EUROPEAN COMMISSION
HEALTH AND FOOD SAFETY DIRECTORATE-GENERAL

Food chain science and stakeholder relations

PLENARY MEETING OF THE ADVISORY GROUP ON THE FOOD CHAIN AND ANIMAL AND PLANT HEALTH

7 MAY 2021

Summary Record

1. WELCOME AND OPENING BY MS NATHALIE CHAZE, DIRECTOR, FOOD SUSTAINABILITY, INTERNATIONAL RELATIONS

SANTE Director of Directorate D (Food sustainability, international relations) opened the virtual meeting and welcomed the participants. The Chair informed participants that due to other obligations, she would chair the afternoon session and that Ms Anastasia Alvizou, Deputy Head of unit, Farm to Fork Strategy, would take over as Chair for the morning session. The Chair further reminded participants that the meeting would be recorded and gave a brief overview of the agenda. The Chair concluded by introducing the first point on the agenda, a short update on the implementation of the Transparency Regulation and passed the floor to Ms Anastasia Alvizou.

2. SHORT UPDATE ON THE IMPLEMENTATION OF THE TRANSPARENCY REGULATION

COM presented a short update on the implementation of the Transparency Regulation, highlighting the Celebratory Event for the entry into application of the Transparency Regulation in the food chain, the EFSA reports on risk communication and drawing special attention to the EFSA Q&A document on EFSA's Practical Arrangements (PAs) implementing the Transparency Regulation; the latter document had been published on the EFSA website and addressed the questions raised by stakeholders during the implementation period.

COM informed stakeholders that the relevant IT tools were in application and that training and support material was available on the SANTE and EFSA websites.

COM further elaborated on the E-Submission Food Chain (ESFC) Platform, which would be the IT tool used for all regulated products, except for PPPs and MRLs, for which the applicable tool would be IUCLID.

Finally, COM invited stakeholders to share the user guidance information and relevant links with their members.

Comments and questions raised

EU Food Specialty Ingredients welcomed the organisation of targeted webinars per sector.

FoodDrinkEurope concurred and asked whether a planning of those webinars was available.

EFSA replied that the first targeted webinar was planned to take place in June and confirmed that, even though not yet available, a planning would be published in due course to allow stakeholders to register.

CropLife Europe enquired whether EFSA planned to update the Q&A document. Croplife Europe further asked whether any submitted application(s) under the new rules had already been published on the EFSA portal or whether any submitted application(s) were still being processed by EFSA/COM.

The Chair replied that there had been applications submitted under the new rules but these were still going through the validation phase by EFSA/COM depending on the applicable provisions. EFSA concurred and clarified that once the submitted applications have been validated, they would be made available on the website.

EFSA further indicated that it did not plan an update of the Q&A document; the Q&A document was the conclusion of the production cycle of the PAs, providing feedback on the stakeholder questions received. Nevertheless, EFSA did not exclude the possibility to develop an additional Q&A in the future to address generic questions frequently asked by stakeholders.

EFSA highlighted that in the context of a webinar on Confidentiality for applicants/business operators, which took place on 14 April 2021, it collected questions and was in the process of making them publicly available.

The Chair added that EFSA and SANTE would continue stakeholder engagement through established fora and said that SANTE did not exclude the organisation of an additional *ad hoc* meeting on the implementation of the Transparency Regulation in the future.

EFSA informed stakeholders on upcoming stakeholder events and initiatives.

3. UPDATE ON PPP/REGULATION 1107/2009 RELATED ACTIVITIES

COM presented an update on activities on plant protection products, focussing on three topics, namely on the Transparency Regulation Implementation, the Guidance Documents and mandates to EFSA, and the updates on implementing acts for microorganisms used as active substances in PPPs.

Transparency Regulation Implementation

COM gave a brief overview of the key changes and the impact on the renewal programmes of the Implementing Regulation (EU) 2020/1740 repealing Commission Implementing Regulation (EU) No 844/2012.

Guidance documents and mandates to EFSA

COM updated stakeholders on the new and updated Guidance Documents that had been endorsed by the PAFF Committee, as well as on the EFSA mandates.

Updates on implementing acts for microorganisms used as active substances in PPPs

COM gave a comprehensive presentation, elaborating on the current actions regarding micro-organisms as active substances in PPPs in particular the aim and principles of the revision of four regulations and the timeline for these revisions.

