EUROPEAN COMMISSION
HEALTH AND FOOD SAFETY DIRECTORATE-GENERAL

Science, stakeholders, enforcement

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

25 NOVEMBER 2016

Summary Record

1. WELCOME AND OPENING SPEECH BY MR MICHAEL SCANNELL, DIRECTOR, DIRECTORATE FOOD CHAIN: STAKEHOLDER AND INTERNATIONAL RELATIONS

SANTE Director of Directorate D (Food Chain: stakeholder and international relations) opened the meeting. He summed up the results of the replies to the questionnaire on the Advisory Group on the Food Chain and Animal and Plant Health (AGFC). Generally the stakeholders were satisfied with the way DG SANTE engages with stakeholders; they evaluated advisory group meetings as a good forum to exchange information and be advised on new legislation. Nevertheless there are some aspects which can be still improved. The Chair informed participants on the next steps concerning the Call for applications to revise the membership of the Advisory group and invited all current members to apply.

Comments and questions raised

FEFAC thanked for the first analysis of the responses to the questionnaire exercise. FEFAC underlined that it is necessary to consider in which way the AGFC could take a bigger formal role in terms of governance related issues and in which way it could provide advice to ensure optimisation of resources, efficiency, and expertise between COM and stakeholders.

COM mentioned that there are some legal obligations to provide feedback for stakeholders, but it might be risky to go beyond that and deal with broader governance issues. Nevertheless the point has been noted and it will be taken into consideration during the revision of the AGFC.

FESASS underlined that it is essential to have discussions between COM and stakeholders on the important subjects COM is working on. The major project on the animal health law was followed very carefully, particularly veterinary aspects, it is crucial in terms of information but also contribution to internal thinking of COM on this issue. In view of implementation of the animal health legislation FESASS would like to have more specific and longer debates. It can require an ad hoc working group on the list of characterisation of diseases to give COM information on respective priorities before the experts themselves get down to work.

COM underlined that almost on daily basis COM interacts with different organisations and recommended FESASS to address this very specific issue bilaterally with relevant SANTE colleagues.

EDA appreciated to be consulted very regularly and in a structured way. It would welcome to have more specific topics in the agenda of the AGFC since according to EDA additional consultations do not work so well.

BEUC expressed its satisfaction with an opportunity to comment on recent topics in the AGFC meetings and asked not to multiply subgroups because it is quite difficult to attend them all.

COM agreed that it is difficult not only for COM but also for stakeholders to attend many meetings but stressed it is important to have regular, structured meetings related to topical issues.

2. COMMISSION'S STRATEGY TO COMBAT AMR: STATE OF PLAY AND NEXT STEPS

COM summed up the 2011 Commission action plan, the evaluation main findings and recommendations stressing the importance of holistic approach to combat anti-microbial resistance (AMR) and underlining that continued action and enhanced international collaboration is needed. COM highlighted the main priorities for the future, namely to support Member States' AMR efforts, push for research and innovation, and strengthen the cooperation at international level.

View presentation

Comments and questions raised

FVE expressed their appreciation of what has been achieved by COM in recent years in terms of AMR prevention. FVE stressed the importance of one health approach to the problem. As the EFSA/EMA reports show progress has been made in terms of use of antimicrobials among animals. Europe has become the leading continent in fight against AMR; however there are still big differences among member States (MS) thus MS lagging behind should be supported. FVE stressed that the goal is to fight against antimicrobial resistance but at the same time effective antimicrobials must be available.

FEFAC underlined the leadership provided by the European Institutions, in particular by COM and stressed the need of more coordination and consistency between actions at MS, European and global level. FEFAC is of opinion that the road map document published for feedback is an extremely useful guide. It stressed that more clarification is needed in terms of the next steps on how COM sees the potential interface with animal nutrition sector. FEFAC pointed out that it can make active contribution to reach the goal of further reduction of the need for antibiotics at livestock farm level. From their perspective it is important to find ways how to optimise a balanced animal nutrition to maintain animal health status.

COM underlined that each initiative to fight AMR is welcome agreeing that optimised animal nutrition can contribute to better animal health. COM explained that there are special fora for such discussions, in particular the Animal Nutrition Committee and in the next action plan COM foresees to specifically include actions related to animal nutrition.

