SHORT REPORT
OF THE
STANDING COMMITTEE ON THE FOOD CHAIN AND ANIMAL HEALTH
HELD IN BRUSSELS ON 15-16 APRIL 2003
(Section Biological Safety of the Food Chain)
(Section Controls and Import Conditions)

President: Mr. Eric Poudélet for points 1-2a & 3-6; Ms Patricia Brunko for point 2b & 7;
All the Member States were present.

1. Presentation of the report on the monitoring and testing of ruminants for the presence of TSE in 2002

The Commission presented the preliminary draft Report on the Monitoring and Testing of Ruminants for the Presence of Transmissible Spongiform Encephalopathy (TSE) in 2002. This report provides an overview of the results of the surveillance in 2002 similar to the corresponding report for 2001. Apart from some minor changes, the monitoring programme in bovine animals has remained the same since July 2001. It has therefore been possible to evaluate the evolution over one year by comparing the results of the last semester of 2001 to the corresponding results of 2002. Comparisons can also be made between the 2001 and 2002 results within the same target group (e.g. healthy slaughtered cattle) and, preferably, within the same age group. The overall comparisons seem to indicate that the overall BSE situation is improving, proving that the measures taken in the past are having some effects. The Commission further announced that this preliminary draft report would be discussed in Working Group on 05 May 2003.

2. Distribution for information / Distribution pour information:

- Report of a mission carried out in the Czech Republic from 24 to 28 February 2003 in order to evaluate the implementation of certain measures aimed at the eradication, control and prevention of bovine spongiform encephalopathies (BSE) and the system of controls applied in the sector of animal nutrition (DG(SANCO)/9007/2003)

- Report of a mission carried out in Slovenia from 17 to 21 February 2003 in order to evaluate the implementation of certain measures aimed at the eradication, control and prevention of bovine spongiform encephalopathies (BSE) and the system of controls applied in the sector of animal nutrition (DG(SANCO)/9008/2003)

- Report of a mission carried out in Estonia from 25 February to 1 March 2003 in order to evaluate the implementation of certain measures aimed at the eradication, control and prevention of bovine spongiform encephalopathies (BSE) and the
system of controls applied in the sector of animal nutrition (DG(SANCO)/9009/2003)

- Report of a mission carried out in the Slovak Republic from 3 to 7 March 2003 in order to review the plan submitted by the Slovak authorities for the upgrading of fishery products and poultry meat establishments (DG(SANCO)/9070/2003)

2.a Community Reference Laboratories in the field of veterinary public health (biological hazards and residues): Observation of the time limits laid down for the introduction of the financial statement and the technical report, as foreseen in Article 7 of Commission Decision 2002/206/EC of 11 March 2002 (biological hazards) and in Article 5 of Commission Decision 2002/547/EC of 05 July 2002 (residues)

The Commission distributed a document outlining the time limits laid down for the introduction of financial statements and technical reports by community reference laboratories.

The Commission informed the Member States that, even though documents needed to be sent by 31 March 2003, fines will only be applied after 30 April 2003 to the laboratories still missing a report or financial statement. Documents sent by e-mail were accepted exceptionally. Nevertheless, from 2004 onwards, all documents will have to arrive officially.

2.b Information on the part of the Portuguese authorities on the contamination of certain rearings of poultry by nitrofuranes

The Portuguese delegation presented an update of the situation following the discovery of illegal use of nitrofurans in poultry farms in Portugal. The results from sampling are becoming progressively available.

A second round of controls of animals, feed and drinking water was undertaken on the farms which were found positive through the implementation of the residue monitoring plan; 31/75 of these farms were now confirmed positive.

From the other farms, 82/431 samples were confirmed positive.

Tests in 41 pig farms, 24 rabbit farms and 15 aquaculture farms had also given negative results.

As regards exports to third countries, Portugal confirmed that they only took place with a certificate.

Member States again expressed strong interest in the origin of the nitrofurans, but Portugal said that this was covered by judicial secrecy. The Commission insisted that the Portuguese authorities should request the judicial authorities to supply the information relevant to health protection without delay, as it could not be justified to withhold such information until the judicial enquiry was completed.
Portugal works with analytical methods that are validated to achieve the minimum required performance limit (MRPL) of 1 µg/kg. In this case, results below this value are not sufficiently statistically secured to reach the 99% confidence required in Decision 2002/657/EC. The Commission confirmed that according to Article 6 of Decision 2002/657/EC results that are not sufficiently statistically secured are to be considered as compliant.


