



EUROPEAN COMMISSION
HEALTH AND FOOD SAFETY DIRECTORATE-GENERAL

Farm to Fork Strategy

PLENARY MEETING OF THE ADVISORY GROUP ON SUSTAINABILITY OF FOOD SYSTEMS

17 NOVEMBER 2023

Summary Record

1. OPENING REMARKS

The Director for Food safety, sustainability, and innovation of DG Health and Food Safety opened the meeting and welcomed the participants.

He gave a brief overview of the agenda and reminded participants that the meeting was recorded for the purpose of drafting the minutes.

2. FOOD WASTE – STATE OF PLAY

COM presented a comprehensive [update on the EU's action plan to reduce food waste highlighting in particular:](#)

- the legislative proposal setting food waste reduction targets to be achieved by Member States by 2030 and views of co-legislators and
- actions taken by the Commission to support Member States and stakeholders in their efforts to reduce food waste.

Comments and questions raised

EUFRAS enquired whether inflation and prices had an impact on consumer habits as regards food waste. COM replied that it received food waste data from Member States two years after the year in which they were collected and that, consequently, data collected to date would not reflect the possible impact of recent trends as regards inflation and food prices. The general view based on economic theory is that higher food prices make consumers more careful in their purchasing and use of food, however, more data series would be required to confirm this.

EUFRAS further asked whether the Covid crisis had an impact on consumption and whether this was reflected in the statistics of 2020 and 2021. COM explained that, in 2020, the Covid crisis was especially visible in the share of food waste generated, respectively, by households and food services and that, in 2021, the proportions normalised to values observed in previous studies. COM concluded that overall, the amount of food waste did not differ as, overall, municipal waste did not show a significant decrease in 2021 compared to 2020.

SAFE asked to clarify why the mandatory 50 percent reduction target (across all sectors) was not an option considered in the MAGNET modelling similar to the other options presented by COM in the Impact Assessment. COM replied that due to budgetary

constraints it had not been feasible to test all possible variants in the MAGNET model. COM therefore opted to consider the most relevant and feasible options in its impact assessment, taking into account also stakeholder feedback on the inception impact assessment.

Regarding the 30 percent reduction, SME United enquired whether COM would take into account any increase in population and migration. COM explained that the targets for restaurants and food services, and households are proposed to be set per capita and would therefore take into account changes in population due to demographic growth and/or migration.

EUROCOMMERCE asked to clarify the meaning of ‘per capita’. COM replied that it used available Eurostat data on the number of inhabitants and that demographic growth and changes in population due to migration would be taken into account.

SME United further asked whether COM would consider food waste reduction achieved by Member States before 2020. COM confirmed that countries that have credible data predating 2020 could propose an earlier reference year for assessment of progress made.

3. FOOD CONTACT MATERIALS STUDY CONCERNING SUSTAINABILITY – STATE OF PLAY

COM gave a presentation on the [Food Contact Materials Study concerning sustainability](#), elaborating on the current legislation and the background and objectives of the revision. COM further explained how Food Contact Materials (FCMs) fit into the broader EU policies. COM informed participants on the main policy themes and pillars, the public consultation and citizen engagement, and the timeline for the revision.

Comments and questions raised

FoodDrinkEurope asked to clarify at what stage the sustainability study was. COM replied that the study was expected to be launched in the beginning of 2024 and that stakeholders would be informed of the different steps.

EUREAU asked whether DG SANTE would align requirements with DG ENV and ensure synergies with regard to materials that are in contact with drinking water. COM replied that DG SANTE was following the work of DG ENV closely to ensure harmonisation as much as possible.

EUREAU further asked whether COM planned to propose a ban on Per- and Polyfluorinated Substances (PFAS) in FCMs. COM explained that the discussion was ongoing with regard to PFAS and that DG SANTE was closely following the work of DG ENV and DG GROW on restrictions proposed under the [REACH legislation](#) and the [Packaging Waste Regulation](#), to verify whether there were any gaps with regard to concerns for human health in FCMs, outside the scope of the REACH legislation. COM acknowledged the necessity to ensure coherence.

