



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

23 NOVEMBER 2020

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 started by introducing herself and the wide range of policy areas covered by Directorate D and stressed the importance of stakeholder relations. The Chair reminded participants that the meeting would be recorded and gave a brief overview of the agenda, underlining the importance of the Farm to Fork Strategy for many of the agenda topics. Chair informed stakeholders that an update on the implementation of the Transparency Regulation was not put on the agenda because a dedicated ad hoc Advisory Group meeting took place on 18 November 2020. Chair asked whether stakeholders had preliminary remarks.

Preliminary Remarks

ECVC regretted COM's decision to suspend interpretation during the meetings of DG AGRI and DG SANTE. ECVC already sent a letter to the Commissioner to raise this issue as it will affect the possibility for participation in the Civil Dialogue meetings, especially for the Civil Society Organisation.

The Chair replied that she took careful note of ECVC's comment.

The Chair concluded by introducing the first item on the agenda, the Farm to Fork Strategy.

2. FARM-TO FORK STRATEGY

COM gave a presentation on the [state-of-play on the Farm to Fork Strategy](#) and the recent developments with the other EU institutions, elaborating on:

- ✓ Conclusions of the European Council
- ✓ The opinion of the European Economic and Social Committee
- ✓ The 2020 first annual Farm to Fork Conference
- ✓ The ongoing work related to the Implementation of the Strategy
- ✓ CAP recommendations

Comments and questions raised

AnimalHealthEurope asked if the overall report of the Eurobarometer survey, announced during the Farm to Fork Conference (15-16 October 2020) will be published. Currently only the results for individual MSs are available on the website.

FVE asked to elaborate on the contingency plan initiative.

FoodDrinkEurope informed COM that it received worrying signals from companies affected by the Covid-19 crisis and asked how COM will approach this in the implementation of the Farm to Fork Strategy. Inevitably, this will affect the capacity of companies to invest in sustainability. Especially with regard to Green Recovery, it would be important to understand how to provide maximum support to SMEs. Regarding investment in R&I, FoodDrinkEurope said that this should not only be related to Horizon Europe, but also to the individual initiatives of the Farm to Fork Strategy. In order to avoid parallel discussions, FoodDrinkEurope further called for structured dialogue with both stakeholders and MSs to discuss the needs for a successful Farm to Fork Strategy.

As regards the Eurobarometer, COM confirmed that a summary report would be made available soon.

On SME support, COM replied that there are different implementations and tools available for which DG GROW colleagues are responsible and that COM needs to look into how to better use these mechanisms for funding, exchange on best practices and funding for SMEs. COM would like to discuss these issues in the context of the development of the Code of conduct. COM recognised that SMEs would need particular guidance and support, including from larger companies. COM added that it will look into this issue in a more substantive manner in the context of the preparation for the future legislative framework on sustainability of food systems.

Concerning R&I, COM indicated that a lot is ongoing in the context of Horizon Europe and that it is preparing a list with accepted projects and proposals, which promote and have an impact on food sustainability. This covers different areas (e.g. food waste, pesticides, AMR, etc.) in which COM considers that innovation enables the promotion of alternatives. COM emphasised that it devotes much attention to this particular part of the Farm to Fork Strategy.

Regarding stakeholder dialogue, COM explained that it is in the process of establishing the Expert Group on GFL and Sustainability of food systems to consult MSs on matters related to sustainability. Nevertheless, COM acknowledged the need for broader discussions with stakeholders and explained that – based on the existing structures – COM is exploring different options. COM indicated that a possible starting point might be the creation of a sub-group of the Advisory Group to allow for discussions in the context of the preparation of the various Farm to Fork initiatives.

As regards the contingency plan, COM said that DG AGRI has mechanisms for mapping and data collection. COM stressed the importance to build on the available information and to avoid duplication of work. COM underlined that DG AGRI is the lead DG in collaboration with DG SANTE and DG MARE. COM indicated that it would publish a communication, providing proposals and suggestions for better coordination between EU institutions, MSs and the different services, in order to determine deficiencies/gaps and to put in place a system that will ensure continuity in the food supply in case of a crisis. A roadmap with more information will be published in the near future.

ENA commented on the non-food producing agricultural sectors, e.g. farmers producing live plants. ENA underlined the benefits of having plants and trees in the

cities and stressed the importance of considering this sector in the Farm to Fork Strategy.

Euro Coop asked to elaborate on the Code of conduct and more specifically on the compliance mechanisms. Euro Coop enquired if, besides voluntary measures, mandatory measures are foreseen.

PAN Europe expressed concern regarding the impact assessment and the timeline on the revision of the SUD. PAN Europe asked if COM would be capable of achieving the set out objectives.