COM further gave an overview of the scientific principles that were being amended in the legal texts, more specifically:

- Data requirements for AS (Reg. 283/2013);
- Data requirements for PPP (Reg. 546/2011);

- Uniform principles (Reg. 546/2011);
- Annex II to Regulation (EC) No 1107/2009;
- EC Communication for AS;
- EC Communication for PPP.

Comments and questions raised

EPBA requested an update on the development of the Bee Guidance Document. In addition, EPBA asked whether and how the judgement of the European Court of Justice on the neonicotinoids bans would affect the use of the 2013 EFSA guidance document for risk assessment of other pesticides.

As regards the Bee GD, COM replied that it was not addressed during the presentation, because a dedicated stakeholder meeting took place on 13 January 2021. Furthermore, COM ensures complete transparency on the protection of bees and relevant information/documents have been published on the SANTE website. In summary, COM explained that after the stakeholder meeting, discussions with MSs took place at technical level. In addition, there were discussions with the EU Parliament and Commissioner Stella Kyriakides wrote a letter to the Ministers of the MSs to invite them to discuss the specific protection goals at Council level. This letter was sent in April and COM was waiting for the reaction of the Council.

On the question pertaining to the ECJ judgement on neonicotinoids bans, COM refrained from commenting as analysis was still ongoing.

Euroseeds asked for an update on the Seed Treatment Guidance Document.

On the Seed Treatment Guidance Document, COM reminded stakeholders that a draft document was made available, but that it was decided to split it into two parts with one part covering risk management and interpretation issues and the other part covering risk assessment aspects. COM explained that the former was being discussed internally, including with the legal service, while for the latter COM was waiting for the WG of MSs to submit an updated version.

4. UPCOMING STAKEHOLDER CONSULTATION ON AN 'INFORMATION NOTE ON ARTICLE 20 OF REGULATION (EC) NO 396/2005 AS REGARDS PROCESSING FACTORS AND COMPOSITE FOOD AND FEED

COM gave a brief presentation on the upcoming information note on Article 20 of Regulation (EC) No 396/2005 as regards processing factors and composite food and feed, addressing the background, objectives and timeline.

Comments and questions raised

FoodDrinkEurope enquired how long the stakeholder consultation would be open for.

COM replied that the consultation would be open for stakeholder feedback for at least two weeks and it would take place in June.

5. REVISED CERTIFICATES FOR THE ENTRY INTO THE UNION FOR ANIMALS AND GOODS, AQUATIC ANIMALS AND PRODUCTS OF ANIMAL ORIGIN AND TERRESTRIAL ANIMALS AND GERMINAL PRODUCTS

COM gave a comprehensive presentation on the Revised certificates for the entry into the Union for animals and goods, aquatic animals and products of animal origin and terrestrial animals and germinal products, elaborating on the empowerment concerning animal health law and official controls, based on which the revision of

the certificates was established, the new model of the certificates, the legal framework, data and timeline for the revision. COM further presented the following Implementing Acts: Food, Aqua and Terre, elaborating on the structure and amendments.

Finally, COM gave a short overview of the transitional measures for entry into the Union and for trade within the Union. COM further informed stakeholders that guidelines on how to apply the rules during the transitional period and import conditions for composite products are available on the SANTE website.

Comments and questions raised

CEFIC commented that its members had reported shipments blocked at the EU border because some MSs required the new Health Certificates and they were not aware of the transitional measures. CEFIC asked whether there was a possibility to remind MSs of these transitional measures.

COM replied that border control posts were regularly informed of the transitional measures and that this would depend on which type of goods and what type of certificates were concerned.

CEFIC clarified that it concerned products of animal origin, mainly gelatine and collagen.

COM replied that discussions for this category of goods were ongoing.

FoodDrinkEurope commented that its members were also reporting issues, in particular regarding private attestation and the required information and asked whether the upcoming corrections and amendments to COM IA (EU) 2020/2235 would also include a revision of the private attestations.

COM replied that according to the latest information of the technical unit, the changes would be taken into account and added that all technical issues and requirements for attestations/certificates were derived from existing legislation, either Animal Health, Public Health or Animal Welfare.