Regarding the next steps FESASS highlighted three main points, namely to support MS and to make the EU the leading region in prudent usage of antimicrobials.

However MS and COM should not go too far in banning certain classes of antimicrobials in the veterinary medicine. Other important aspect is the research programme and budgetary questions since the money should not be taken from the veterinary funds or the agriculture budget. With regards to international activities, FESASS called for a consistent approach which encompasses other activities of different Directorate-Generals. FESASS asked whether COM is thinking about measures against the import of animal products from non-EU countries that do not apply the practices on AMR prevention. If not that would disadvantage EU producers due to higher production costs in the EU and there is a risk that animal products coming from regions that do not apply AMR prevention are put on the European market.

COM replied that the new regulation on veterinary medicinal products which is under discussion aims at promoting the most prudent use of antibiotics, not at banning them since they are essential in veterinary medicine. However, in the proposal new possibilities for MS will be introduced to restrict the use of certain antibiotics if their overuse could lead to reduction of their efficacy.

COM stressed the importance of research to develop new antibiotics and explained that a mid-term review is needed to check whether the research is focused on the right products.

Regarding international aspects COM underlined that EU is the forefront in monitoring resistance and in the prudent use of antibiotics. Certain partner countries do not have the same level of requirements as the EU does, but these countries are developing quite quickly in this area. COM will continue to promote the European model through the OECD studies, World Bank studies, WHO studies that the use of antibiotics as growth promoters does not necessarily enhance productivity, but has repercussions in terms of AMR. COM explained that it is not at the stage of the discussion to take any measures regarding imports.

COPA-COGECA expressed their concerns that the ban of certain antimicrobials by some MS can go against single market. COPA-COGECA also asked whether stakeholders will be included in discussion on the new action plan.

COM stressed again that the approach is not to ban antibiotics but to promote their prudent use. Some MS can take additional measures but COM will make sure that free movement is respected. COM ensured stakeholders that they will be consulted on the new action plan. Commission's Communication on a One-Health Action Plan to support MS in the fight against AMR has been launched with the aim to inform stakeholders about the COM's work in order to allow them to provide feedback and to participate effectively in future consultation activities.

EFFAT asked whether COM envisages the inclusion of workers protection in the new action plan since there are cases reported about workers who while handling animals in slaughterhouses developed diseases as a result of certain biological agents and developed resistance to certain antibiotics due to their contact with animals.

COM replied that protection of workers at the work place is primarily the competence of MS. Nevertheless, as regard AMR aspects in the upcoming action plan, COM will consider some actions to protect people who could be infected by

resistant microbes at their work place. This will not be done in a legislative form but in a form of guidelines indicating to MS the best way of combating this problem.

3. FOLLOW UP TO THE CONFERENCE ON "FOOD CHAIN IN THE DIGITAL SINGLE MARKET": AND NEXT STEPS

COM presented the conclusions of the conference of 9th November 2016: progress made in digitalisation (electronic certification in a paperless control environment starting in 2017), integration between national and EU environment foreseen between 2017 and 2020, synergy in automated risk based approaches raising efficiency in interception of non-compliant goods. COM stressed the importance of the concept of Information management system for official controls (IMSOC) that will allow the integration of all existing and future computerised systems (e.g. TRACES, RASFF, Europhyt, etc.) to manage information, data and documents on official agri-food chain controls in a more efficient manner. COM finally presented examples of using digital systems to avoid frauds in food sales on internet. The next conference on this topic is scheduled for 26th October 2017.

View document

Comments and questions raised

FESASS commented that data processing is different across MS and there are also different privacy confidentiality rules. FESASS asked whether COM envisages or has legal capability to harmonise this area in MS. FESASS agreed that current electronic certification system can help fight frauds, but asked about preventing fraud in terms of purchase on the Internet. FESASS pointed at the different rules on the shipment of antibiotics and asked how COM will deal with it within the digital single market.

COM answered that there is a food fraud network and one of the main area of frauds is false certificates, in particular from the third countries. With the electronic certificate system it will be harder to commit fraud as it is harder to reproduce electronic signed certificates.