On Euro Coop's question, the Chair replied that the Code of conduct is not legislation. It will not contain legal provisions. Nevertheless, COM envisages various commitments and a monitoring mechanism.

COM reiterated that the Code of conduct is a voluntary instrument and will not contain mandatory requirements. Compliance mechanisms are part of the monitoring system and will allow following the progress and compliance with the voluntary commitments. It will be an inherent part of the Code of conduct and will be discussed with stakeholders.

COM replied to PAN Europe that the impact assessment on SUD is a requirement in order to comply with the Better Regulation rules. COM acknowledged that some data and information are indeed already available and form a starting point for the discussions, nevertheless, COM stressed the importance of the impact assessment to identify the best options to address the problem. An evaluation that took place proposes different ways and windows of opportunity to improve the existing legislation and/or introduce different requirements. These options will be part of the impact assessment.

UECBV enquired about fair food prices, more specifically COM's point that negative impact on health and environment should be reflected in food prices. UECBV asked if COM considers a meat tax. In addition, UECBV asked what COM's expectations are from the meat sector as regards involvement and participation.

FESASS expressed concern regarding the place of animal health in the Farm to Fork Strategy. FESASS said that in its view it is not enough and stressed the importance for room for the implementation of the Animal Health Law within the framework of the Farm to Fork Strategy. FESASS further suggested the creation of a dedicated sub-group on animal health.

COM said it takes good note of the request for a sub-group.

On UECBV's question on meat tax, COM clarified that the statement on prices was the position of the European Economic and Social Committee (EESC). COM further explained that the Farm to Fork Strategy itself does not develop actions regarding prices. Nevertheless, the Commission's proposal on VAT rates could allow Member States to make more targeted use of rates, for instance to support organic fruit and vegetables. However, COM stressed that this falls within the remit of the MSs competences.

PFP remarked that in its view the international dimension of the F2F Strategy is key to deliver the objectives and asked to elaborate on COM's work/plans regarding the international dimension. PFP further referred to a US study related to economic and food security impacts and agricultural reductions under the Green Deal and Farm to Fork, which conveyed some interesting findings and asked how COM would consider it in its future work.

On the international dimension, the Chair replied that the transformation to sustainable food systems system is urgent and necessary to tackle the challenges and the pressures from agriculture on the environment. Nevertheless, these efforts will not be successful if limited to the EU. The Chair explained that it has started an outreach to third countries to explain the broader goals/objectives and the importance to contribute to fight against climate change.

As regards the US study, the Chair explained that innovation will play an important part in making food systems sustainable. Furthermore, the study does not take into account the impact of the change in diets.

On the Code of conduct, COM replied that it would like to have a first discussion with all sectors to present COM's objectives and to see how each sector could contribute to the transition towards sustainability. COM stressed that this a process of co-design.

As regards animal welfare, COM acknowledged the importance and took note of FESASS's position.

Concerning the international dimension, the Chair added that an important milestone will be the UN Food Summit, which will take place mid-2021 and will give COM the opportunity to reach a broad range of countries to address the importance of sustainable food systems.

The Chair reiterated that the Code of conduct is not legislation, but is an opportunity for the sectors to identify how to contribute and to present commitments towards shared goals.

IFOAM Organics Europe commented that in its view, the EU Organic Action Plan, which will be issued by DG AGRI in 2021 and which is related to COM's organic targets of the Farm to Fork Strategy, is not sufficient. In view of the public consultation, IFOAM Organics Europe received specific input/recommendations from its members that would be interesting to share with COM and other stakeholders and asked what would be the best way to share this information.

The Chair invited IFOAM to share the link to the website via the chat function.

With regard to the Code of conduct, EFFAB commented that it already has a Code of good practice for the sector animal breeding, based on SDGs and six pillars, which it is happy to share with COM/stakeholders. EFFAB further expressed interest to contribute and asked who will be in charge.

The Chair replied that she would be interested to see this existing Code of good practice and said COM will also welcome additional commitments on the Code of conduct.

EPBA expressed concern regarding the objectives in the Farm to Fork Strategy, which in their view are not linked with the CAP. EPBA is concerned that the impact assessment will determine that the Farm to Fork objective for diminishing the use and risk of pesticides is not realistic and cannot be achieved.

The Chair acknowledged the importance of pesticides in the Farm to Fork Strategy.