6. REGULATIONS ON COMPOSITE PRODUCTS

COM gave a brief presentation on composite products, starting with an overview of the information that was publicly available on the dedicated webpage on the EU import conditions for composite products.

COM drew the attention to the decision tree, which is designed to make it easier for companies/food business operators to navigate and understand the rules applicable to the import of their specific product into the EU and whether a certificate would be required.

COM further discussed the table, which summarised the transitional rules that would apply and the products that would be covered by these rules. It also listed the products that would already need to comply with the new rules.

COM explained that BCPs should be aware of these measures, as COM had sent two messages to the MSs:

- a statement regarding the private attestation, the content of milk products in the composite products and the fact that third countries already authorised to export raw milk products, were not required to have risk-mitigating treatment;

- an info note sent to all BCPs requesting a degree of flexibility in the application of the new rules, especially concerning the use of the private attestation.

COM further elaborated on the Questions & Answers, which was compiled on the basis of questions received from stakeholders. COM explained that it is a living document that is updated when new questions are raised.

Finally, COM presented a short summary of the new rules regarding composite products.

Comments and questions raised

FoodDrinkEurope asked whether COM planned a revision regarding the private attestation.

COM replied that it would most likely modify annex V, allowing the grouping of ingredients, e.g. ingredients of animal origin, plant origin and other ingredients, avoiding the obligation to indicate the percentage per ingredient, which COM understood it posed a problem for the industry.

EuroCommerce enquired where to send further questions it received from its members.

COM replied that additional questions could be sent directly to unit G4 or to Directorate G.

7. REVISION OF THE COMMISSION NOTICE ON FOOD SAFETY MANAGEMENT SYSTEMS, INCLUDING FOOD SAFETY CULTURE

COM briefly presented the revision of the Commission Notice on Food Safety Management Systems (including Food Safety Culture).

COM reminded stakeholders of the 2016 Commission Notice on Food Safety Management Systems (FSMS, OJ 2016/C 278/01), which contained guidelines for FBOs on the implementation of Regulation (EC) No 852/2004 on Food Hygiene.

COM consequently listed the reasons for the revision of the 2016 Commission Notice.

COM outlined the ideas for the new Commission Notice on Food Safety Management Systems as regards the document lay-out: facilitation would be integrated in the annexes on GHPs and HACCP and there would be a separate annex on auditing of the FSMS. In terms of content, the principal changes were the following:

- More central role of the hazard analysis;
- More attention to specific GHP's: operational PRPs;
- New or more elaborated sections on allergen control, food redistribution and food safety culture.

COM further elaborated on one of the newly introduced sections, namely Food Safety Culture and its five components: commitment, leadership, awareness, communication and resources. COM's objective was to provide guidance on implementation, as well as guidance to auditing.

Finally, COM informed stakeholder of the expected timeline for the draft Notice.

Comments and questions raised

UECBV welcomed the upcoming public consultation and the possibility to give feedback on the draft Notice. UECBV would like to develop a practical guideline for its members, including for SMEs. UECBV commented that Food Safety Culture can

be hard to measure and that it had to come from inside. It further stressed the importance of encouraging FBOs and employees to take responsibility, as well as encouraging good communication between them.

COM supported UECBV's comment and welcomed the fact that UECBV was already working on Food Safety Culture.

EuroCommerce endorsed UECBV's comment that Food Safety Culture was difficult to measure and added that it was a critical part of food business, retail and wholesale. EuroCommerce asked COM to take into consideration the variety and the employee situation in the retail sector and expressed hope that this will be reflected in the draft Notice.

FoodDrinkEurope supported UECBV and EuroCommerce's comments on the importance of Food Safety Culture and the need for a tailored approach.

FVE suggested a joint action to plan initiatives together with stakeholders.

COM reiterated that it was in the stage of exchange of views and that all input/suggestions from stakeholders were welcome.

8. FOOD FRAUD – EU COORDINATED ACTION ON SPICES

COM gave a comprehensive presentation on an EU coordinated action on some herbs and spices to estimate the level of products authenticity in that sector addressing:

- the EU market for herbs and spices;
- the fraud drivers for herbs and spices;
- The objective, scope and legal framework of the EU Coordinated Control Plan.

COM further elaborated on the sampling methodology and the standards used as reference points (ISO standards), informed about the preliminary results of the plan and and about possible next steps.

