



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**

26 NOVEMBER 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 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 presentation on the Inception Impact Assessment on the legislative framework on Sustainable Food Systems (IIA).

**2. PRESENTATION OF THE INCEPTION IMPACT ASSESSMENT ON THE LEGISLATIVE  
FRAMEWORK ON SUSTAINABLE FOOD SYSTEMS**

COM gave a comprehensive presentation on the [Inception Impact Assessment on the legislative framework on Sustainable Food Systems](#).

COM reminded participants of the goals and actions of the Farm to Fork Strategy and addressed the background and content of the IIA, elaborating on the objectives, the policy options to achieve these objectives, the indicative elements for the policy options, the impacts to analyse in the impact assessment (IA) and the next steps. It explained that the JRC is supporting the preparation of the IA.

COM further provided a short overview of the feedback received on the IIA following the public consultation period from 28 September to 26 October 2021.

Lastly, COM informed participants about the envisaged consultation of public and private stakeholders.

Comments and questions raised

FoodDrinkEurope asked whether COM would publish a detailed analysis of the feedback on the public consultation and asked about the timeline of the IA. FoodDrinkEurope further enquired when the JRC reports and more specifically the report on the Policy Lab on Sustainable Food Systems would be published and whether they would be reflected in the upcoming consultation. FoodDrinkEurope asked when work would start on the Food Sustainability Labelling Framework. Finally, it asked whether there would be opportunities throughout this IA process to bring stakeholders and Member States together on the FSFS in order to avoid parallel discussions.

EuroCommerce asked how the General Food Law (GFL) would be included in the framework on Sustainable Food Systems (FSFS) and asked to clarify how it would be linked to the [Green Claims Initiative](#).

On the publication of the feedback, COM replied that it would be published in the context of the IA.

As regards the timeline, COM clarified that the IA would not be shared with stakeholders in 2022, but would be published together with the initiative, which should be adopted by the end of 2023.

With regard to the JRC Policy Lab report, COM informed that it was being finalised and would be published soon.

On the question regarding opportunities to bring stakeholders and MSs together, COM replied that it could consider this possibility in the context of workshops, while still maintaining separate meetings with Member States (MSs) and stakeholders.

In response to EuroCommerce, COM explained that coherence with other initiatives will be ensured. COM further explained that the labelling initiative, originally foreseen for the end of 2024 would be part of the general framework.

On the Green Claims Initiative, COM further reminded participants that it is indicated in the F2F Strategy that the Sustainable Labelling Framework should be established in synergy with all other relevant initiatives such as the 'Green Claims' initiative.

UECBV asked if possible contradictions with regard to long production lines with different aspects of sustainability would be listed. UECBV further enquired whether stakeholders would be asked to comment in advance on the open public consultation's questionnaire to be launched and expressed interest to provide feedback. COM replied that questionnaires in the drafting process are not circulated for comments.

FVE enquired whether a definition has already been established for sustainable labelling and what type of stakeholder consultation COM would envisage. FVE further expressed apprehension at the suggestions of EU citizens on the IIA (as presented in COM's presentation). FVE enquired about the inter link with tools of the Common Agricultural Policy (CAP) and the Common Fisheries policy (CFP). Finally, FVE expressed scepticism regarding the use of questionnaires and interviews as tools to assess stakeholders' opinions and suggested a larger cumulative IA on the whole concept of sustainability. Furthermore, it pointed to the difficulty for stakeholders and businesses to reply to such questionnaire leading to misleading results.

The Chair assured FVE that consultation process will be broad and in-depth using other means than surveys and questionnaires. COM confirmed that the initiative would be in line with the CAP and CFP.

Eurogroup for Animals asked whether animal welfare would be included in the definition of sustainability.

COM explained that sustainability has not yet been defined and it is too early to prejudge. COM pointed to the importance of animal welfare in the communication on the F2F Strategy; a clear indication that this aspect is part of sustainable food systems.

On the Sustainable Labelling Framework, COM explained that it would be established in synergy with the front-of-pack nutrition labelling initiative and with the 'Green Claims' initiative. As regards the social components other than nutrition,

COM had to date identified only the animal welfare labelling initiative. As a chapter of the SFSF, the Sustainable Labelling Framework would contain several provisions on sustainable related information, *i.e.* objectives, principles and rules, as well as the link with these component specific legislations. .

FEFAC asked to clarify whether concepts such as resilience and food security will be covered by FSFS. FEFAC further asked to elaborate on COM's perspective on the role of B2B labelling in the context of the Sustainable Labelling Framework and whether it would cover feed.