EU Specialty Food ingredients commented that ingredients suppliers play an important role in the food chain and should be taken into account in the Farm to Fork Strategy, in particular the specialty ingredients. In terms of innovation, the specialty ingredients play an important role in the food waste reduction, reformulation of foods, responsible business and marketing code and B2B

communication, which EU Specialty Food Ingredients already started to work on. EU Specialty Food Ingredients supported FoodDrinkEurope's comment and asked COM for reassurance that innovation is not solely captured by Horizon 2020, but that the efforts/individual initiatives regarding innovation made by the different sectors, will be recognised in the implementation of the Farm to Fork Strategy.

On the Code of conduct, COM commented that it is currently mapping the different initiatives undertaken by the different sectors.

As regards the potential of specialty ingredients in food sustainability, COM acknowledged the potential of the sector in terms of innovation and encouraged EU Specialty Food Ingredients to give emphasis by actively participating in the forthcoming discussions on the Code of conduct.

EuroCommerce asked to clarify how COM will include stakeholders that are not part of the 'middle of the food chain' in the development of the Code of conduct. EuroCommerce further enquired how COM envisages the alignment of the Code of conduct with the upcoming legal framework for sustainability and what the timeline will be. Finally, EuroCommerce supported FoodDrinkEurope's concerns regarding the Covid-19 situation.

FEFAC mentioned that it has produced its own sustainability charter for the food sector and is trying to identify how key sectoral tools can address the set targets. FEFAC asked how to best identify meaningful sustainability indicators. As regards to the impact assessment, FEFAC asked how COM planned to address the inbuilt conflict between targets.

With regard to the objectives of the Farm to Fork Strategy, COM replied it has a high political ambition and is working hard to respect the timeline for the different initiatives. Simultaneously, COM is communicating with the public on all levels and emphasised the importance of the support of all actors involved. COM stressed that it has no intention of watering down the objectives of the Farm to Fork Strategy and that it will produce an ambitious legislative proposal, nevertheless, the decision-making process will be in the hands of the MSs and the European Parliament.

In reply to EuroCommerce, COM explained that it aims to have fully transparent discussions with all actors of the food chain and stressed the importance of a transparent process for the design of the Code of conduct. COM acknowledged that the objectives and commitments focus on the middle of the chain, however, in view of the holistic and integrated approach, COM believes that all different sectors will have an important role to play.

On the link between the Code of conduct and the legislative framework, COM explained that the legislative framework will reflect the integrated approach of the Farm to Fork Strategy by clarifying definitions and by establishing the basic principles and objectives of future legislation, which will underpin future policy-making in different sectors. COM will propose the legislative framework by the end of 2023, but the adoption by the EU Institutions and the entry into application will take time. COM stressed that, in the meantime, the Code of conduct will be crucial to give visibility to EU commitment on food sustainability.

As regards indicators, COM acknowledged the importance of indicators, especially in the context of the monitoring system, which will be part of the Code of conduct. COM reminded participants that the Farm to Fork Strategy foresees for COM to monitor the progress with a first review due in 2023. COM is preparing the grounds through technical work in collaboration with JRC. COM further recognised that

dilemmas will be inevitable because the Farm to Fork Strategy tackles the three different dimensions (environmental, social and economic). Nevertheless, COM said it is conscious of the dilemmas and will try to resolve them through R&I, support for the different actors involved and political choices.

The Chair added that COM is aware that the Farm to Fork Strategy is ambitious, but that COM is determined to pursue the set out objectives.

SMEUnited asked to elaborate on actions in preparation, more specifically on the timeline with regard to food labelling, setting of nutrient profiles and food contact materials.

COM replied that the Farm to Fork Strategy includes a number of food information related initiatives and COM will deliver a legislative proposal by the end of 2022. In order to comply with this deadline, COM is currently working on an impact assessment and will publish the inception impact assessment before the end of 2020 for stakeholder feedback. It will cover the following initiatives: front of pack nutrition labelling, nutrient profiles, origin labelling and date marking.

As regards food contact materials, COM replied that the inception impact assessment will be published in December 2020 for stakeholder feedback.

Independent Retail Europe enquired why the Code of conduct is mostly targeted to the middle of the food chain and why farmers, who in its view have an important role to play, are not more involved in the development. Independent Retail Europe further asked what format the Code of conduct will take and how it will work with new recent legislation that is targeting sustainability as well as with the Covid-19 crisis.

The Chair informed stakeholders that COM will organise a dedicated AG meeting on the Code of conduct. She explained that it is not directed at farmers due to the fact that the Farm to Fork Strategy already includes a number of actions that clearly target farmers as well as a number of initiatives which will have an impact on agriculture. The Code of conduct on responsible business and market practices targets the middle of the food chain and COM said it expects commitments from the sectors of the middle of the chain regarding their contribution to sustainability.