The Commission presented to the Member States a draft Regulation amending Regulation (EC) No 999/2001 setting out a list of national reference laboratories and a list of rapid tests approved for Transmissible Spongiform Encephalopathies (TSE) monitoring. Amendments concern a change in the Greek national reference laboratory, a change of name of the former Biop-Rad Platelia test into Bio-Rad TeSeE test and the adding of two news tests (Prionics-Check LIA test and InPro CDI-5 test), following the 06 and 07 March 2003 opinion of the Scientific Steering Committee. In addition, specific rules are laid down in case the initial protocol of an approved test is modified.

Vote: Unanimous vote in favour


The Commission presented to the Member States a draft Decision granting to Sweden the authorisation to perform warm cutting of bovine and pig carcases under certain conditions.

Vote: Unanimous vote in favour


5.2 Draft Commission Decision on transitional measures under Regulation (EC) No 1774/2002 as regards the use in feed of used cooking oil (Document SANCO/1554/2003)

5.3 Draft Commission Decision on transitional measures under Regulation (EC) No 1774/2002 as regards the separation of Category 2 and Category 3 oleo-chemical plants (Document SANCO/1551/2003)

5.4 Draft Commission Decision on transitional measures under Regulation (EC) No 1774/2002 as regards the separation of Category 1, 2 and 3 processing plants (Document SANCO/1552/2003)

5.5 Draft Commission Decision on transitional measures under Regulation (EC) No 1774/2002 as regards the low capacity incineration or co-incineration plants which do not incinerate or co-incinerate specified risk material or carcasses containing them (Document SANCO/1550/2003)


5.7 Draft Commission Decision on transitional measures under Regulation (EC) No 1774/2002 as regards the processing standards for Category 3 material used in composting plants (Document SANCO/1543/2003)

5.8 Draft Commission Decision on transitional measures under Regulation (EC) No 1774/2002 as regards processing standards for Category 3 material used in biogas plants (Document SANCO/1539/2003)

5.9 Draft Commission Decision on transitional measures under Regulation (EC) No 1774/2002 as regards the processing standards for mammalian blood (Document SANCO/1540/2003)

5.10 Draft Commission Decision on transitional measures under Regulation (EC) No 1774/2002 as regards the material collected when treating wastewater (Document SANCO/1555/2003)

5.11 Draft Commission Decision on transitional measures under Regulation (EC) No 1774/2002 as regards the total separation of Category 1 and 2 materials from Category 3 material in intermediate plants (Document SANCO/1547/2003)


5.14 Draft Commission Decision on permanent implementing measures pursuant to Article 22(2) of Regulation (EC) No 1774/2002 as regards derogation for the intra-species recycling for fur animals (Document SANCO/1545/2003)

5.15 Draft Commission Decision on permanent implementing measures pursuant to Article 23(2) of Regulation (EC) No 1774/2002 as regards derogation for the feeding of endangered or protected species of necrophagous birds with certain Category 1 materials (Document SANCO/1549/2003)

5.16 Draft Commission Regulation on permanent implementing measures pursuant to Articles 22(2) and 24(6) as regards intra-species recycling for fish and burial and burning and on transitional measures under Regulation (EC) No 1774/2002 as regards fish intra-species recycling (Document SANCO/1541/2003)


- Some delegations expressed the concern that in case of emergency and crisis situations, it might not be possible in practice to fully respect both environmental and sanitary requirements while securing control of the disease.

To that effect, one delegation proposed to replace the words “to avoid” (risks to the environment) by the words “to minimise”. The Commission explained that the expression “taking into account” (environmental legislation) was already meant to address this problem, and accepted the proposal to use the terms “to minimise to an extent compatible with public order considerations” with the view to highlight that in case of crisis, Member states could always have recourse to the authority given to them to maintain public order and take emergency decisions, which can then be justified in the Community legal order by invoking Art 30 of the Treaty.

- Answering the concerns expressed by some delegations, the Commission confirms that, for “technical” products that are excluded from the field of application of TSE Regulation 999/2001 because of their exclusion from the food chain, import conditions stay unchanged in the proposed transitory period (31 December 2003).
- Answering the concerns expressed by some delegations, the Commission confirms that, with the exception of explicitly established trade restrictions regarding the derogatory and transitory use of catering wastes and used oils, products and live animals coming from the establishments concerned by the proposed transitory measures could be traded without restriction inside the Community, as long as they are in conformity with the transitory measures in question.

