1. **Draft Commission Decision amending the Appendix B to Annex XII to the 2003 Act of Accession as regards certain establishments in the meat, milk and fish sectors in Poland (Document SANCO/10359/2005)**

The Polish competent authorities have officially declared that certain establishments in the fish, meat and milk sectors have completed their upgrading process and are now in full compliance with Community legislation. Two establishments have ceased their activities; two other ones have applied for reclassification from high capacity to low capacity establishment. This proposal intends to delete these establishments from the list of establishments in transition.

2. **Russian import conditions for animals and products of animal origin. (See point 3 of the 17 December 2004 SCFCAH and point 2 of the 19 October 2004, 18 January, 16 February, 16 March, 21 April, 24 May and 21-22 June 2005 SCFCAHs)**

The Commission has received complaints from Russia on frauds of all kinds of products at risk which do not fulfil Community animal health requirements and have transited through Community territories, such as Chinese pig meat and poultry, Indian buffalo meat. Until 1 January 2005, such products could still be stored in the Community in customs warehouses and free warehouses. If introduced before that date such products must leave the EU territories by the 1 January 2006. Russia fears that many of them will end up on its territory without sufficient control.

Member States were requested to supervise these warehouses closely and to inform the Commission (see fax D/521679 sent to the Chief Veterinary Officers of all the Member States on 23 September 2005) on the products and quantities stored. A Commission Decision foreseeing the conditions for imports and/or transit of such products to/through a third country will be presented for vote at the SCFCAH of 5 October 2005, Animal Health and Welfare section.

The problem of products illegally stored, i.e. introduced after the 1 January 2005, has still to be solved.

This proposal (Document SANCO/2535/2005 Rev. 1) is the result of intensive discussion with the Member States. It constitutes the regulatory text including all permanent measures, i.e. the implementing measures, a derogation on traditional products and the amendments to the basic hygiene Regulations Nos 852/2004, 853/2004, 854/2004 and 882/2004.

MS gave further comments mainly on 2 issues: marine biotoxins (article 3, annex III) and fish of the Gempylidae family (recital 22, annex VIII).

Some delegations were concerned about the way alternative methods for detecting marine biotoxins can be validated.

The Commission made the following declaration on marine biotoxins:

“Testing methods for detection of marine biotoxins must be able to provide a high level of public health protection. The Commission notes that currently, because of the lack of reference materials for the detection of marine biotoxins in live bivalve molluscs, the use of non bio-assay tests only does not ensure in respect of all toxins prescribed an equivalent level of public health protection to the level afforded by biological tests. However, scientific discussion at international level has shown that biological tests have certain limitations. The Commission is aware that some Member States are concerned, for animal welfare and public health protection reasons, about the application of these tests for detecting certain marine biotoxins. The Commission reiterates its commitment to replace the biological methods as soon as alternative internationally/EU validated methods, giving the same level of public health protection, are available.

The Commission is aware that an internationally validated method for the detection of PSP toxins will be soon available.

EFSA has been requested by a Member State to provide a scientific opinion on the subject.

An amendment to the current legislation on the detection of marine biotoxins will, if appropriate, be proposed by the Commission to the college on the basis of the EFSA opinion and of the availability of an internationally/EU validated method.”

The German delegation wished to add its own declaration to this issue (official translation):

“STATEMENT BY THE GERMAN DELEGATION REGARDING SANCO/2535/2005 REV. 1

Setting aside its serious concerns about the provisions of Article 3 in conjunction with Annex III, Germany agrees to the draft Regulation laying down implementing measures (SANCO/2535/2005 Rev. 1) in order not to jeopardise the overall project which has been achieved after lengthy consultation.
However, Germany still takes the view that the provisions of Article 3 in conjunction with Annex III do not safeguard the interests of preventive consumer health protection and animal welfare. Those provisions should therefore be adapted to the state of the art without delay.”

On the Gempylidae issue, the Spanish delegation considered that it should not be up to the consumer to take the appropriate measures when preparing these species of fish in order to avoid possible adverse gastrointestinal effects; and made the following declaration (official translation):

“STATEMENT BY THE SPANISH DELEGATION ON VOTING AGAINST DOCUMENT SANCO/2535/2005 REV. 1

The Spanish delegation is voting against the proposal for the following reasons:

We are not in favour of maintaining the placing on the market of fish species belonging to the family Gempylidae (Ruvettus pretiosus and Lepidocybium flavobrunneum).

The document proposes placing these species on the market, using the labelling to warn customers of the risk they pose.

Fish is regularly eaten in Spain in large quantities by the general population. As indicated in the EFSA report, it has not been possible to establish an intake level for the above species of the family Gempylidae which would not give rise to adverse effects. The report also points out that the range of symptoms observed after consumption of such fish develops quickly and may be serious.