COPA-COGECA supported Independent Retail Europe's comment and expressed concern that farmers were not consulted as COPA-COGECA considers itself to be part of the middle of the food chain with regard to the production of commodities and the production of food products directly to the agri-cooperatives.

The Chair replied that the work is still in a preliminary stage and that a dedicated meeting will be organised to consult stakeholders. The Chair reassured COPA-COGECA that it will still have the opportunity to share its views.

COM added that there has not been a collective consultation on the Code of conduct, but that COM had met bilaterally with various organisations that expressed interest in contributing, including COPA-COGECA. COM reiterated that a dedicated meeting would be organised to consult a broad range of stakeholders, including the farmers.

3. NANOTECHNOLOGIES: STATUS OF A POSSIBLE REVISION OF THE DEFINITION OF ENGINEERED NANOMATERIALS IN THE NOVEL FOOD REGULATION (EU) 2015/2283

COM presented the [state-of-play regarding Nanomaterials](#), elaborating on the definitions of nanomaterials in Novel foods and Food information to the consumers, as well as the developments, needs and challenges of nanomaterials in foods.

Comments and questions raised

EU Specialty Food Ingredients welcomed the revision of nanomaterial definitions and asked if COM will also– for the purpose of consistency - take this state-of-the-art scientific approach, e.g. solubility and dissolution rate, into consideration for the definition that will be taken into account for regulatory purposes and for EFSA's risk assessment.

BEUC asked if, besides France, other MSs have started to enforce nanolabelling requirements or are they waiting for the update of the definition.

As regards the state-of-the-art scientific approach, COM welcomed suggestions from the industry, which could be valuable contributor to the revision. The idea is to take the overall revision as the basis to introduce all the technical elements, which have been identified through experience during the past 5-6 years and that are pertinent. To this end, COM confirmed it will involve the EFSA's technical expertise and that it plans to formulate the definition in such a way to facilitate its implementation.

In answer to BEUC, COM confirmed that France is indeed the only MS and that it is not aware of other MSs implementing nanolabelling requirements. COM agreed that it is likely that they are awaiting the final outcome before implementation.

4. UPDATE ON THE ADAPTATIONS OF THE HYGIENE REGULATIONS

COM presented an [update on the adaptations of the hygiene regulations](#), giving a brief overview of the amendments/replacement of hygiene rules and the respective timelines, more specifically:

- ✓ Revision of the Annexes of Regulation (EC) No 852/2004
- ✓ Revision of Commission notice on the implementation of FSMS covering PRPs and HACCP principles, including the facilitation/flexibility of the implementation in certain FBOs
- ✓ Revision of Annex III of Regulation (EC) No 853/2004
- ✓ Revision of Regulation (EU) 2019/627 (practical arrangements for official controls on products of animal origin)
- ✓ Import conditions due to the coming into force of the animal health law:
 - Delegated Regulation (EU) 2019/625
 - Implementing Regulation (EU) 2019/626 (List of countries)
 - Implementing Regulation (EU) 2019/628 (Certificates)

Comments and questions raised

UECBV commented that, as regards the food safety culture, it is happy to provide input/feedback and to continue to contribute to the process of food safety culture. With regard to the Revision of Annex III of Regulation (EC) No 853/2004 on slaughter on the farm, more specifically on the use of a mobile unit when slaughtering wild animals on the farm, UECBV already provided its answer to the text during the public hearing. Nevertheless it asked to elaborate further on the meaning of mobile unit and COM's interpretation of the text.

Concerning stakeholder input on food safety management systems, FoodDrinkEurope asked if it is the intention to highlight parts of the 2016 notice it would like to update or if COM expects more targeted input. If the latter, FoodDrinkEurope asked if there is a working document to comment on and enquired about the timeline for feedback.

On the revision of the Commission notice of 2016, COM replied that the consultation for stakeholder input is broader than food safety culture. Stakeholders have the possibility to comment on any part of the notice document of 2016. Nevertheless, COM would certainly welcome stakeholder ideas/suggestions or sectoral guidance documents in relation to food safety culture. COM will prepare a first document at the beginning of 2021 and a first meeting with MSs will be organised in February 2021. Even though it might be good to have input by the end of 2020 in order to already take it into account, there is no fixed deadline and stakeholder input will still be welcome afterwards.

As regards the mobile unit for slaughter on the farm, COM said that – based on the feedback received from the public consultation – there was a need for some amendments to the draft text to clarify that animals can be fixed to the farm itself on the condition that all animal welfare rules on slaughter must be applied. This will be discussed with MSs on 4 December 2020.