On resilience and food security, the Chair replied these concepts go together with sustainability and sustainability cannot be at the expense of resilience.

On B2B labelling and feed, COM explained that, in light of the objective of sustainability labelling indicated in the F2F Strategy, namely to empower consumers to make sustainable food choices, COM's focus is mainly on B2C labelling on food. Nevertheless, COM acknowledged the importance of information flows along the food chain to allow proper B2C labelling.

FACEnetwork referred to the lack of mention of farmhouse and artisan food products in the IIA.

COPA-COGECA enquired about the minimum requirements in the legislative framework. COPA-COGECA further asked whether in the coming years all existing legislation will have to be reviewed to align with the FSFS. Finally, COPA-COGECA expressed concern regarding the use of the term 'industrial farming', but emphasised the importance of animal welfare in the FSFS.

As regards the minimum requirements and the concerned sectors/categories, COM explained that the approach of the GFL could be a starting point. If followed, it would not provide a list of minimum requirements, but could establish a general principle for the foods and operations not to significantly harm sustainability aspects. These aspects are to be defined and would take into account other vertical legislations, e.g. CAP and SUD, in order to ensure coherence.

ECVC highlighted the importance of the social dimension of sustainability and stressed its importance. In addition, it stressed the importance of the short food chain.

The Chair ensured ECVC that the social aspect will be taken into account.

### **3. UPDATE ON THE REVISION OF THE FOOD INFORMATION TO CONSUMERS REGULATION**

COM presented an [update on the revision of the Food Information to Consumers Regulation](#), addressing the labelling of alcoholic beverages, more specifically the context and the IIA. COM further elaborated on the study supporting the impact assessment, including consultation activities and the additional input to the IA.

COM concluded with a brief overview of the next steps.

#### Comments and questions raised

EuroCommerce asked whether the open public consultation in mid-December would refer to all rules under review, *i.e.* FOP, nutrient profiles, origin labelling, date marking and labelling of alcoholic beverages.

FoodDrinkEurope enquired whether stakeholders would have an opportunity to provide input on work of the JRC and where to direct possible feedback. FoodDrinkEurope asked whether the grouping of FOP labelling and nutrient profiles discussions for the workshops, meant these two aspects would be examined in parallel or in tandem. FoodDrinkEurope further asked if COM would envisage a wider evaluation of the Food

information to Consumers Regulation, perhaps in the context of the SFSF. In addition, FoodDrinkEurope mentioned the outstanding issues in the Food Information to Consumers Regulation, e.g. the rules on precautionary allergen labelling (PAL) and information on food suitable for vegetarians and vegans and enquired whether COM would proceed with the development of proposals.

In reply to EuroCommerce, COM confirmed that the open public consultation would cover all the topics with different questions for all of the topics and the possibility to select several topics or answer all the questions.

On the workshops, COM confirmed that there would not be separate workshops for FOP labelling and nutrient profiles. COM added that in the IIA, the options for the FOP labelling have been outlined and that - for reasons of coherence and consistency and to avoid conflicting messages on food – it would explore comprehensive options for both FOP labelling and claims on food.

On the JRC reports, COM took good note of the question whether stakeholders could provide input, however COM indicated that it was not foreseen.

As regards the revision of the FIC, COM explained that it will produce an evaluation report on the FIC Regulation, but that it would not do a global evaluation.

COM further replied that the scope of the FIC Regulation would be limited to the initiatives presented during the presentation and that it would not proceed with an IA on other items. Regarding the adoption of secondary legislation through DAs or IAs, COM informed stakeholders that for the PAL work is ongoing in the Codex and that it did not Plan to adopt legislation while discussion on international level was ongoing. On food suitable for vegetarians and vegans, COM replied that it was currently on hold and that it was not an immediate priority for 2022.

#### **4. PLANT HEALTH AND SEED LEGISLATION ISSUES**

COM presented an 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, but COM continues to complete this regime through the adoption of several more acts.

##### *Plant Health Regulation*

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

- High risk plants;
- Lists of pests and conditions;
- 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 further elaborated on the new DA and IAs that are programmed, namely:

- IAs Containment measures for 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 to the EP and Council, more specifically on imports and the extension of the Plant Passport system, and provided participants with a state-of-play.

#### Official Controls Regulation

COM informed stakeholders of the adoption of the [COM Delegated Regulation \(EU\) 2021/1353 of 17 May 2021](#) 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.