- Answering the concern expressed by one delegation, that the individual approval of registered farms could be too cumbersome if individual inspections had to be systematically conducted prior to approval, and following a comment made by another delegation, the Commission confirmed that, although its preference was in favour of such prior inspections, there text proposed did not forbid the possibility for the Member State to approve a farm without prior inspection, if the other conditions of the Decision were fulfilled, and the person responsible to which the approval is given had undertaken in advance and in a legally binding document, to fulfil and maintain all the requirements provided for by the Decision for which he or she is to be held responsible.

Vote: 79 vote in favour, 8 votes against (qualified majority)

Commission Declaration (1):

Articles 4(2)(e), 5(2)(g) and 6(2)(i) of Regulation (EC) No 1774/2002 (alternative means of disposal or use of animal by-products)

“Articles 4(2)(e), 5(2)(g) and 6(2)(i) of Regulation (EC) No 1774/2002 provide for the possibility to approve alternative means of disposal and ways of using Category 1, 2 and 3 animal by-products respectively, following consultation of the appropriate scientific committee.

The Commission has received applications for approval of such alternative processes and has requested an opinion from the Scientific Steering Committee (SSC). On the basis of the submitted information the SSC adopted on 10-11 April 2003 an “Opinion on six alternative methods for safe disposal of animal by-products”. According to this opinion five methods are regarded as safe for the disposal or use of animal by-products of Categories 2 and 3 under certain conditions. These five methods are:

1) High pressure high temperature hydrolysis
2) High pressure hydrolysis biogas process
3) Biodiesel production
4) Brookes gasification system
5) Combustion of tallow in a thermal boiler

The Commission undertakes to analyse the SSC opinion in detail and to present to the next Standing Committee on the Food Chain and Animal Health a proposal approving the five methods above.
Consequently, on the basis of the favourable opinion of the SSC, and without prejudice to environmental legislation, the Commission can agree that Member States may allow continuation of the operation of the methods listed above for the disposal or use of animal by-products of Categories 2 and 3, pending their approval by the Commission, provided that:

1) The alternative methods are approved by the competent authority following adequate validation procedures; and
2) The premises and facilities and the operational standards of the alternative methods meet the recommendations in the aforementioned SSC opinion.

The proposal to be presented to the next SCFCAH will also include measures concerning the combustion of tallow derived from Category 1 animal by-products, pending further risk assessment by the SSC in the light of new data to be submitted by the industry. In the meantime, without prejudice to environmental legislation, tallow derived from Category 1 animal by-products may be used for biodiesel production or combustion in a thermal boiler, following pressure-cooking using method 1 of the Regulation and purification in such a way that the maximum levels of remaining total insoluble impurities does not exceed 0.15 % in weight.”

Commission Declaration (2):

Article 22 (2) of Regulation (EC) No 1774/2002 (application of organic fertilisers or soil improvers to pastureland)

“This Article 22(1)(c) of Regulation (EC) No 1774/2002 prohibits the application to pastureland of organic fertiliser or soil improvers, other than manure. Pastureland is defined in Annex I, point 39 as “land covered by grass or other herbage and grazed by farmed animals”. This prohibition is in line with the current EU ban on the feeding of meat and bone meal, and is further intended to avoid possible contamination risks that may be related to direct grazing or use of grass as silage or hay by farmed animals, from pastureland where meat and bone meal could be present.

Article 22(2) provides that detailed implementing rules will be fixed by comitology following scientific advice. The Commission will seek the opinion of the EFSA before the end of 2003 on the conditions under which the spreading of organic fertilisers and soil improvers on pastureland can be done safely, and will propose rules as soon as the opinion is released. The proposals will cover the conditions of use for the different material concerned and in particular for certain organic fertilisers such as compost and/or digestion residues. They will also include the minimum [waiting] periods after which the grazing may be allowed after spreading a given material.

However, consideration should be given to the following facts:
The identification of such minimum [waiting] periods is actually necessary to the proper interpretation of the definition of “pastureland” given by the Regulation;

The Regulation (Article 5(2)(e)) allows the application to land of manure, digestive tract content separated from the digestive tract, milk and colostrum, if the competent authority does not consider them to present a risk of spreading any serious transmissible disease;

The Regulation classifies former foodstuff of animal origin other than catering waste and not presenting a risk to human or animal health as category 3 material, which can thus be transformed in composting or biogas plants;

The Scientific Committee on toxicity, ecotoxicity and the environment (CSTEE) has delivered an opinion on 24 April 2001 on a study concerning the “Evaluation of sludge treatments for pathogen reduction”, which is relevant to the use on land of the materials considered above.

