which DG Sanco could consider acceptable.

6. Exchange of views and possible opinion of the committee on a draft Commission Regulation amending Regulations (EC) No 2076/2002 as regards the extension of
the time period referred to in Article 8(2) of Council Directive 91/414/EEC with respect to metalaxyl and (EC) No 2024/2006 as regards the deletion of the derogation concerning metalaxyl (SANCO/2387/2007 Rev. 2) (PP)

Directive 91/414/EEC concerning the placing of plant protection products on the market sets up a harmonised framework for the authorisation and placing on the market of plant protection products. Article 8(2) of this Directive provides for a review programme of 12 years for the gradual examination of active substances which were present on the market two years after the adoption of the Directive. Such active substances were allocated into 4 stages of the above mentioned review programme. Metalaxyl was one of the active substances included in the first stage. Regulation (EC) No 2076/2002 extended the time period for the review programme for the first stage substances until 31 December 2006.


The notifier IQV appealed and the Court of Justice of the European Communities, in its judgment of 18 July 2007 on the case C-326/05 P, annulled Commission Decision 2003/308/EC of 2 May 2003. Therefore the Commission has to take the necessary measures to comply with the judgment of the Court of Justice.

As a first step it is necessary to extend the deadline foreseen in Regulation (EC) No 2076/2002 for metalaxyl to permit Member States to authorise again plant protection products containing such active substance and to allow for the assessment by the Commission of metalaxyl. Further details for the assessment procedure on metalaxyl will have to be defined in a specific act at a later stage.

This draft Regulation extends the deadline for metalaxyl to 30 June 2010. This should allow for the completion of the assessment and decision making on metalaxyl.

The United Kingdom and the Czech Republic considered the act incomplete with respect to the Court judgement on paraquat. The commission pointed out that the paraquat case was very much different since it concerns an inclusion decision, which was annulled last week by the Court of Justice. The judgement referred not only to procedural aspects but also to the safety of the substance.

Vote: in favour by qualified majority, 41 votes abstaining

7. Exchange of views and possible opinion of the committee on a draft Commission Decision regarding the financing of expenditure for the establishment of a tissue bank to be used as reference material for evaluating rapid diagnostic tests for TSE (SANCO/2347/2007) (MP) (Legal basis: Council Decision 90/424/EEC)

Additional tests for the diagnosis of TSE are at an advanced stage of development in several laboratories for which the Commission wishes to launch a new round of evaluation. This will help to improve Community veterinary legislation, as effective new tests for the detection of TSE in ruminants, which are likely to offer higher performance, could be used if they pass the evaluation.

Before launching the new round, a tissue bank has to be set up for use as a reference material for the evaluation of the tests. The Joint Research Centre of the Commission - Institute for Reference Materials and Measurements (JRC-IRMM) has the necessary
scientific and technical expertise and has offered to perform this work. A Community financial contribution should therefore be awarded to the JRC-IRMM for the implementation of this project.
In reply to Sweden, the Commission clarified that the contribution for a tissue bank of ovine and caprine origin (1,131,359 €) amounts to much more than of bovine origin (403,873 €) because the former concerned 2 species constituted by different types and strains and the latter only 1 species with 1 strain allowing for standardised work.

Vote: in favour at unanimity


Regulation (EC) No 999/2001 lays down the TSE related import requirements of live bovine animals and products of bovine, ovine and caprine origin.
The proposal is intended to amend Annex IX to Regulation (EC) 999/2001 in order to define the import requirements of treated intestines related to the BSE risk status of the exporting country included the requirement relating to the sourcing of the intestines from countries or regions with a negligible BSE risk.
France and Ireland enquired about the public health guarantees as regards non-treated intestines. The Commission explained that raw material is covered under the definition of fresh meat. For fresh intestines the TSE Regulation applies, meaning that it falls under the specified risk material and is prohibited for import.
In reply to Germany, the Commission included the reference to Member States when referring to the categorisation of countries according their BSE risk.

Vote: in favour at unanimity


The chairman announced that due to procedural reasons the vote on this proposal is postponed to the SCFCAH of 2-3 October 2007, Animal health section. At the last working group meeting, the Member States (MS) have reached a common position on the proposal.
On the basis of the opinion of the European Food Safety Authority (EFSA) of 19 April 2007 (http://www.efsa.europa.eu/EFSA/efsalocale-1178620753812_1178620774854.htm), it is appropriate to review the age limit for the removal of certain specified risk materials in bovine animals, in particular as regards the vertebral column. The age limit for removing vertebral column including dorsal root ganglia can then be increased from 24 to 30 months. As a consequence the definition of specified risk material in Annex V to Regulation (EC) No 999/2001 should be amended.
The Commission indicated that any future change regarding specified risk materials has to follow the same procedure, i.e. prior consultation of the EFSA. The committee was asked to give its position on this proposal. The Commission took note of the unanimous support of the MS.


Regulation (EC) No 2160/2003 (the zoonoses control Regulation) lays down restrictions on the placing on the market of table eggs from 13 December 2009 on. However, a baseline study on the prevalence of Salmonella in laying hens demonstrated a high prevalence of Salmonella in flocks of laying hens in several Member States. Additionally, very limited information is available on the prevalence of Salmonella in flocks of layers in third countries.

In view of the outcome of the baseline study, the purpose of the current draft proposal is

• to introduce trade restrictions immediately from flocks of layers incriminated of having caused a Salmonella outbreak in humans, and

• bring forwards the date from which trade restrictions apply to eggs from all flocks with an unknown health status, that are suspected of being infected or from flocks infected by Salmonella Enteritidis or Salmonella Typhimurium, to 1 January 2009.

Provisions on marking of eggs and the import certificate for eggs should also be amended to guarantee the correct implementation of the restriction and equivalent guarantees of third countries.

This proposal has received a technical agreement at the 24 May SCFCAH and has been submitted to the SPS Committee at the WTO in Geneva. Comments were received from the United States on the marking of eggs that come from (suspected to be) infected flocks, as well as on the equivalency of safety measures.

Comments from some Member States (MS) on the linguistic versions have been taken into account. MS can still rapidly send in their comments on the translations.

The Polish delegation expressed its concerns on the proposal and requested the date of application to be from 1 January 2010.

Vote: in favour by qualified majority, 27 votes abstaining
11. Miscellaneous / Divers

- The Italian and Austrian delegates raised the issue of **imports of food products from China** and requested to add it to the agenda of a forthcoming standing committee. The chairman suggested submitting the request to DG SANCO hierarchy for a possible inclusion on the agenda of 16-17 October SCFCAH.

*(signed)*
Eric Poutelet
Acting for the Director