Concerning mobile units, FVE welcomed COM's suggestion to make amendments to the draft text and asked to also include a clarification regarding the purpose of the livestock, e.g. domestic use or other. FVE further raised concern regarding the insufficient number of official veterinarians in rural areas to perform inspections and the lack of slaughterhouses. FVE asked if the competent authorities could mandate private veterinarians to perform ante mortem/post mortem on farms.

On the purpose of the livestock, COM replied that it does not intend to include a specification on domestic use, which is already allowed at present.

Concerning the ante mortem inspection, COM confirmed that it must be carried out by an official veterinarian. Nevertheless, COM drew attention to the fact that the definition of official veterinarian in the Official Controls Regulation has been broadened. There are two kinds of official veterinarians, depending on the training they have received: the official veterinarians that perform ante mortems on the farm have to have some training, however, not the full training required for an official veterinarian who does meat inspections in slaughterhouses. COM emphasised the importance to maintain this principle, but added that if a local practitioner would like to act as an official veterinarian, he should follow a training which will allow him to do so.

5. UPDATE ON PLANT HEALTH AND SEED MARKETING/PLANT VARIETY RIGHTS

COM gave a comprehensive presentation on the [Progress on the legal implementation of the new Plant Health Regulation and the Seeds legislation](#)

Plant Health Regulation

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

- ✓ Plant passports – other provisions
- ✓ High risk plants and plants exempted from PC
- ✓ Update of pests and measures
- ✓ Release of material from quarantine stations

- ✓ Information to be provided to travellers and clients of postal services
- ✓ Format for surveillance reports and for multi-annual programs

COM further elaborated on the new DA and IAs that are programmed, namely:

- ✓ A DA with detailed rules for preparation and content of surveys for protected zones
- ✓ 4 IAs to replace the potato control Directives by 1 January 2022.
- ✓ An IA updating Annexes to Implementing Regulation (EU) 2019/20
- ✓ IAs Containment measures for all 22 QPs in Annex II.B of Regulation (EU) 2019/2072 (Art 28.2)

Finally, COM highlighted two programmed reports, more specifically on imports and the functioning of the Plant Passport system and elaborated on the timeline for stakeholder consultation.

Seed Legislation

COM presented a short update on plant reproductive material and on seed for organic farming.

Comments and questions raised

ENA commented that the implementation of the plant passports has varied slightly in different MSs. Certain MSs have adapted smoothly, nevertheless in other MSs the authorities have made the implementation cumbersome in terms of bureaucracy, paperwork and technical requirements. Therefore, ENA welcomed that COM will start the reporting system on the plant passport system in the near future and offered COM ENA's full cooperation. Regarding the derogation for the use of traceability codes on plant passports, ENA asked if only the derogation for massive selling through auctions has been approved, or if additional exemptions can be expected for plants for planting to final consumers. As regards the UK, ENA enquired about the current status of COM's infringement procedure against the UK, as was announced during the Ad hoc Advisory Group meeting in relation to the withdrawal of the United Kingdom from the EU, which took place on 11 September 2020. During the same meeting, COM said that it had not received updated practical information from the UK to share with stakeholders to help them prepare for the new measures. ENA asked if COM has since received updated information and whether COM planned to organise another ad hoc meeting on this subject.

As regards the UK, COM replied that the only information available is the link that are posted on the UK Government website, which will be shared with stakeholders.

As regards plant passports, COM replied that the implementing regulation that was adopted regulated traceability codes for plants for planting, which are still sold at B2B level, but which are ready to be packed and sold to final users at a later stage. There is no regulation to impose plant passports for final users, e.g. with regard to protected zones, because there was no agreement from the MSs. COM only regulated the traceability codes.

Finally, COM welcomed ENA's input on how to reform the system of plant passports and acknowledged awareness of implementation difficulties in certain cases.

6. PLANT PROTECTION PRODUCTS – UPDATE AND ONGOING DEVELOPMENTS

COM presented an [update on Plant protection products](#), focussing on two topics, namely on REFIT and follow-up actions and on the current developments on guidance documents.

Refit and follow up actions

With regard to REFIT, COM gave a brief overview of the legal framework for pesticides and the timeline of the REFIT report, which was adopted on 20 May 2020. COM further elaborated on the conclusions (for PPP only), covering the positives and the areas where there is a need for action, as well as on the envisaged actions.

As regards sustainability and low risk products, COM outlined what works, areas that need improvement and planned actions.

Developments on guidance documents

COM updated the stakeholders on:

- ✓ EFSA mandates
- ✓ Other guidance documents
- ✓ Ecotoxicology guidance documents and specific protection goals
- ✓ Participation in the Workshop which took place on 3-4 February 2020
- ✓ Outputs so far

Comments and questions raised

ECPA asked how the translation to use the IUCLID data format, which will be introduced in 2021, for MRL applications, will be taken into account. ECPA asked to clarify if a specific act is planned.