In terms of legislation and harmonisation COM admitted that not much can be done before long due to diversions at the legal level among MS and said this subject is more in competence of DG JUST.

FEFAC asked if COM is thinking about further developing RASFF or if COM is looking at other possible initiatives.

COM explained the two existing streams: the networks of contact points as RASFF for issue implying health risk and Administrative Assistance and Cooperation to coordinate cases of non-compliance (with or without suspicion of fraud). Today 95% of fraud cases come via these two points of entry. COM is trying to simplify the life of the networks of contact points by building a single entry point to make it easier for them to submit notifications.

Second stream is linked up to the border inspections posts using mainly the TRACES system. COM has already an interface which enables TRACES to notify directly RASFF and Europhyt cases to each relevant system. RASFF and Traces are two main pillars of the IMSOC concept and the integration movement will go in this direction.

EUROCOMMERCE asked about the digitalisation of traceability. EUROCOMMERCE also wanted to know whether there will be guidance on safety of products sold online.

COM replied that the aim is to bring together all the documents which are needed for custom clearance at sanitary and certification level in TRACES and establish them as authentic electronic documents to allow the establishment of a fully paperless environment. Currently documents on import or movement of goods are all paper based and there is a parallel electronic documentation flow in TRACES. COM wants to make it easier to produce these e-documents, so a third country can enter into TRACES all of the data linked to the veterinary certificates, sign and stamp them electronically. When the product gets to the border post it is possible to clone all the information to create an electronically signed entry document, so it makes things easier for operators. COM wants to change the paper document to a reference only and an e-document would become an authentic document which would enable a lot of simplification for both operators and control officers. In terms of more electronic traceability data at business level, COM has participated to the international standardisation of many elements and messages in the UNCEFACT context and organisation. COM works with other MS and stakeholders to standardise documents on international level (UNCEFACT) and to come up with messages which enable all products to be electronically traced.

COM concluded stressing that there are certain new food fraud trends and industry is encouraged to report them so official control networks are aware of them and can help tackling these new fraud trends. Recent events have shown very important schemes reported by the stakeholders that the COM is now trying to solve together with the MS authorities.

4. EU ACTION PLAN ON FOOD&FEED ECOMMERCE CONTROL

COM presented the applicable legislation for the official control of internet sales of food, i.e. eCommerce, and an action plan for strengthening these official controls. COM pointed out the future actions they would be taking regarding Better Training for Safer Food (BTSF), adjustment of RASFF and AAC formats to the needs of eCommerce control, coordinated control actions, contact points with eCommerce platforms and cooperation agreements with third countries. COM stressed the importance of getting all the MS on board in the enforcement of EU Agri-Food Legislation on the internet sales of food.

View presentation

Comments and questions raised

HOTREC pointed at a strong development of eCommerce platforms in cooperative economy, with many new platforms opening to sell ready meals to consumers without being aware of legislative requirements, respecting food safety or food information to consumer regulation. HOTREC asked how these emerging traders are taken into consideration in the COM work on eCommerce control.

COM admitted that there are many businesses and individuals on the Internet selling food, *inter alia* on Internet platforms such as eBay or Amazon. COM stressed that it is the task of the competent authorities in MS to register these businesses in

order to enforce EU legislation. Some MS are advanced and registering up to 1000 new food businesses per year. The EU action plan has an objective to raise eCommerce control in all MS to the efficient level, to ensure that the consumers can buy safe products from eBusinesses.

In response to FESASS, the COM replied that it was not possible to provide concrete financial data on whether the control of eFood operators is cheaper than the control of conventional food business operators but computer traceability is much less costly than conventional controls.

5. UPDATE ON THE OFFICIAL CONTROL REGULATION

COM briefly informed the stakeholders on the actions planned in the next year. COM presented the structure of the Regulation, financing of official controls as well as the process of the adoption of implementing and delegated acts and the role of stakeholders.

View presentation

Comments and questions raised

In response to FESASS, the COM confirmed that the European reference centre for animal welfare should be established in one year's time from the entry into force of the regulation (expected in March 2017). Preparatory work had already begun.