4. REVISION OF THE ‘ENGINEERED NANOMATERIALS’ DEFINITION OF REGULATION (EU) 2015/2283 – STATE OF PLAY

COM gave a presentation on the [Revision of the ‘engineered nanomaterial’ definition of the Novel Food Regulation \(EU\) 2015/2283](#), elaborating on the basis of the definition, the way forward and the work of the Commission Expert Group on Nanomaterials in Food.

Comments and questions raised

FEFANA asked for clarification about the fact that the European Chemicals Agency (ECHA) and the European Food Safety Authority (EFSA) do not refer to the same concept when referring to nanomaterials. COM explained that, even though nanomaterials were defined differently in the respective regulations, the approaches used by both agencies to assess nanomaterials were identical. No differences exist in terms of risk assessment (RA) of nanomaterials.

EU Specialty Food Ingredients enquired about the interplay between the definition and the risk assessment in relation to food additives. EU Specialty Food Ingredients expressed surprise that EFSA had recommended the inclusion in the specifications for calcium carbonate of a reference to “non-engineered nanomaterial”, whilst the scientific and regulatory definitions are not necessarily aligned. COM stressed that the definition referred to the regulatory terms, i.e. how the nanomaterial was treated and that there were repercussions in terms of the risk assessment. COM acknowledged that there was indirect reference to the definition in the case of food additives and that it would need to check how the revision would impact the Food Additives legislation.

5. IMPLEMENTATION OF REGULATION (EU) 1107/2009 – STATE OF PLAY

COM presented an [update on the on-going horizontal activities under the Plant Protection Product \(PPP\) Regulation](#).

COM elaborated in particular on:

- (a) Actions taken to facilitate market access for products containing biological active substances
- (b) update of Communications accompanying data requirements, update of uniform principles, setting up a review programme for safeners and synergists, activities to reinforce the assessment of co-formulants, review of labelling requirements for plant protection products;
- (c) Update of guidance documents and mandates to EFSA
- (d) Actions taken to reduce delays in the work conducted by Member States

Comments and questions raised

In the light of the recent inclusion of the endocrine disrupting (EDC) hazard class and two categories in the Regulation on Classification, Labelling and Packaging (CLP), PAN Europe raised the lack of a specific reference to suspected EDCs in the Plant Protection Products regulation and stressed the importance to exclude them from being eligible as low-risk substances. PAN Europe further enquired whether micro-organism active substances were all low risk or whether some were higher risk. Finally, PAN Europe enquired about the timeline for the update of the guidance document on emergency authorisations. COM explained that the criteria for Category I EDC in the CLP Regulation were fully equivalent to the criteria existing in the PPP Regulation. However, a possible link between Category II and the low-risk active substance criteria would need to be considered. COM confirmed that not all micro-organisms were identified as low risk. With regard to the update of the guidance document on emergency authorisations, COM replied that the work was still ongoing. However, COM emphasised that the guidance document was not legally binding, contrary to the court case, which has a direct legal impact on the Member States actions regarding emergency authorisations.

PROFEL raised concerns regarding the delays to bring new products on the market and the reduction of the use of pesticides aimed at in the proposal for the [Sustainable use of pesticides Regulation \(SUR\)](#) under co-decision and suggested to synchronise the

withdrawal of certain active substances with the introduction of new, safer active substances. PROFEL enquired about the status of the SUR proposal. COM replied that the suggested approach would be impossible due to the renewal cycle for approved substances under [Regulation \(EC\) No 1107/2009](#). Decisions on renewals and non-renewals are taken when assessments have been completed and before approvals expire. They are based solely on safety considerations and a non-renewal/non-approval for one substance cannot be delayed until another one is approved. COM further explained that extensions of approvals were granted when delays of the assessment procedures occur, which is unfortunately frequent, allowing the concerned products to be kept on the market. On SUR, COM explained that discussions were ongoing in the European Parliament and Council and that it could not provide any further updates at present.

