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03 - Science and stakeholder relations

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ADVISORY GROUP ON

THE FOOD CHAIN AND ANIMAL AND PLANT HEALTH

Summary Record of the 2nd Meeting

19 May 2006

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1. APPROVAL OF THE AGENDA

The Agenda was approved after adding 2 points under "Miscellaneous" (See point 10) at the request of "Animals Angels", member of the Advisory Group on the Food Chain and Animal and Plant Health (AG).

A practical problem was clarified by the Chair: many organisations participating in the AG wanted to have several experts present at the meeting. However, in order to maintain the current balance between the different members of the AG, in particular the consumers represented by BEUC, it was decided to authorise the participation of only one expert from each organisation (except BEUC) for the discussions.

1BIS APPROVAL OF THE MINUTES OF THE FIRST MEETING OF THE AG (5TH-6TH JULY 2005)

POINTS FOR DISCUSSION

2. LABELLING PAPER

a) Introduction

Mr Madelin, Director-General, DG SANCO, emphasised the need to initiate a discussion to improve the current system and to identify which type of information would be needed. Consumers and operators agree with this approach. COM presented a consultative document raising the problems and exploring possible issues concerning labelling. Comments are requested by 16/06/2006. This document tries to promote an overall approach to labelling which will enable consumers to make safe, healthy and sustainable choices, create a pro-competitive market environment and is consistent, coherent and transparent.

Comments and questions raised:

- The industry is already addressing many of the issues identified in the paper; the principle of making the complicated understandable is a positive one (CIAA, UGAL).

- DG AGRI, which has specific labelling requirements and DG SANCO should work in good cooperation (UGAL, COPA-COGECA).

- Labelling is the single source of information for consumers as alternative sources are generally not used by the consumer. (BEUC).

- Good that non-food products are included in the labelling review (EUROCOMMERCE).

- The labelling of agricultural products sold loose by SMEs needs to be addressed (CELCAA).

- The expectations of the consumer are not always in line with the labelling of fresh products (AVEC).

- The concept of the recasting of food-labelling could be extended to feed (FEFAC).

- The process of recasting the legislation on labelling should not be a "never ending" story (EUROGROUP).

b) Health warning labels on alcoholic beverages

COM is preparing a communication on alcohol and health and work on the establishment of possible health warnings on the bottles of alcohol, in particular to warn consumers about the impact of alcohol on the unborn child, is in progress. COM will try to collect all possible views on the subject.

Comments and questions raised:

- No clear stand is taken on health warning labels on alcoholic beverage containers (COPA COGECA, EUROCOMMERCE)

- Only the misuse of alcohol should be discouraged (CELCAA).

- Even if there is a need for consistency between the actions against tobacco and alcohol, are health warnings the best way to target certain groups of people at risk through the consumption of alcohol, e.g. pregnant women (UGAL)?

- As MS sometimes take "solo" decisions and decide on the introduction of health warnings on alcohol without waiting for EU harmonisation, it might become necessary to consider the need for harmonized health

warning labels but applied on a voluntary basis (EUROCOMMERCE; COPA COGECA).

- The notion of quality in alcohol production should not been damaged by health warnings (COPA COGECA).

- Do health warnings on a label constitute the best way to tackle the problem: would it not be better to try to educate/persuade people to moderate their consumption (CIAA)?

c) Animal welfare labelling

This initiative should enable consumers to make an informed choice and producers to benefit from market opportunities. Many options are offered and should be discussed with the stakeholders: from mandatory labelling to a complete market-driven, voluntary labelling scheme. This is part of a broader action plan on the protection and welfare of animals, including a possible European Reference Centre for animal welfare.

Comments and questions raised:

- Animal welfare standards are not complied with in many third countries and the indication of these standards will result in yet more additional labelling, as was the case with "organic", etc. Problems with composite products are also mentioned (COPA COGECA).

- The compliance with animal welfare standards is compulsory for animal products sold in the EU but is it really as a result of consumer demand (UECBV)?

- There are concerns expressed by some organisations about the establishment of a European Reference Centre for animal welfare (COPA COGECA, UECBV).

- There is a possible confusion over the labels, considering the number of compulsory indications that already have to be shown (AVEC); is it really essential information (EUROCOMMERCE)?