Therefore, pending the adoption of the detailed implementing rules mentioned above, based on the opinion by the CSTEE, and considering the terms of articles 5(2)(e) and 6(2)(f), the Commission can accept that, in line with that opinion, Member States may continue to allow the spreading on pastureland of digestion residues and compost as referred to in article 5(2)(e) and article 6(2)(f), providing that farmed animals are not allowed to graze for at least three weeks, until implementation measures are harmonised, and subject to the condition that the competent authority supervises effectively the spreading of the materials concerned against the risks to human and animal health, in accordance with all applicable control provisions.

Consequently, the Commission undertakes to presents to the next Standing Committee on the Food Chain and Animal Health a proposal to that effect.”

Commission Declaration (3):

Article 6(1)(f) of Regulation (EC) No 1774/2002 (use and/or disposal of former foodstuffs)

“Regulation (EC) No 1774/2002 establishes how the collection, transport and identification of all animal by-products (except category 3 catering waste) shall be done. ‘Catering waste’ is defined in Annex I as waste food originating in restaurants, catering facilities and kitchens, including central kitchens and household kitchens. Therefore, the Commission considers that ‘catering waste’ is waste from premises on which food is produced for direct consumption, excluding ‘former foodstuffs’, referred to in Article 6(1)(f) from retail outlets such as supermarkets or food factories producing products for retail sale.

1 OJ L 273, 10.10.2002, p1
The scope of Article 6(1)(f) covers former foodstuffs of animal origin, other than catering waste, which are no longer intended for human consumption for commercial reasons or due to problems of manufacturing or packaging defects or other defects which do not present any risk to humans or animals. Hence, the Commission considers that the scope of that Article is not intended to cover bakery products (such as waste bread, cakes, pastry, biscuits), pasta, chocolate, sweet and similar products which contain for instance, rennet or melted fat, milk or egg which have been incorporated into those products but which do not constitute the main characteristic ingredient, and which do not contain fresh meat, meat products or meat preparations.

Consequently, the Commission undertakes to present to the next Standing Committee on the Food Chain and Animal Health a proposal to that effect.”

Commission Declaration (4):

Article 6 (1) (e) and (f) and 6 (2) (i) (further use of milk products)

“Article 6 (1) (e) covers animal by-products derived from the production of products intended for human consumption, including by-products of dairy products.

Article 6 (1) (f) covers former foodstuffs of animal origin, or former foodstuffs containing products of animal origin, other than catering waste, which are no longer intended for human consumption for commercial reason or due to problems of manufacturing or packaging defects or other defects which do not present any risk to humans or animals. This applies also to milk and milk products no longer intended for human consumption due to any of the above reasons.

These category 3 products must be used or disposed of in accordance with article 6 (2). This means that their feeding is possible only after processing in a processing plant in accordance with article 6 (2) (c ) including heat treatment.

However, Article 6 (2) (i) provides for the possibility to use category 3 material in other ways than those foreseen by the Regulation in accordance with rules laid down by comitology following scientific advice.

The Commission will seek the opinion of the EFSA before the end of 2003 on the possibility to feed ready to use milk and milk based products without further treatment to farmed animals and on required conditions to minimise risks. Rules will be proposed as soon as the opinion is released.

Therefore, considering the terms of Article 6 (2) (i) and the fact that:

- The Regulation (article 1 (2) (b)) does not apply to liquid milk and colostrum disposed of or used on the farm of origin;
- The Regulation (Article 5(2)(e)) does not prohibit the application to land of milk and colostrum, if the competent authority does not consider them to
present a risk of spreading any serious transmissible disease; farmed animals could have access to such land and therefore to the milk;

- In the light of the scientific advice (SSC, 1996; MDSC, 1997; SEAC, 1997; SEAC, 1998; SSC, 1999; SSC, 2000), there is no evidence that milk transmits BSE and any risk from milk is considered to be negligible.
- On that basis dairy products are excluded from the scope of the ban on the feeding of processed animal protein to farmed animals;
- By-products derived from the production of dairy products intended for human consumption and former dairy foodstuffs have been produced in dairy plants approved in accordance with the requirements of Directive 92/46/EEC.
- Ready to use dairy products are generally wrapped and, therefore, the possibility for subsequent contamination of the product is minimal;

and pending further scientific advice, the Commission can accept that the following current practice may continue:

- Direct transportation of by-products derived from the production of dairy products intended for human consumption from Council Directive 92/46/EEC approved milk processing plants to feedmills or farms without passing through a category 3 processing plant;
- Direct transportation of former dairy foodstuffs produced in milk processing plants approved in accordance with Council Directive 92/46/EEC, if necessary via Category 3 intermediate plants approved in accordance with Article 10 of Regulation (EC) No 1774/2000, to feedmills or farms without passing through a category 3 processing plant;
- Direct use of these products in the feeding of farmed animals without further heat treatment;

On a transitional basis until the adoption of harmonised detailed implementing rules in relation to the use of certain category 3 dairy products, and subject to the condition that the competent authority supervises effectively the safety of the dairy products concerned against the risks to human and animal health, in accordance with all applicable control provisions.