EUREAU asked whether there would be a restriction of the use of PFAS as active substances under the Plant Protection Products Regulation since the ECHA restriction proposal under the REACH Regulation excluded biocides and pesticides. COM replied that it will initiate discussions with Member States regarding the way forward. At present persistence in itself is not a criteria for non-approval in the PPP Regulation. COM has already asked EFSA to indicate in its conclusions whether an active substance falls under the definition of PFAS.

FEDIOL asked whether the envisage regulation on safeners and synergies, would impact Maximum Residue Levels (MRLs) and whether COM expected possible future changes with regard to MRLs. FEDIOL further enquired about the anticipated timeline. COM explained that, taking into account five years for the submission of the dossier and minimum 3 years for the evaluation and decision-making process, possible impacts on MRLs would only start to materialise after eight to nine years. COM further advised FEDIOL to raise this issue in the public consultation on the draft Regulation once it will be launched.

6. PLANT HEALTH AND REPRODUCTIVE MATERIAL– STATE OF PLAY

Plant and Forest Reproductive Material

COM gave a short update on [Plant and Forest Reproductive Material \(PRM/FRM\)](#), focussing on the timeline for the revision of the plant and forest reproductive material legislation.

Legal Implementation of the EU Plant Health Regime

COM gave a brief presentation on the [Legal Implementation of the EU Plant Health Regime](#), elaborating on high risk plants, the lists of measures, the frequency of import checks and the Commission proposal for amendment of Regulation (EU)2016/2031.

No comments and questions were raised.

7. PLANTS OBTAINED BY CERTAIN NEW GENOMIC TECHNIQUES – STATE OF PLAY

COM provided a short oral update on the Commission's [proposal](#) for a Regulation on plants obtained by certain new genomic techniques (NGT) and their food and feed, which was adopted on 5 July 2023. COM elaborated on the main measures of the proposal, more specifically on the two distinct pathways for NGT plants to be placed on the market.

COM further provided an overview of the advancement of the proposal in the different inter-institutional fora.

Council

The Spanish Presidency had discussed the proposal at technical level in several Council Working Party meetings and AGRIFISH Council exchanges. On 20 November 2023, the Presidency intended to provide an update on the proposal and planned to discuss it in the AGRIFISH Council in December 2023.

European Parliament (EP)

The proposal had been discussed in the ENV Committee and in the AGRI Committee and is provisionally scheduled for the EP plenary meeting on 24 January 2024.

European Economic and Social Committee (EESC)

The EESC adopted its [opinion](#) on 25 October 2023.

Committee of the Regions (CoR)

CoR was still working on its opinion, which would address the proposal on NGTs and the proposal on PRM jointly.

More information on the proposal can be found on the [dedicated webpage](#).

Comments and questions raised

ECVC enquired how the verification of equivalence with conventional plants would be carried out and expressed concerns on the application of patents to plants, especially in the absence of labelling requirements. COM replied that the criteria for equivalence, as set out in Annex I, were based on the analysis of scientific literature on the type and extent of mutations that take place with commercial breeding methods, on the opinions of EFSA and on the work of the Joint Research Centre. COM explained that the verification would be based on the molecular characterisation of the plants. COM emphasised that - when mutations take place by conventional methods and NGTs – relevant traits could be obtained by both methods. Concerning patents, COM had announced on 5 July 2023 that it would look into the issue of patentability and would produce a report in 2026. The Commission was aware of the request from stakeholders that the study should be delivered earlier.

IFOAM reiterated ECVC's concerns regarding patents and stated that 2026 would be too late to produce a report. IFOAM further stressed that NGTs were not compatible with organic products nor with the precautionary principle. IFOAM called for mandatory information at seed level, traceability along the production chain, maintenance of essential safeguards for biosafety and freedom of choice for producers and consumers.