COM also addressed the 'Bamboo-zling action', an enforcement action targeting plastic contact materials made with bamboo fibres and other unauthorised fillers, informed stakeholders on the public health risks associated with these illegal additive and finally about EU member States actions and COM actions being undertaken.

Comments and questions raised

EPBA asked whether COM planned another action on bee product.

COM replied that no coordinated action has been operated since the Coordinated Action Plan on honey in 2015 but stressed that honey is being considered as a target for a coordinated action at EU level.

As regards beeswax, COM explained that there were concerns related to animal health as well as public health, and that COM has asked EFSA and JRC to develop control methods to better be able to target issues with beeswax.

9. UPDATE ON THE REVISION OF THE FEED BAN FOR NON-RUMINANTS

COM presented an update on the revision of the feed ban for non-ruminants, starting with a state-of play of the procedure.

COM reminded stakeholders of the situation on 8 May 2020 and gave an update of the current situation.

COM further elaborated on the main features of the draft, highlighting that all proposals were based on EFSA opinions and stressing the strict conditions to prevent cross-contamination and intra-species recycling.

COM concluded with an overview of the next steps and informed participants that the draft would possibly be adopted in September 2021.

Comments and questions raised

COPA-COGECA enquired what the conditions were to benefit from a derogation.

UECBV supported the relaxation of the feed ban and asked whether, in the future, COM would consider a relaxation of the processing method for animal processed protein, more specifically the use of method 1 (pressure sterilisation) when producing PAP from husbandry animals.

COM replied that the use of method 1 was indeed mandatory for pig PAP, but not for poultry PAP. COM added that a possible relaxation of the provision to use method 1 for the production of pig PAP, had so far not been a focus point of the discussion with the MSs.

As regards the derogation for the production of different kinds of compound feed in the same establishment, COM explained that this procedure was explained in the draft document. The derogation could be approved after a check carried out by the competent authorities to ensure that a proper separation of the different sectors can be guaranteed.

COPA-COGECA further asked whether a justification was needed for an establishment to request a derogation.

COM replied that the draft text did not require a specific justification, as long as the establishment was compliant with the stipulated requirements. It would be up to the local authorities to perform a check, confirm that the conditions are in line with the Regulation and grant a derogation.

UECBV asked how to initiate the process to alter the animal by-product regulation regarding the processing method.

FVE enquired whether the Commission was planning something with regard to insects feeding.

In reply to UECBV, COM explained that, as a starting point, MSs and/or industry can initiate the process by sending a request to DG SANTE, which would consider the issue and decide on a way forward. If in favour, COM would most likely need to seek an update of the EFSA opinion on the possible risk to switch from method 1 for the production of pig PAP to another method.

As regards feed material for insects, COM replied that there were discussions ongoing with regard to the feed matrix for insects.

10. UPDATE ON PLANT HEALTH

COM gave comprehensive update on the Legal implementation of the EU Plant Health regime.

COM reminded participants that the basic legislation was the Plant Health Regulation (EU) 2016/2031 and the Official Controls Regulation (EU) 2017/625. All essential delegated and implementing acts had been adopted within a three year implementation period, but COM continues to complement this regime by amending or adding acts.

Plant Health Regulation

COM presented an overview of the work and timeline for the following IAs:

- Format of plant passports;

- High risk plants;
- Lists of pests and conditions;
- Movement of scientific material;
- Format for surveillance reports for multi-annual programs/Format for PZ surveillance reports;
- Information to be provided to travellers and clients of postal services.

COM elaborated on the new IAs that were programmed, namely:

- IAs Containment measures for all 22 QPs in Annex II.B of Regulation (EU) 2019/2072 (Art 28.2);
- 4 IAs to replace the potato control Directives (Art. 109.2 and Art. 113.2 of PHR).

COM further highlighted two programmed reports, more specifically on imports and the extension of the Plant Passport system, and informed participants that the stakeholder consultation was ongoing via dedicated questionnaires.

Official Controls Regulation

COM informed stakeholders of the ongoing work and timeline for Draft COM Delegated Regulation supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council with regard to the cases and conditions under which competent authorities may designate official laboratories which do not fulfil the conditions in relation to all the methods they use for official controls or other official activities.

Finally, COM updated stakeholders on the frequency of import checks, the post import control checks and the IMSOC Implementing Act.