In response to EUROGROUP FOR ANIMALS the COM replied that in certain areas it was especially important to avoid a gap in legislation. Regarding live transport of animals Reg. 1/2005 will apply up until three years after the date of application of the OCR (14.12.2019) so in December 2022. While it is a fixed date, the COM will draft and adopt tertiary legislation to avoid any possible gap.

6. UPDATE ON LUMPY SKIN DISEASE

COM introduced the infographics on recent spread of LSD and LSD situation in 2013-2015. It was mentioned that the further spread of LSD to the north or west seems to be halted in 2016. There were also no new LSD outbreaks reported in those affected countries where full vaccination coverage has been achieved. Recent activities include ministerial conference on Lumpy Skin Disease in Bulgaria, appointment of EU Reference Laboratory for Diseases caused by Capripox viruses – LSD, submission of vaccination programmes by EU MS (either affected or not by LSD) for Commission assessment-approval and two Commission Decisions voted in September and adopted on 15th November by the Standing Committee on Plants, Animals, Food and Feed.

View presentation

Comments and questions raised

FESASS expressed two concerns: first whether COM is planning to continue the vaccination campaign, since it is not sure how long immunity given by vaccination will last. The second cause of concerns was related to Russia and Georgia where the

cases have been reported to know what actions they are taking as to avoid spreading the disease from these countries to the EU.

COM underlined that the meeting in Istanbul will touch upon the issues mentioned by FESASS. All affected countries in the area have adopted vaccination and most of them have completed their vaccination campaigns, with support from the EU vaccine bank. COM has long-established channels of communication and engagement with the neighbourhood policy countries and is putting every effort, along with the technical assistance of EFSA, to tackle the problem at regional level.

EUROGROUP FOR ANIMALS expressed support to vaccinations as a first step. However, EUROGROUP FOR ANIMALS would like to know what analyses were taken by COM about effectiveness of chosen vaccine and how they have taken into account the side effects on animals that have been vaccinated.

COM underlined that there is a new European reference laboratory. One of the issues it will be addressing, once it has assumed full duties, will be the effectiveness and quality of the LSD vaccines. EFSA will also contribute in this aspect by gathering and analysing data from the current LSD vaccination campaigns.

COM noted FESASS comments regarding provisions of the implemented decision mentioned by COM and very severe restrictions they bring. FESASS stressed that if the disease progresses, consequences for the whole sector can be devastating and highlighted the importance of discussing this further in the OIE framework.

7. UPDATE ON CRITERIA TO IDENTIFY ENDOCRINE DISRUPTORS

COM reminded stakeholders that the first draft legal acts on criteria to identify endocrine disruptors under the plat protection product and the biocidal product Regulations were presented in June together with the Commission Communication which accompanied the impact assessment. The draft legal acts were published on SANTE's website. Consultations with Member States are on-going. Further consultations were made via the feedback mechanism (stakeholders and general public) and with third countries via the notification to the WTO. All the comments were analysed and the revised versions have been published on SANTE's website.

COM explained that the proposal for criteria to identify endocrine disruptors is based on the WHO definition. COM summarised the main comments received from MS and stakeholders. COM informed stakeholders about a mandate sent to EFSA and ECHA for scientific and technical assistance in order to develop a joint Guidance Document for the implementation of the hazard based criteria to identify endocrine disruptors. COM concluded stressing that the proposal maintains a high level of protection for the human health and the environment.

View document 1

View document 2

Comments and questions raised

PAN EUROPE underlined that in their view COM translated the WHO definition in a way that could be misused. PAN EUROPE is of opinion that the plausible link

between the alteration of the endocrine system and the adverse effect should be mentioned more upfront in the criteria. Moreover, PAN EUROPE expressed concerns regarding the concept of negligible risk, and the change from a default value of pesticide residues in food towards a maximum residue limit (MRL).

COPA-COGECA expressed their concerns about the Commission proposal for the criteria since according to them many active substances presently used might disappear from the market, with consequently fewer possibilities for farmers to fight against pests and less competitiveness of the EU agriculture with respect to third countries. COPA-COGECA stressed that for pesticides banned it is not justified that the EU legislation allows third countries to use these substances in their products, to the disadvantage of EU farmers.