PAN Europe asked to clarify whether herbicide resistant crops were excluded from the proposal. COM replied that herbicide resistant crops were not excluded from the scope of the proposal, but that they were excluded from the regulatory incentives for category 2 NGT plants. COM recalled that there are hundreds of herbicide tolerant varieties, developed by conventional breeding, and that under the PRM proposal, there are new provisions related to the cultivation of herbicide tolerant plant breeding materials.

Slow Food supported ECVC and IFOAM's comments. IFOAM believed NGTs should remain regulated, in line with the European Court of Justice (ECJ) Ruling of 2018, and with the precautionary principle, since these are new experimental techniques. In particular, mandatory labelling of NGT must remain to guarantee freedom of choice.

FoEE expressed a view that category 1 products should be labelled and called for keeping these products under GMO legislation. FoEE endorsed the interventions made by ECVC, IFOAM and Slow Food about the precautionary principle and patents. Concerning liability, FoEE asked why COM aimed for lower regulatory standards than other countries. FoEE expressed the view that COM did not follow the EFSA opinion, which advised to

follow the environmental risk assessment. On liability, COM noted that it fell under the exclusive competence of Member States. COM disagreed that the proposed regulatory framework had lower standards than other countries and does not follow EFSA opinion. On the contrary, the establishment of two categories of NGT plants, was based on available scientific evidence and EFSA opinions. For plants under category 1, COM opted for a regulatory framework similar to the one applying to conventional plants since there would not be different risks.

Regarding freedom of choice, Euroseeds asked why it was not possible for organic farmers to use category 1 NGTs. COM explained that the position of the clear majority in the organic sector was to maintain the ban not to undermine consumers' trust in the sector and that COM made the proposal accordingly.

FEDIOL enquired about the timeline for the trilogue discussions and asked whether COM anticipated any action on the comments from the public consultation. COM replied that if the Spanish and Belgian Presidencies continue discussions and the vote would go ahead in the Plenary meeting on 24 January 2024, trilogue discussions might still be possible in early 2024.

COM informed participants that it had received almost 4000 replies as feedback to the proposal, published on the Commission's website "Have Your Say", and that it was currently in the process of analysing and summarising the comments received. A summary would be provided to the European Parliament and the Council, as soon as COM finished its analysis.

8. OFFICIAL CONTROLS REGULATION GUIDANCE (OCR) – STATE OF PLAY

COM presented a comprehensive update on the [OCR Guidance on Commission Notice on the implementation of Regulation \(EU\) 2017/625 \(2022/C 467/02\)](#).

COM presented a comprehensive update on the [OCR Guidance on Commission Notice on the implementation of Regulation \(EU\) 2017/625 \(2022/C 467/02\)](#).

A [first package](#) of clarifications and guidance elements was adopted in December 2022, but COM continued to draft further elements of clarification on additional OCR provisions with the intention to adopt an updated second version.

COM presented an analysis of new guidance elements:

- The entry of consignments in the Union and in this context:
 - i. Official certification;
 - ii. Highlights for operators;
 - iii. Competent Authorities responsible for Official Controls
 - iv. Handling of non-compliances
- The role of the official veterinarian and auxiliary (Article 18 OCR);
- Official Certification – Articles 86-91 OCR
- Delegation of tasks – Articles 28-33 OCR
- E-commerce controls (Article 9 OCR)
- Reporting of infringements (Article 140 OCR).

COM concluded with the timeline for the adoption and publication of version 2.0 of the OCR Guidance which is expected for the beginning of 2024.

Comments and questions raised

EUFRAS enquired whether COM was planning to create a guidance document on how to take into account additional private quality assurance schemes. Regarding service providers/logistic companies, EUFRAS raised concern that Competent Authorities believed that this type of services would need to be registered under the OCR, even though they were under the responsibility of a food entrepreneur, and asked whether COM planned a guidance document for the CAs on how to deal with this situation. COM explained that neither issue was addressed in the current revision of the guidance document. Concerning the private quality assurance schemes, COM confirmed that it was listed as a potential topic for the next revision of the guidance document. On the service providers/logistic companies, COM took good note and confirmed that it could be considered for future discussions.