Comments and questions raised

As regards the report on the Plant Health Regulation, ENA enquired about the calendar following the consultation process and asked whether there would be an opportunity for stakeholders to give additional feedback.

COM replied that a questionnaire would be circulated, containing detailed questions in particular on imports, and that in some cases stakeholders would be offered the opportunity to suggest improvements.

ENA further asked whether - after the consultation period closes - COM would foresee a meeting where the results of the consultation could be discussed and stakeholders could provide feedback.

COM replied that currently it did not have more information on the specific timeline.

11. UPDATE STATE OF PLAY FARM TO FORK STRATEGY – FRONT-OF-PACK NUTRITION LABELLING, NUTRIENT PROFILES, ORIGIN LABELLING AND DATE MARKING

COM gave a comprehensive presentation of the State-of-play on the Farm to Fork Strategy – Food Labelling Initiatives, updating stakeholders on the DE Presidency Conclusions, the feedback received on the IIA and on new evidence.

DE Presidency Conclusions (December 2020)

COM highlighted some of the main points of the Conclusions related to FOP nutrition labelling, nutrient profiles and origin labelling with regard to the impact assessment.

Feedback on the IIA

COM gave a brief summary of the content and purpose of the IIA and the type of contributions received.

As regards the public consultation outcome, COM further gave an overview of the reactions on FOP, nutrient profiles, origin labelling and date marking.

New evidence

COM addressed the additional input to the impact assessment, namely scientific advice and evidence and informed stakeholders on studies and requests for scientific input (launched for the four topics) and on the current state of play. COM further addressed the EFSA guidance on date marking, the EFSA mandate in the area of FOP and nutrient profiles and the literature review from JRC on FOP and on origin labelling.

Next steps

Finally, COM gave an overview of the next steps:

- the launch of study to support the IA, explaining its purpose and scope as well as its tasks;
- Stakeholder consultations: public consultations and targeted consultations.

Comments and questions raised

FoodDrinkEurope asked whether other provisions would be taken into account for the impact assessment.

COM replied that it would focus on the four issues highlighted in the presentation and that no impact assessment was foreseen on other provisions.

With regard to the EFSA mandate on front-of-pack nutrition labelling, COPA-COGECA asked whether COM/EFSA would select one of the existing systems, or if they were looking into creating a new system or adapt an existing system. COPA-COGECA highlighted the importance for the front-of-pack nutrition labelling, but commented that none of the existing options sufficiently matched with the requirements.

On the EFSA mandate, COM replied that this was not part of the scope and that EFSA would look into scientific publications on the issues set out in the mandate, but they would not develop a specific model or adapt existing models. COM further explained that the impact assessment would explore all options to identify a preferred option or policy mix.

EPBA asked for reassurance that honey would not be forgotten. EPBA expressed concern about the blended honey labelled as coming from "EU and non EU" countries at European level and called for an amendment of the Art. 2 of the Honey Directive in order to respond to the Farm to Fork strategy. EPBA acknowledged that the origin of Honey is covered by the Honey Directive but feared that if reopened, other issues might arise. COPA-COGECA also raised the issue of origin labelling for honey.

COM commented that the initiative on origin labelling in the framework of the revision of the FIC Regulation would not touch provisions that have been set in more specific directives, as is the case for honey.

12. UPDATE ON DG SANTE PLAN/CALENDAR FOR THE ESTABLISHMENT OF MAXIMUM LEVELS FOR VITAMINS AND MINERALS IN FOODS

COM gave a brief update on the SANTE plan/calendar for the establishment of maximum levels for vitamins and minerals in foods, focussing on the call for harmonisation for food supplements and fortified foods on the maximum amount on vitamins and minerals that can be added, the reaction from stakeholders and MSs, the legal basis and the timeline.

Comments and questions raised

EHPM asked whether COM foresaw a call for contributions from stakeholders.

COM replied that it was not yet in a phase to consult stakeholders on a concrete proposal. Nevertheless, COM invited interested stakeholders to contribute to the debate and send their input/contributions.

13. AOB

The Chair informed participants about the dates for upcoming Advisory Group meetings, more specifically the Ad hoc Advisory Group meeting on Article 241 studies on 19 May 2021 and the plenary meeting on 26 November 2021.

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