With regard to Commission Implementing Regulation (EU) No 2020/1740, ECCA commented that the deadline for the public consultation on the draft proposal was only two weeks before the same proposal was scheduled for a vote in the PAFF Committee meeting. ECCA said that in their view it diminishes the credibility of stakeholder involvement/participation as it is impossible to take into account stakeholder feedback/comments when a vote is scheduled already two weeks later. Regarding the discussions initiated by PAFF and the PAI working group on how to improve comparative risk assessment, ECCA asked if there are indications that the comparative risk assessment as conducted over the past few years was not done correctly, because the REFIT report does not mention this.

IFOAM Organics Europe called for a specific registration procedure for naturally occurring substances and asked if COM intends to introduce a definition and a separate category for naturally occurring substances in PPP legislation and to establish a risk assessment authorisation procedure for the naturally occurring substances in order to facilitate their registration.

As regards the IUCLID data format, COM replied that so far there is no legal act planned, as there is no present need for it. Nevertheless, these will be clarified by means of guidance documents and discussions are ongoing.

In reply to ECCA's comment on the feedback mechanism, COM explained that the timeframe to vote on the legal act was tight and confirmed that all comments were

given due consideration and that certain changes were made based on the feedback received by stakeholders. COM assured ECCA that the stakeholder consultation was taken seriously and that, as usual, COM motivated its decision why certain comments were addressed in the legal act and others not, to the PAFF Committee before proceeding to the vote.

On the comparative risk assessment, COM replied that it does not have much information at present. COM said that the content of the annex has not been implemented and that discussions with MSs will be initiated in order to understand why and to ascertain whether something could be done differently.

With regard to making amendments to the legal framework to address naturally occurring substances, COM said that the current priority is micro-organisms.

Having taken part in the public consultation, PAN Europe said to be displeased that the majority of its comments from civil society and scientists were not taken into account. PAN Europe further expressed concern that the REFIT exercise focusses on minimising the impact on human health and environment, rather than ensuring that there is no harmful effect, which is the central aim of the Pesticides Regulation. PAN Europe welcomed the REFIT exercise, but would have preferred more comments on the scientific quality and the activity of the risk assessment process. PAN Europe further expected more confirmatory information. PAN Europe further expressed concern about the prolongation of the approval period if a substance reaches the expiration period. PAN Europe supported the discussions on comparative risk assessment. Finally, PAN Europe asked COM how many active substances are being used in comparison to the total number of active substances and if the risk is really reduced.

COM replied that from the point of view of usage, the percentage of active substances varies in time and referred to the risk indicators.

As regards the extension for the active substances, COM replied it is trying to keep these types of extensions to a minimum.

On confirmatory information, COM replied that in the past this was done more than presently. Legally, it is a possibility, but COM is trying to keep this at an absolute minimum.

With regard to the scientific process, i.e. the transparency and potential of conflict of interest, COM said that with the implementation of the Transparency Regulation in 2021, studies will be published/made available and there will be more consultations. This will improve transparency

FRESHFEL asked if – in view of the submission of the REFIT evaluation report to the European Council and the European Parliament – a debate could be expected in the European Parliament and if so, what the timeline would be. FRESHFEL further asked if the European Parliament would use a potential debate to reopen the text of Regulation (EU) No 1107/2009 in order to grant more power in the decision-making process.

Euroseeds asked for information on the progress of the seed treatment guidance document and for an update on the next steps, current status and timeline.

EPBA asked to elaborate on the Bee Guidance Document regarding scheduled meetings, the preferred approach (beehive model) and the current Bee Guidance document.

COM confirmed that discussions have taken place in the European Parliament and Council on the consequence of the REFIT report. As regards reopening Regulation (EU) No 1107/2009, COM said it is highly unlikely, because the REFIT exercise demonstrated that the legislation is fulfilling its main objectives and that there is no desire from any stakeholder group to do so.

With regard to the seed treatment guidance document, COM explained that it was decided to split the document with one part addressing the risk management aspects and another part with the risk assessment aspects. These developments can be followed in the summary reports of the PAFF meetings. COM added that for the risk management aspects, there is a draft document available on which DG SANTE is currently internally consulting colleagues of the legal service. For the part on the risk assessment aspects, COM is currently awaiting for the working group to submit an updated version.

As regards the Bee Guidance Document, COM organised meetings in March and June 2020 to consult MSs on the scientific way forward to define specific protection rules at a later stage. At the PAFF meeting in July, it was decided to use an approach which looks at the normal operating range of the beehive. In addition, EFSA has generated a lot of scientific data on different scenarios. At present, EFSA has not yet finalised the document, but the next step will be a consultation.