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

#### Seed Legislation

COM presented a short update on [Seed legislation issues](#), addressing:

- the revision of plant reproductive material (PRM) and forest reproductive material (FRM), focussing on next steps and opportunities for contributions
- EU seed equivalence requirements for third countries
- Temporary derogation for organic varieties

#### Comments and questions raised

ENA asked whether the reports to the EP and Council - once finalised - would be made publicly available.

COM confirmed this, but added that it did not yet have a precise timeline.

ARCHE-NOAH asked clarification with regard to the options for updating the legislation and expressed concern about option three, since – in its opinion – it is not fitting with the goals of the Green Deal and the Farm to Fork Strategy. ARCHE-NOAH further asked whether option two currently foresees directives or regulations.

COM replied that there would be an IA and that COM is obliged to present different options for public consultation. It would not necessarily mean COM favours this option. If reviews would show that the public would not embrace this approach, the option would be rejected.

With regard to option two, COM expressed a preference for regulations, which are directly applicable, easier to implement by MSs and create no loss of time with incoherent transposition.

Euroseeds enquired how long COM would plan to extend the period of seed equivalence. Euroseeds further asked to clarify whether there has been any progress on Senegal's request for seed equivalence. With regard to organics, Euroseeds asked for clarification on the lighter DUS and the impact on plant health protection.

Concerning the seed equivalence, COM planned to extend the decision for a duration of seven years. Nevertheless, COM ensured that there would be no gap in imports. In the meantime, COM would put forward in the proposal the idea of an IA, rather than a Council/Parliament decision, or of a DA, where COM would adopt the decision and the Council/Parliament would have the right to veto.

On the organic varieties, COM commented that it would only deal with the marketing rules and not with the intellectual property rights. The new DUS protocols would thus cover the conditions of the seed varieties to be marketed. COM further clarified that it currently is discussing two proposals in the vegetable sector put forward by the organic sector and received four proposals from the agricultural sector, first to be discussed by COM internally and at a later stage at an expert meeting with MSs.

With regard to Senegal's seed equivalence request, COM explained the process and requirements for the introduction of the formal request, but Senegal never got back with a formal request. Therefore, the request has been pending for several years.

ENA supported COM's preference for Regulations for option two.

The Chair informed participants that, due to other obligations, the afternoon session would be chaired by Ms Alexandra Nikolakopoulou, Head of unit, Farm to Fork Strategy and closed the morning session.

## **5. OUTCOME OF THE TECHNICAL MEETING WITH MEMBER STATES ON ETHYLENE OXIDE**

COM presented the outcome of the technical meeting with Experts on technical aspects of 4 October 2021 on ethylene oxide (EtO). COM explained the purpose of the meeting and elaborated on the following products:

- EtO MLs on additives (including gum)
- EtO MRLs on feed
- EtO MRLs for composite products and food supplements
- EtO MRLs for foods for infants and young children

COM concluded with an overview of the next steps.

### Comments and questions raised

UECBV asked whether the added controls for food and feed would apply to imports of all third countries and whether specific raw materials would be tested.

COM replied that within the framework of [Commission Implementing Regulation 2019/1793](#) there was already an increased frequency of controls on certain raw materials, and that the existing list would continuously be extended based on the recent recurrent findings. COM explained that it would further follow up within the RASFF and that any recurrent findings of ethylene oxide in products from third countries would be listed for increased frequency of controls.

FoodDrinkEurope enquired about the timeline for the update of Regulation (EC) 231/2012 on the specifications of additives.

COM replied that discussions have started and that a dedicated working group on additives took place on 11-12 November 2021 regarding the way forward. Based on the overall agreement reached in the working group, work is ongoing in view of a possible vote at the Standing Committee in the course of 2022.

EU Specialty Food Ingredients asked for a state-of-play regarding the discussions with MSs in the working party on food additives on the possibility to align all specifications on food additives to 0.1 mg/kg and whether discussion with stakeholders would still be possible.

COM confirmed that the working group on food additives agreed on the alignment of all specifications on food additives to 0.1 mg/kg. A number of associations raised concerns regarding the achievability by the method of analysis during the initial stakeholder consultations. COM verified the grounds for these concerns with

the EURL, which confirmed that a level of 0.1 mg/kg as limit of quantification for all additives would be effectively achievable by routine method. COM added that – following the agreement in the working group - it would work out a proposal and that the different applicants and relevant stakeholders would be consulted on the way forward and would have the possibility to provide comments.

EHPM asked confirmation regarding the limit applicable to botanical extracts. EHPM further asked, considering that the limit for food supplements is given as 0.1mg/kg, whether it could be argued that the limit of 0.1mg/kg also applied to all raw materials used to manufacture food supplements.