Euroseeds commented that PRM and FRM were not currently included in the scope of the OCR, but that COM would put forward a proposal to correct this situation. Euroseeds asked how COM envisaged to include PRM and FRM in practice and whether there would be a revision of the guidance document. COM confirmed that PRM and FRM would be included in Article (1)2 of the OCR. The need for clarifications in the OCR guidance document would be evaluated after the integration of these two areas under the OCR.

9. AOB

Glyphosate (requested by PAN Europe)

COM informed participants that the Appeal Committee to vote on the Commission Proposal for renewal took place on 16 November 2023, but no opinion was delivered. However, in view of COM's obligation to adopt a decision before the current approval would expire, COM intended to proceed with the adoption before 15 December 2023, based on the assessments made by EFSA and ECHA. All information concerning the conditions and restrictions of the proposal are publicly available on the [dedicated webpage](#).

Comments and questions raised

PAN expressed its disappointment and emphasised its disagreement with the outcome of the risk assessment and the risk management decision. COM explained that the letters received from PAN and others expressing their criticism of the risk assessment outcome and EFSA and ECHA's responses were also published on the [glyphosate webpage](#).

EASAC supported PAN Europe's comment and stressed that there was ample evidence for potential toxicity. EASAC further asked to clarify how COM considered new information on neuro-developmental toxicity, which was not yet available at the time of EFSA's review. COM recalled that ECHA had confirmed that glyphosate is not to be classified as carcinogenic and emphasised that it could review the renewed approval at any point in time, in case new evidence would emerge showing that the approval criteria were no longer met.

Update on Animal Welfare (requested by Eurogroup for Animals)

COM informed stakeholders that it would adopt a [proposal for a Regulation of the Council and European Parliament on the protection of animals during transport](#) on 7 December 2023. In parallel and on the same date, COM would adopt a Commission communication on the European Citizens Initiatives.

Concerning the rest of the package, COM explained that the work was ongoing and would not be ready for 7 December 2023. The work launched with EFSA, concerning the opinions

on the different species, would be presented in the Animal Welfare Platform meeting, which would take place on 7 December 2023.

Update on the Legislative framework for sustainable food systems (requested by FEFANA)

COM gave a short update on the activities related to a legislative framework for sustainable food systems (FSFS). COM informed stakeholders that no decision had been taken as regards the timing. Nevertheless, COM continued to work on the initiative and processed the stakeholder comments, which it received as a follow-up to the dedicated meeting of the Advisory Group, which took place on 12 July 2023. COM thanked stakeholders for the large number of comments and highlighted the quality of the feedback received.

Comments and questions raised

EUFRAS raised concerns regarding the different timeframes between the Green Claims Directive and the FSFS and asked whether there were internal discussions between DG SANTE and DG ENV to ensure coherence. On monitoring, EUFRAS expressed concern that some indicators might prejudice the outcome of the discussions on certain aspects of FSFS. COM confirmed that DG SANTE was in contact with DG ENV to ensure coherence between both initiatives and that, according to the proposal on Green Claims, rules on environmental sustainability claims specific for food would prevail. On the monitoring framework, COM replied that it would not be a static document. It could be updated in light of policy developments or scientific and technical work. Therefore, there was no necessity for the monitoring framework and the FSFS to be produced in parallel.

EAPF and FEDIOL asked to clarify the link between the announced strategic dialogue on farming and the work on the FSFS. COM explained that internal reflections were ongoing on the design and the process for the strategic dialogue, but that currently there were no further details available. DG SANTE expected to be involved in the strategic dialogue, but that this would not exclude continued discussions in the AGSFS and with Member States in due course and when appropriate.

Closing remarks

The Chair informed participants that there were no upcoming events scheduled and that the dates for the two plenary meetings taking place in 2024 would be communicated as soon as the dates had been decided.

The Chair thanked all speakers and participants for their constructive contributions and closed the meeting.