On COPA-COGECA comments, COM replied that it is aware of the concerns for EU agriculture and looked at it carefully in the impact assessment.

COM stressed that in the proposed criteria the biological plausibility of the link is explicitly mentioned and that this is one of the key elements to be checked in the weight of evidence used to assess the information. Plausibility is not mentioned in the WHO definition. COM strictly sticks to the WHO definition because there is a consensus that the WHO definition is a good basis.

COM mentioned that in previous discussions about the concept of the negligible exposure it was very difficult to reach an agreement amongst MS. COM believes that with the concept of the negligible risk from exposure, MS could come to an agreed approach for the implementation of the criteria.

PANEUROPE stressed that in their opinion it will be very difficult to define clearly the plausible link between the mode of action and the adverse effect.

COM concluded that a clear guidance will be prepared by the agencies in consultation with MS experts.

8. NEW PLANT HEALTH LAW (ADOPTED ON 23 NOVEMBER 2016):

COM explained the main points of the new plant health law *inter alia* simplification of rules on pests and introduction of the risk assessment principle; inclusion of all pests with listing of pests following risk assessment; proactive measures against pests including rules on early notification of outbreaks and detailed rules for eradication of pests; measures on commodities; registration and traceability and certification of pests including plant passports for all plants for planting, phytosanitary certificates for all plants. COM further informed participants about the plant health provisions under the Official Controls Regulation and concluded giving the preliminary timeline for adoption of delegated and implementing acts.

View presentation

Comments and questions raised

PAN EUROPE mentioned that there should have been a link between plant health law and sustainable use directive and asked about plant passport and whether there will be information about pesticide used on a plant in it.

COM answered that there is no reference to the use of pesticide in the plant passport. One reason is that an approach to pesticide changes and a second reason is that COM wants to simplify rules on the plant passports and intends to reduce ten entries that are currently there to six. Plant passport is used as a tool to certify an absence of a pest from the plant and to inform the operator of the origin of the plant.

FRESHFEL stressed the importance of having an efficient plant health regime. FRESHEFEL expressed concerns about ongoing debate in the European Parliament on the revision of Directive 2002/29, and its annexes 1 to 5 which is being driven more by commercial than scientific motivation.

COM replied that all imports of fruit and vegetables that will be the subject of phytosanitary certificates. COM explained that according to the modification of annexes of the current legislation, COM introduced strict requirements for new organisms and updated and reinforced requirements as regards citrus in particular. COM stressed that the amendment of that Annex is based on EFSA scientific opinion and EPPO pest risk assessment. The idea of COM is to be stricter as regards import requirements to avoid some diseases, however, there will be notifications to the third countries and they will be able to comment on them. COM intends to have a regulation which is precise, strict and protects the EU as well as possible.

COM ensured participants that further discussion with stakeholders will be organised and that COM will give update on new regulation and requirements as frequently as possible.

9. WORK PLAN FOR THE SUSTAINABLE USE DIRECTIVE 2017-2018

COM presented an update and a work plan on the sustainable use of pesticides stressing the importance of an integrated pest management (IPM), harmonised risk indicators and shared responsibility for sustainable use by Member States, the Commission and Industry. COM presented planned actions such as: SUD web portal, WG meetings, research projects, BTSF training courses.

View presentation

See website

Comments and questions raised

COPA-COGECA asked whether an expert group on sustainable plant protection which consists of MS and some stakeholders will continue beyond 2017. COPA-COGECA asked on stakeholders` involvement not only at MS level but also at European level.

PAN EUROPE agrees that stakeholders` meetings are important and stressed that they should be called 'stakeholders` meetings' instead of 'industry meetings'. PAN EUROPE underlined that MS should define what the IPM is and that it should be exploit to the full.

COM is aware of the situation regarding IPM and the need of more harmonised approach to IPM across MS. COM intends to gather information from the MS on what they are doing in IPM to identify good practices in order to create a training

platform for BTSF training courses. COM agreed with PAN EUROPE that bad practices should not be ignored but the aim is to spread good practices.

10. EUROPHYT PLATFORMS FOR PLANT HEALTH – UPDATE AND DEVELOPMENTS

COM underlined that the objective is to enhance the EU crisis capacity in plant health, drawing from experience in animal health and food. COM explained the structure of EUROPHYT including interceptions, outbreaks and plant health surveys.