Finally, EHPM asked to clarify whether COM would ask EFSA to conduct a safety assessment of 2CE or whether it would only confirm whether EFSA can support the BFR conclusions.

COM confirmed that all raw materials used in extracts or food supplements would have to comply with the maximum residue levels as established in [Regulation \(EC\) No 396/2005](#). As a food supplement sold on the market, the limit of quantification established is 0.1 mg/kg. COM clarified that it would not request EFSA to conduct a full safety assessment, but the ongoing request is for EFSA to look into the BFR statement and to confirm to which extent EFSA could agree with the assessment done by the BfR. In addition, COM also provided studies provided by stakeholders for assessment by EFSA in the context of their assessment of the BfR statement.

## **6. UPDATE ON BORDER CHECKS OF ORGANIC PRODUCTS**

COM gave a comprehensive [update on border checks of \(organic and in-conversion\) products](#), addressing the new requirements on the place of import controls for organic products (Article 45(5) of Regulation (EU) 2018/848), which would be applicable from 1 January 2022 and reflecting on the consequences. COM presented the new package of legal acts on organics import controls that was adopted on 21 October 2021, elaborating on:

- the Delegated Regulation on organic and in-conversion products exempted from BCP checks, the place of control for such products and amended Delegated Regulations (EU) 2019/2123 and (EU) 2019/2124 ('DA SANTE')
- the Implementing Regulation laying down rules on documents and notifications required for organic and in-conversion products intended for import into the Union (C(2021)8811) ('IA AGRI')
- Delegated Regulation on rules on the official controls in respect of consignments of organic products and in-conversion products intended for import into the Union and on the certificate of inspection (C(2021)7387) ('DA AGRI')

COM concluded with an overview of the next steps.

### Comments and questions raised

No comments and questions raised.

## **7. PRESENTATION OF THE INCEPTION IMPACT ASSESSMENT ON FOOD WASTE**

COM gave a presentation on the [Inception Impact Assessment on food waste reduction targets](#), addressing the following topics:

- The context, problem definition and subsidiarity check
  - The objective and expected response from MSs

- The development of policy action
- The potential future targets on food waste reduction in the [Waste Framework Directive](#)
- Policy options: two phase approach
- The expected impacts
- The evidence base, data collection and consultations
- Breakdown of the results
- Summary of the feedback

COM concluded with an overview of the next steps.

#### Comments and questions raised

No comments and questions raised.

### **8. UPDATE ON FOOD SAFETY MANAGEMENT SYSTEMS AND FOOD SAFETY CULTURE**

COM gave a brief presentation on [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 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 updated stakeholders of the expected timeline for the draft notice and the progress made since the last Advisory Group plenary meeting, which took place on 7 May 2021.

#### Comments and questions raised

UECBV commented that it would be happy to share the outcome of their working group on Food Safety Culture with COM in the beginning of 2022 and would welcome the opportunity to provide feedback. UECBV further informed COM about webinar on Food Safety Culture that took place in Ireland on 18 November 2021. Finally, UECBV enquired about the existence of a guideline on microbiology (including listeria).

COM replied that the next meeting would take place on 7 December 2021 and that most likely a final meeting would be held in March 2022. In view of this, stakeholders would still be welcome to send comments.



COM also participated in the recent webinar on Food Safety Culture and welcomed the developments and interest in this field of Food Safety Culture in Europe.

COM explained that work on a guideline on microbiological criteria is ongoing, but that the document is very technical. COM would check internally with regard to the possibility to consult stakeholders and would come back to UECBV.

FoodDrinkEurope welcomed the progress made on the draft notice and asked whether COM would share the revised version with stakeholders for feedback.

COM replied that it would could share the new version after the working group with MSs on 7 December.

## **9. AOB**

The Chair informed participants about the upcoming call for applications for membership of the Advisory Group on Sustainability of Food Systems<sup>1</sup>, the revised informal expert group which will replace the current Advisory Group on the Food Chain and Animal and Plant Health as from 15 July 2022.

The Chair informed participants about the dates for upcoming Advisory Group meetings, namely:

- Ad hoc Advisory Group meeting on trade with the UK(GB): 7 December 2021
- two Advisory Group plenary meetings in 2022: Friday 6 May 2022 and Friday 25 November 2022.

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

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<sup>1</sup> The call was launched on 12 January 2022 in the [Register of Commission expert groups and other similar entities \(europa.eu\)](#)