The normal conditions of use of fish by consumers do not require a procedure similar to the one mentioned in the above report for preventing adverse reactions to these species. As a result, consumers are not used to taking such precautions, nor to the labelling’s stating specific conditions on rendering safe the food which they are going to eat. Consequently, use of labelling is not, in this case, considered to adequately manage the risk since it transfers to the consumer a responsibility which, in the majority of cases, he is unable to assume.

In addition, as regards information on the food chain, the Spanish delegation has pointed out on various occasions that the necessary harmonisation has not been achieved for exchanges to be made as smoothly as required. Since the text stipulates that the minimum information requirements on the food chain are to be established by Member States’ competent authorities, this creates 25 different exchange situations for each animal species. This makes it extremely difficult to check that these provisions are implemented properly and encourages differences in the requirements stipulated by the various Member States which can trigger serious trade distortions and subsequent unrest in the sector”

After discussion and further amendments, the committee was asked to vote on Document SANCO/2535/2005 Rev. 3.

Vote: 287 votes in favour, 27 votes against, 7 votes absent (qualified majority)
Exchange of views on the associated document on the technical specifications in relation to the master list of lists and the lists of approved food establishments (Document SANCO/2179/2005) (See point 7 of 21-22 June 2005, point 13 of 19-20 July 2005 and point 1 of 14 September 2005 SCFCAH’s)

The above proposal is associated to a document providing technical specifications intended to harmonise and codify the presentation of lists of approved food establishments. Food establishments are divided into sections, where distinction is made between all the different types of activities. A master layout for individual lists of approved establishments, as well as activity and species codes to be used, are specified. This working paper is meant to be made available to all Member States and to the public through publication on the European Food Safety website (http://europa.eu.int/comm/food/index_en.htm). After publication, amendments can be made and the document updated at anytime in order to bring as much precision as possible.

The Commission will take into account the Member States’ comments in an updated version and further consult them by e-mail.


The Commission explained the reasons why the quality criteria for minced meat were re-introduced into this proposal laying down transitional arrangements for the implementation of the hygiene Regulations. The French Minister for Economy and Consumer Affairs sent the Commissioner a letter pointing out the risks incurred for the health of the consumers if these criteria were not maintained. Setting maximum levels of fat for each type of minced meat is highly important with regard to the fight against obesity and cardiovascular diseases. In the same way protein rates (collagen) should be regulated in order to diminish the risks of dietary imbalance. Comments received from the European Consumers’ Organisation (BEUC-Bureau European des Unions de Consommateurs) expressed the same concerns. Most delegations agreed on the necessity to specify these criteria but also insisted that hygiene legislation was not the adequate legal framework. Many Member States were still willing to accept the draft considering these norms are only transitional measures until they are taken over into a more appropriate legislation.

In the afternoon, Revision 3 of this document, taking into account further comments from several Member States, was presented to the Committee. The following Commission declaration on compositional criteria for minced meat was also distributed:

“The Commission will examine as soon as possible the possibility to establish requirements on the composition of minced meat under the appropriate legal basis. For that purpose, the Commission will organise a large consultation including stakeholders, consumers and Member States.”
Due to remaining concerns from several delegations, the chairman decided to further discuss this point in the next SCFCAH of 5 October 2005, Animal Health and Welfare section.


The Commission presented a proposal (Document SANCO/2537/2005 Rev. 1), revised on the basis of comments from several Member States, but not from the Finish and Swedish delegations which were transmitted at too short notice and where the reasons for voting against the current proposal were exposed. The main change lies in Article 2.2.b which allows carcases to be sent to a cutting plant attached or not to the slaughterhouse, and cut up into more than six parts under certain conditions.

The Commission made the following declaration on the trichinoscopic method:

“The Commission realises that the trichinoscopic method is used for the examination of a small number of animals slaughtered in areas with small production structures and areas with natural or structural disadvantages. Therefore, the Commission undertakes to reassess before the end of the transitional period the use of this method in the light of relevant information provided by Member States, keeping in mind consumer health and safety.”

After further discussion and amendments, the Commission asked the committee to vote on Rev. 2 of the proposal.

**Vote: 297 votes in favour, 17 votes against, 7 votes absent (qualified majority)**

6. **Exchange of views and possibly opinion of the Committee on a draft Commission decision amending Decision 2003/322/EC as regards the feeding of certain necrophagous birds with certain category 1 material (Document SANCO/1525/2005) (Legal basis: Art. 23 (2) (d) of Regulation (EC) No 1774/2002) (Right of scrutiny of the European Parliament)**

This proposal facilitates the feeding by certain Member States of certain necrophagous birds, in particular of endangered or protected species, with certain Category 1 material. It limits the proportion of ovine and caprine animals intended to be used for feeding (at least 4%) which have to be tested for transmissible spongiform encephalopathies with a negative result prior to their use.