View presentation

Comments and questions raised

COPA-COGECA would welcome monthly analyses in Excel instead of PDF and asked what kind of information will be available from the system for stakeholders.

COM replied that the technical possibility to have analyses in Excel will be checked.

FRESHFEL suggested following the number of interceptions more frequently than once a month. FRESHFEL is in favour of a database similar to the one of RASSF which provides more details on finding of the pesticide residues or hygiene noncompliance. For their sector it is important to have the access to such information as date of notification, date of inspection, notifying Member States, action taken, distribution status, product name etc.

COM agreed that EUROPHYT should be continuously developed and improved.

11. SHORT INFORMATION ON POINTS RAISED BY STAKEHOLDERS

Update on new Campylobacter measures

COM gave an update on new Campylobacter proposal following the increased number of cases registered since 2008 and following a discussion with MSs on the need to fight Campylobacter. On request of the Commission, EFSA published a series of scientific opinions identifying control options to tackle Campylobacter in the broiler meat production chain, which was followed by a cost benefit analysis defining that setting a process hygiene criterion for Campylobacter is the best cost-effective control option. The latest COM draft on the introduction of the process hygiene criterion for Campylobacter was presented and discussed recently in the group of MS experts on microbiological criteria. The proposal has the objective to improve hygiene in slaughterhouses and biosecurity measures at farm level. COM idea is to start with a more tolerant approach and progressively continue towards a stricter microbiological criterion in order to enable food business operators to comply with the criterion and progressively put in place measures to tackle Campylobacter. There is a discussion with MS ongoing on when to move on to stricter microbiological criteria, so the proposal might be reviewed in case of need.

Comments and questions raised

BUEC asked if it would be possible to have an access to the latest draft of the document and comment it.

COM replied that the proposal is under discussion with MS but stakeholders will be formally consulted in a framework of public consultations.

Key priorities for enforcement on animal welfare: export of live animals, and tail-docking of pigs

COM presented key priorities for enforcement on animal welfare in the upcoming three years, mainly export of live animals, and tail-docking of pigs. COM underlined the effort made with regards to export of live animals; discussions and meetings took place with relevant business operators and a series of audits is planned in different MS in order to ensure improvements. COM stressed the key role at places of departure for certifying vets. On tail docking of pigs COM highlighted the importance of managing the farms in order to achieve high standards concerning health, environmental conditions as well as stockmanship. COM informed participants about the state of play; some MS have a full ban in place, others active strategies to eliminate the problem. Actions for the future include developing strategies based on sharing good practice and better communication between competent authorities.

View presentation

Comments and questions raised

FESASS mentioned the outcome of research studies conducted in Germany which prove that it is possible to stop tail-docking but stressed that the problem of tail-docking is very complex and cannot be eliminated in one hundred percent. There are many open questions which need to be addressed in further research studies. Support of the studies from MS and COM would be very welcome.

COM agreed that there are still many challenges in this field but stressed that the progress has been made already.

Experience with the enforcement of the current EU legislation on the protection of animals during transport

The Advisory group member Animals` Angels presented its experience with the enforcement of the current EU legislation on the protection of animals during transport. Animals' Angels underlined that the enforcement of the Regulation is not at the same level in all MS and expressed the opinion that under the current Regulation it is impossible to fully protect animals during transport even with an improved enforcement.

View presentation

Comments and questions raised

EUROGROUP shared the example of some good practices from Australia where in recent years only mandated companies applying strict standards can transport live animals. EUROGROUP encouraged COM to take some good practices from Australia, for example in terms of the provisions on official control regulation.

FESASS stressed that there are some good examples of animal welfare protection during the transport in Germany, Netherlands, Denmark, Finland, as well as

Sweden. FESASS underlined that the situation in terms of animal welfare protection is very different among MS, but generally handling of animals is improving. COM is funding several projects helping to improve animal transport.

UECBV is in favour of better implementation of the existing regulation. UECBV prepared guidance for transport to determine whether an animal is able to be transported or not. UECBV expressed the opinion that education and awareness of the problem has good results in many MS. COM should further concentrate on implementation of the existing regulation not on drafting a new one.