Consequently, the Commission undertakes to present to the next Standing Committee on the Food Chain and Animal Health a proposal to that effect.”

**Declaration from Sweden:**

“Sweden would like to Point out that we persist in our opinion that one of the most important separate paragraphs of the ABP-regulation is the one which prohibits the use of catering waste as feed for farmed animals, excepts fur animals. Feeding animals with catering waste opposes a real risk for transmission of animal diseases and will make the objectives of guaranteeing the quality and full traceability of ingredients in animal feeding stuffs almost impossible to reach. In addition, the suggested wording of the transitional measures means that it will not be possible to respect the ban on intra-species recycling that was agreed-upon by the co-legislators.”
In this context, Sweden would like to remind that the only reason why we, in the Council conciliation, voted against the proposal to the ABP-regulation was that it allowed feeding catering waste to pigs for a transitional period which inhibits the intra-species recycling ban.”

**Declaration from Spain:**

*(Official translation from Spanish)*

“The Spanish Delegation has repeated the need for a transitional period for disposing of fallen animals of species other than ruminants using methods not included in Regulation (EC) No 1774/2002 in order that measures can be adopted so as to comply with this Regulation.

The disposal of dead pigs, poultry, rabbits and other minor species using a hygienic burial system precludes the risk of transmission of TSEs. Similarly, this transitional system of disposal, carried out under biosafety conditions and supervised by the competent authorities, reduces to a minimum any possible risk to the environment.”

5.b  Exchange of views and possible opinion of the Committee on a draft Commission Decision amending Decision 2003/56/EC on health certificates for the importation of live animals and animal products from New Zealand (Document SANCO/10217/2003)

The Commission presented to the Member States a draft Decision amending Decision 2003/56/EC on health certificates for the importation of live animals and animal products from New Zealand, extending the transitional period by a further 30 days (for a total of 120 days), in order to facilitate the changeover to the new official health certificates.

**Vote: Unanimous vote in favour**


The Commission presented to the Member States a draft Regulation on transmissible spongiform encephalopathies and animal feeding for review.

Further discussion will take place at the 05 May 2003 Working Group and vote will occur on the 20-21 May 2003 Meeting of the SCFCAH, Biological Safety of the Food Chain Section.
7. Miscellaneous – Divers

(1) Egg powder - nitrofurans:
Belgium presented a report on actions taken following findings of nitrofurans in egg powder imported from India at the level of a Belgian trader/producer and asked for possible measures at Community level. They were making available the list of consignees through the RASFF. They were also tracing back and would inform on the origin of the contaminated products through the RASFF. The Commission reiterated its request, sent to all CVOs on 11 April 2003, that the other Member States which have egg powder producers also carry out testing to identify potentially contaminated sources. The Commission also reminded the Member States that they should insist that their producers apply HACCP and that, in the current circumstances, nitrofuran testing should be part of the controls on raw[starting materials as a critical control point.

(2) Nitrofuran monitoring:
Greece was reminded of the request made by the Commission in the Agriculture Council, that results of nitrofuran monitoring in 2002 be submitted without delay.

(3) The Committee voted on 22 January 2003 a proposal aimed at revoking the systematic checks imposed on all the consignments of shrimps certified by the Thai authorities after 21 September 2002, as having been submitted to a systematic pre-shipment check to control the presence of nitrofurans and their metabolites. The Commission informed the Member States that the procedure for adoption was still frozen due to numerous Rapid Alerts since the beginning of 2003.

(4) Following information that fishing was again allowed in some regions affected by the Prestige disaster, the Commission reminded the Member States concerned that Directive 96/23/EC required additional sampling for aquaculture products when environmental contamination was suspected and that a similar provision applied for fishery products under Directive 91/493/EC.

(5) Questions relating to a specific RASFF notification concerning salmonella in pig meat from NL were discussed. It was agreed that the RASFF could not be the framework for resolving issues arising from non-harmonisation of certain standards.
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.

Mission reports are available on the Internet at the following address: http://europa.eu.int/comm/food/fs/inspections/vi/reports/index_en.html

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