7. SHORT UPDATE ON THE STAGES OF THE REVIEW OF THE SUSTAINABLE USE DIRECTIVE

COM presented an [update on the evaluation and planned revision of sustainable use of pesticides Directive \(SUD\)](#), addressing:

- ✓ Deliverables
- ✓ The criteria to be assessed in the Better Regulation Evaluation
- ✓ The future impact assessment of the planned revision of the SUD and the possible impacts to consider
- ✓ Information on the initial public feedback
- ✓ Information on a planned external study
- ✓ Overview of past/upcoming stakeholder consultation events
- ✓ Timeline for input from the Economic and Social Committee and its planned actions

Comments and questions raised

IFOAM Organics Europe asked how COM will consider the specific characteristics of naturally occurring substances when developing new monitoring indicators.

FoEE asked what COM envisages to achieve with the impact assessment, which in its view is a repetition of the evaluation published in May 2020, which was comprehensive with clear conclusions. FoEE further commented that in its opinion technical measures for better strain techniques and other technologies such as precision farming will not be sufficient to achieve the objective of reducing pesticides by 50 percent. FoEE stressed that in order to reduce pesticide use by 50 percent, it is important to rethink the way of farming and asked how COM will foresee this. Finally, FoEE asked what would be the most efficient way for civil society groups with significantly less human resources than industrial lobby groups, to contribute to the various initiatives of the Farm to Fork Strategy.

On new monitoring indicators, COM explained there are harmonised risk indicators 1 and 2 (HRI1 and HRI2). COM is developing guidance to make HRI2 more useful.

COM received criticism with regard HRI1 because the baseline changes when certain products are removed from the market and therefore it has to be recalculated retrospectively. With regard to possible new indicators, discussions with EFSA, JRC and EEA are ongoing. Nevertheless, the priority at present is to improve the existing harmonised risk indicators, especially HRI2. COM further mentioned that Eurostat is in the process of discussing a legislative proposal with MSs with the aim to improve the usefulness of pesticides statistics.

COM replied to FoEE that the report published in May 2020, was an evaluation roadmap and not an evaluation as such. As a result of the feedback exercise, COM received many comments from stakeholders and citizens not to waste time with an impact assessment or evaluation and to produce a proposal. However, after internal discussion and in line with Better Regulation guidelines, COM concluded that the impact assessment and evaluation cannot be skipped. COM added that for stakeholders the timeline might seem long, but that, in view of all the procedures, for COM it will actually be a short and tight deadline.

On the 50 percent reduction of pesticides use and risk targets in the Farm to Fork strategy, COM explained that the question was raised internally if the original SUD was not sufficiently ambitious and forward-looking. COM further explained about a new COM process called 'foresight', aiming to make policy formulation more forward-looking and ambitious and said it is considering whether a 'foresight' exercise could be useful on the topic of Farm to Fork pesticides targets.

As regards the lack of human resources of civil society groups to respond to stakeholder consultations, COM recognised the importance to involve all stakeholders and acknowledged the difficulties for groups with less human resources to provide input/contribute to all ongoing initiatives.

On the impact assessment, the Chair added that, from the Council conclusions, it was clear that the Council requested an impact assessment to be carried out for all Farm to Fork initiatives. COM emphasised the importance of this step and pointed out that – while it may appear that COM is taking too much time preparing the legislation – this will eventually facilitate the negotiations on the proposal in the Council and the Parliament at a later stage.

COCERAL asked if the impact assessment will be able to address the actual risk posed by PPPs, more so than the theoretical reduction of 50 percent. COCERAL further enquired if COM foresees further work on emergency risk indicators.

On emergency authorisation risk indicators, COM replied that DG SANTE is currently working on a guidance to improve HRI2, which will be published in the near future.

As regards the 50 percent pesticides reduction targets, COM replied that presently the set out targets are an aspirational ambition and that COM will have to decide whether or not to include them in the legislation. If they would be included, COM would also have to decide at what level to make them binding (at MSs or EU level). More discussions will be necessary before these decisions can be made.

8. GENERAL UPDATES

The Chair gave short general updates on points requested by the stakeholders.