COM stated that in recent discussions in Agri Council a group of MS is supporting the idea of the revision of the existing provisions but another substantial group of MS is more for improved implementation and enforcement. COM tries to take all reasonable measures between these two polarised positions. COM admitted that the Australian model is known and discussed.

COPA-COGECA underlined that the sector itself is involved in developing this issue. COPA-COGECA is against the new legislation while the pilot project on animal transport is under discussion and no outcomes are known.

COM concluded that there are still persisting problems but the general standards have improved and a good progress has been made on this issue which is high on COM agenda.

12. IMPLEMENTING RULES UNDER REGULATION (EU) NO 1169/2011, RELATED TO ORIGIN INFORMATION

COM presented the state of play as regards the Implementing rules under Regulation (EU) no 1169/2011, related to origin food labelling and reminded participants of the general context - the basic Regulation where a political compromise was made stating that providing the information on origin by business operators is on voluntary basis. COM should provide the necessary tools for specifying this information on labelling. COM explained that recently a debate on origin labelling is ongoing with MS. Some MS proposed mandatory origin labelling rules on national level, other MS called upon COM to precise the voluntary origin labelling rules. In the latest draft implementing rules on (voluntary) origin, COM aims at keeping the horizontal approach on measures covering all the products. There is a specific indication on how the information on origin of primary ingredients or main product has to be provided in accordance with the modalities stated in the basic Regulation. COM concluded with informing participants that the stakeholders will be able to comment the finalised draft via the feedback mechanism.

View document

Comments and questions raised

BEUC expressed concern regarding the latest version of the draft which is now on the table. According to BEUC there are three aspects which were better addressed in the previous version of the draft. The first one is the level of provenance. BEUC suggested that the level of provenance should be the same for the primary ingredients as for the food itself. Second point is related to the presentation of

information on the package; the previous draft was more prescriptive in the way how the information should be given to consumers. The third thing is related to customary names, if the consumers do not relate the customary name to the specific origin, it will not be considered as an origin indication.

CLITRAVI expressed some of their concerns since for the meat sector at least two indications of origin are required, in case of beef even four. This requirement represents a discrimination comparing to other products. The other concern is related to the trademark issue. CLITRAVI underlined that there is no added value for consumers in this provision because they are already protected from being misled with the use of the trademark.

EDA supported work of COM and encouraged fast adoption of the proposed Regulation. EDA agreed with CLITRAVI on the trademark issue. Trademark should not be an expression of the country of origin; this should be out of the scope of the Regulation.

PFP stressed that this implementing act has nothing to do with voluntary origin labelling for primary ingredient because there is an obligation to provide the origin information. However, PFP appreciated some flexibility in the act and would welcome guidance so correct interpretation is guaranteed.

COPA-COGECA stressed that it is important to look at the definition of the origin when it comes to the agricultural products because for the agricultural products the main importance is the provenance of the raw material, what is called the place of farming. Operators are not obliged to give information on the origin. However, if they give it, it should be transparent and it should not mislead the consumers. COPA-COGECA asked what the main driver to prepare a new draft of the regulation was, since the flexibility was already covered in the previous version.

FOODDRINK EUROPE underlined that there is a proliferation of national initiatives, mainly in the diary sector for political reasons that are hampering the single market. FOODDRINK EUROPE expressed concerns that COM accepted some of these national initiatives having an immediate impact on companies. The implementing act is welcomed by FOODDRINK EUROPE as an improvement to the previous version. Nevertheless according to FOODDRINK EUROPE COM created some sort of unfair competition since some sectors can choose only one particular option out of the two options which are specified in the Regulation. There is a need for some clarifications by guidance or Q&A document.

COM replied that it tries to develop a solution which is flexible and enforceable by the competent authorities. COM stressed that information on the product is always to be assessed on a case by case basis. COM will stay on the level of general rules. MS should apply the rules to specific products concerning the manner in which the information should be provided.

COM underlined that there is a transitional period proposed for the new legal act, beginning of 2019. COM is fully aware that some operators may wish to have more time but on the other hand consultations showed that MS would like to speed up the process.