**Vote: 314 votes in favour, 7 votes absent (qualified majority)**
7. Exchange of views and possibly opinion of the Committee on a draft Commission decision amending Decision 1997/569/EC as regards the inclusion of one establishment in South Africa in provisional lists of third country establishments from which Member States are authorised to import meat products (Document SANCO/1374/2005 Rev. 1) (Legal basis: Council Directive 95/408/EC) (Right of scrutiny of the European Parliament)

As the South African authorities have certified that one particular establishment producing meat products complies with Community rules, that establishment may be included in the provisional lists of establishments in third countries from which the Member States are authorised to import meat products. However, on-the-spot inspections not having taken place, such imports are not eligible for reduced physical checks.

Vote: 307 votes in favour, 14 votes absent (qualified majority)


This proposal defines the microbiological criteria for foodstuffs to be used as an integral part of the implementation of hazard analysis and critical point (HACCP)-based procedures and other hygiene control measures. It received a favourable technical vote (qualified majority) at the SCFCAH of 21-22 June 2005. On 19 July 2005 it was sent to the World Trade Organisation for consultation under sanitary and phytosanitary procedures. Within the 60 days’ notice for comments, the Commission replied to the comments submitted by the USA, Canada, Brazil and Australia. The draft was then translated into all Community languages and all linguistic versions were transmitted to the Member States (MS). The Commission asked MS to take a formal vote on the final text. MS pointed out linguistic problems in some versions and were asked by the chairman to send the Commission their corrections.

The Belgian delegation pointed out the need for the Commission to consult the European Food Safety Authority in relation to salmonella in minced meat, meat preparations and meat products, as it has officially declared at the SCFCAH of 21-22 June 2005. Furthermore the Belgian delegation made the following declaration (official translation):

“Explanation of Belgium’s abstention from voting on the draft Commission Regulation on microbiological criteria for foodstuffs

Belgium acknowledges the merits of document SANCO/4198/2001 Rev 20 on microbiological criteria for foodstuffs.

However, imposing from 1 January 2006 the criteria contained in Annex I, 1.5, 1.6, 1.7, and 1.9 does not logically fit in with the process criteria contained in points 2.1.3, 2.1.4 and 2.1.5 - which to a certain extent accept the presence of Salmonella on carcasses - or with Regulation (EC) No 2160/2003 which – in the context of controlling Salmonella in animals – sets dates beyond 2006 for achieving the objectives.
The proposed criteria for meat preparations and minced meat do not take that into account and Belgium also does not regard them as realistic in practice, particularly since they concern foodstuffs which are “intended to be eaten cooked”.

The derogation possible under Article 8 of the draft for trade on national territory offers virtually no consolation for the Belgian poultry meat sector, given the relatively small domestic market compared to production – which is largely intended for sale on the European internal market.

That is why Belgium abstained from the vote on SANCO/4198/2001 Rev 20 on 23 September 2005 in the Standing Committee, just as it did from the technical vote in the session on 21 and 22 June 2005.”

At the Danish request, the Commission provided some clarification on the status of national criteria. On the one hand, process hygiene criteria can continue to exist since they apply only to companies at national level and therefore do not pose any problem at intra-Community level. On the other hand, two options are possible for food safety criteria. If they are included in an Annex to the Regulation, they could apply to all products, including those traded between Member States. If they are only notified, they will apply only to national products.

Vote: 260 votes in favour, 29 votes against, 25 votes abstention, 7 votes absent (qualified majority)


Until present, five processes are approved by the Commission as alternative means for disposal or uses of animal by-products. In particular, the European Food Safety Authority has concluded in an extended evaluation that the biodiesel process and the process of combustion of tallow were safe means of disposal and use of animal by-products. Furthermore a number of modified process parameters have been developed which can be used for the final stages of the processes of biodiesel production and combustion of tallow in a thermal boiler. This proposal facilitates the use of biodiesel as an alternative fuel by exempting it from the marking obligation. The vote on this proposal is foreseen on the SCFCAH of 18 October 2005, Biological Safety section.


This document was not discussed. The Commission asked the Member States to send their comments by e-mail.

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12. Discussion and possibly reaching of a consensus on the “Guidance document on the implementation of procedures based on the HACCP principles and on the facilitation of the implementation of the HACCP principles in certain food businesses” (Document SANCO/1955/2005) (See point 10 of the SCFCAH of 21-22 June 2005)

This document was not discussed. The Commission asked the Member States to send their comments by e-mail.

13. Miscellaneous

- Transit and transport of horses and donkeys from Bulgaria
  
The Italian delegation inquired about the status of the transit and transport of horses and donkeys from Bulgaria. As Bulgaria does not have a residue control plan, they cannot be authorised as a third country to export the Member States. The Commission has sent the Bulgarian authority a letter requesting them to have a residue control plan approved.

- Tests for TSE on goats
  
The Dutch delegation was concerned about the extension of the testing period at first foreseen to last 6 months. The Commission explained that test results of the first part of 2005 not being conclusive, it was decided to continue carrying out tests for BSE on goats until end 2005, with co-financing from the Commission up to a maximum of 30€/test. Discussions are to take place to decide whether to maintain the tests in 2006 as well.