Progress New Genomic techniques consultation

- ✓ The Council of the European Union requested COM (Council Decision (EU) 2019/1904) to submit, by 30 April 2021, “a study in light of the Court of Justice’s judgment in Case C-528/16 regarding the status of **novel genomic techniques** under Union law”
- ✓ To support the study and gather relevant information, COM carried out targeted consultations with MSs and EU-level stakeholders that could be directly or indirectly impacted and/or have potential interest in NGTs.
- ✓ A stakeholder meeting was held in Brussels on 10 February 2020 to discuss the stakeholders’ questionnaire used for the EU Survey.
- ✓ The consultations ended on end of April 2020 for Member States and mid-May 2020 for stakeholders; COM received replies from MSs and 58 stakeholders.
- ✓ A preliminary assessment so far indicates that MSs and stakeholders’ views are polarised, especially on benefits, concerns, safety, labelling and ethical aspects related to NGTs.
- ✓ From the feedback received, there appears to be considerable interest in NGT-related research, attested by the research activities reported by both stakeholders and MSs.
- ✓ COM will now finalise its analysis of the consultation replies and incorporate them in the study; all consultation replies will be made available with the publication of the study. The study should be finalised by end April 2021.
- ✓ The study will also be informed by:
 - the work of the European Union Reference Laboratory on GM food and feed and the European Network of GMO Laboratories, on the detection of products obtained by new mutagenesis techniques;
 - an overview of current and future scientific and technological developments in new genomic techniques as well as of new products that are, or are expected to be marketed, prepared by DG Joint Research Centre;
 - an overview on the risk assessment of plants developed through new genomic techniques, prepared by the EFSA, based on its own previous and ongoing work and on work carried out at national level.
- ✓ More information on the NGT study and its consultation is available on the Commission website.

Progress analytical methods on transfats (by JRC)

- ✓ On 24 April 2019, COM adopted a [Commission Regulation amending Annex III to Regulation \(EC\) No 1925/2006 of the European Parliament and of the Council as regards trans fat, other than trans fat naturally occurring in fat of animal origin](#).
- ✓ Main elements of the Regulation:
 - maximum limit of trans fat, other than trans fat naturally occurring in fat of animal origin, in food which is intended for the final consumer and food intended for supply to retail, of 2 grams per 100 grams of fat;
 - an obligation for business to business transmission of information on the amount of trans fat in foods when it exceeds the limit of 2% of fat;
 - food which does not comply may continue to be placed on the market until 1 April 2021
- ✓ For some years, the JRC has worked on a methodology for determination and enforcement of this legislation, the concept developed by them has been

shared and discussed with MSs experts during the discussions when preparing the legislation

- ✓ On 6 December 2019 COM organised together with the JRC a meeting with MSs experts on methodology to determine trans fats in order to be able to control compliance with the new legislation. Standard methods for determination of trans fats and harmonised approaches to calculate trans fats from ruminant sources (determined by looking at lead substances) to be deducted from the total trans fats content have been discussed. This was the last meeting that took place and no other meetings are planned.
- ✓ COM needs to give the green light and consequently the agreed methodology will be published on the JRC website. It is expected that this will still be done before the end of 2020. If stakeholders are interested we can notify them and send the link to the publication.

Further plans with the EU platform on Nutrition – results evaluation

- ✓ In order to meet COM's obligation to support MSs in their efforts to reach the health targets of the Sustainable Development Goals and the WHO disease specific targets, COM has established a Steering Group on Health Promotion, Disease Prevention and Management of Non-Communicable Diseases.
- ✓ From a policy-making perspective, this Steering Group provides advice and expertise to COM on developing and implementing activities in the field of health promotion, disease prevention and the management of non-communicable diseases.
- ✓ The Steering Group also facilitates the deployment of evidence-based best practices by EU countries, in order to ensure that the most up-to-date findings and knowledge are being put into practice.
- ✓ The activities of the EU Platform on Nutrition have been suspended and COM has no intention to reactivate it . As regards stakeholder involvement, COM has created and made available the EU Health Policy Platform, which is an on-line platform through which MS authorities, stakeholder groups and health professionals can interact on issues concerning public health.
- ✓ Stakeholders are welcome to share information concerning their activities using the facilities of the EU Health Policy Platform where a specific network on nutrition, physical activity and health has been established.

Comments and questions raised

On the new genomic techniques consultation, Euroseeds asked if the contributions that will be published include MSs contributions or if these will solely be the contributions of stakeholders.

Also regarding the new genomic techniques consultation, FoEE asked if any interim information will be made available before the final study will be published at the end of April 2021.

COM confirmed that all both MS and stakeholder replies will be published, but that this will be done at the end of the study together with the study result. There will be no interim report.

9. **AOB**

In her closing remarks, the Chair acknowledged the great interest stakeholders expressed in the Code of conduct during the morning session and informed stakeholders that a dedicated Advisory Group meeting would be organised before the end of 2020.

The Chair further informed participants about the dates for the Advisory Group plenary meetings in 2021, namely Friday 7 May and Friday 26 November.

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