FRSHFEL underlined that national authorities have a lot of forms of interpretation and it is a question how to define a primary ingredient for example in the case of mixed salad. FRSHFEL mentioned that to label products as EU or non EU is not satisfactory. In their case they need a provision of EU and non EU as well, because of many products coming from the third countries. FRSHFEL would welcome a guidance document that will help MS to have proper interpretation.

COM answered that for primary ingredients there is a choice to indicate EU and non EU, but COM cannot use an "and/or" option in the legal text. On the specific question of mixed products, the definition has two options – either calculation of proportion in the product, if the proportion goes beyond 50% or the other option is what the characteristic ingredient for product is.

EHPM asked about general Q&A update (not linked to origin specifically), as well as about allergen guidelines.

COM concluded that preparing Q&A is a long process, mainly in terms of process of discussing, agreeing and coming to consensus but COM will work on them and in the near future stakeholders will be provided with Q&A.

13. UPDATE ON FOOD CONTACT MATERIALS: FINALISED STUDY ON NON-HARMONISED MATERIALS, STUDY ON INFORMATION IN THE SUPPLY CHAIN, AND A NEW MEASURE ON PRINTING INKS

COM presented the current EU legislative framework for all food contact materials (FCM) as well as specific measures on different materials and substances. COM explained that legislative framework includes the requirements for Good Manufacturing Practices as well. COM stressed that FCM must not endanger human health, must not bring about unacceptable change in composition of food or organoleptic characteristics, must follow definitions, traceability and labelling requirements. COM shortly discussed the Regulation on plastics, which is the main specific measure currently in place under the legislative framework on FCM. COM further presented a JRC study aiming at providing the overview of the market and regulatory situation of the 13 out of 17 FCM that are not subject to harmonised EU legislation. The lack of harmonised measures may result in a lower level of health protection and forms barriers on the internal market. COM informed participants on actions foreseen in 2017 including a new EU measure on printed food contact materials which will be prioritised since there are some health concerns. Among new activities will be also a study of information in the supply chain, new series of SANTE F fact finding missions on FCMs, and recommendation on monitoring of mineral oils. COM concluded with drawing the attention to existing work including implementation of recycling processes, continuation of authorisations under Regulation 10/2011 and continuation of Better Training for Safer Food for FCM.

View presentation

Comments and questions raised

EUROCOMMERCE welcomed the prioritisation of printed FCM and asked when JRC report will be published.

COM replied that it should be published by the end of 2016.

14. MINERAL OIL IN FOOD AND MATERIALS AND ARTICLES INTENDED TO COME INTO CONTACT WITH FOOD

COM referred to the EFSA scientific opinion on Mineral Oil Hydrocarbons (MOH) in food which indicates potential concerns in relation to exposure to MOH through food. EFSA opinion indicated several uncertainties related to the chemical composition of MOH mixtures and the wide range of sources of dietary exposure for humans. COM explained that possible sources of MOH in food are e.g. food packaging materials, food additives, processing aids or environmental contaminants. COM further detailed that chemically two important groups of MOHs are distinguished, mainly mineral oil saturated hydrocarbons and mineral oil aromatic hydrocarbons. There are still uncertainties related to analysis with hardly any certified reference material available, with limited method development so the increased data collection and continuous monitoring of relevant food groups is recommended. COM informed participants that the Standing Committee on Plants, Animals, Food and Feed has endorsed the monitoring recommendation covering during 2017 and 2018 a wide range of food commodities including packaging materials. COM stressed the importance of monitoring recommendation to increase awareness for all involved actors, increase laboratory capability and capacity and to have a better view on sources. COM concluded that once the information from monitoring is available it will allow for targeted and evidence based measures in the future.

View presentation

Comments and questions raised

On FEFAC question whether the measures are related also to feed COM clarified that the measures are related only to food.

FOOD DRINK EUROPE asked how advanced is JRC on developing guidance on testing methods. COM explained that JRC is working on guidance but would first gather the information on the problems MS are facing with regards to this issue.

15. ANY OTHER BUSINESS

The Chair thanked all participants for their constructive contributions, invited again all current members to apply to the Call for applications for the membership of the Advisory group and closed the meeting.