- A compulsory system would be better (EUROGROUP).

d) General food labelling and origin

The general food labelling legislation will have to be recast and simplified and at the same time its scope of application could be clarified. Legibility of labels is a fundamental issue to be addressed.

Comments and questions raised:

- All existing labelling provisions (horizontal and vertical) should be compiled in a single regulation (EUROCOMMERCE).

- The quality of the labelling legislation should be improved (simplification, clarification), and all horizontal provisions would have to

be gathered in a single instrument, preferably a regulation. Presentation of the information is a difficult subject that raises the issues of control and multilingual labelling. Alternative formats should be considered for providing information (CIAA).

- Clarity/ legibility of labels could be improved following a reflection on the order of the presentation of the information (UGAL).

- Foodstuffs sold in restaurants or canteens should not be covered by the labelling requirements. However information needed by consumers should be available (FERCO, EMRA).

The indication of origin or provenance on food labels, even when needed and/ or demanded by consumers, raises questions:

- Should the MS or EU/ third country be indicated?

- Should the information be mandatory for all foodstuffs or only for certain categories of foodstuffs, for example, non-processed products?

- Should new rules be introduced to prevent misrepresentation of the true origin of foodstuffs or raw materials, in cases where the origin is indicated on voluntary basis by the producers?

Comments and questions raised:

- Origin is not key information and normally it should only be provided on a voluntary basis, however, a harmonised way of indicating it would be useful (EUROCOMMERCE).

- The indication of origin on the labelling will raise the problem of control because of different practices in the MS (UECBV).

- Will the consumer not make a link between the origin and the quality of the product (COPA COGECA) because it is well known that stating the origin is frequently used as a marketing tool because consumers favour products from their own country (CELCAA)?

- In addition to the "triangular trade" (transit of a product via a country which is not the country of production), the problem of composite products impairs the applicability of the indication of origin (BEUC).

- Only labelling to indicate origin where it is likely to impact on health should be mandatory (UEAPME).

- Non-food products should also be taken into account when thinking about the indication of origin (UGAL).

e) Nutrition labelling

Several questions were raised about nutrition labelling:

- Should this labelling be mandatory in particular cases like single ingredient products, small packages or food for immediate consumption?

- What amount of information is required: e.g., the number of nutrients, the reference quantity or the recommended daily amounts?

- Are alternative formats for providing nutrition information available on the basis of the experience of some MS?

Comments and questions raised:

- The existence of EU legislation would avoid the discrepancies between MS (CIAA).

- Too much information on a label is useless: alternative means can be used (CIAA). However these means should not replace basic information needed by the consumer because consumers do not concretely use alternative sources (BEUC).

- The order of presentation of information on the label is more important than the harmonisation of presentation (UGAL).

- It is difficult to label food in the catering and restaurant sector: the new legislation on labelling should be flexible on this aspect (FERCO, EMRA).

- Nutrition labelling should be established on a voluntary basis by the operators in a simple framework proposed by the EU (EUROCOMMERCE).

Concerning labelling, for COM, the following points are important:

- Some initial output from the consultation will be anticipated before the end of July. In reviewing the consultation responses, it is important to differentiate between comments based on opinions and those based on facts.

- It is clear that there is an appetite to think 'outside the box' in terms of options to improve labelling and that economic operators want to label products in a way that helps consumers.

- The market is continuously evolving and it is important to be aware of this in considering what interventions on labelling make sense. Whatever is done must be sustainable and able to cope with this evolution.

- Labels are part of a package and need to be backed up by information, education, promotion and trust. They should also ensure a level playing field (for example where origin can be linked to animal welfare). Overall, labelling should be considered as part of a policy tool box.

- In terms of possible action on labelling the important issue is to consider what works best and what can be considered 'better regulation'? Would

action be best done at the EU or national level? Should there be a lot of prescription at the EU level or have flexibility so that action can be adapted to the national situation?

- The regulatory versus voluntary option needs to be considered. If the voluntary route is followed then how do you make sure that labels are honest and accurate? Could this lead to too many different labelling schemes and consumer confusion?

- Should consumers be given what they 'want' or what they 'need' in terms of labelling? This is essentially a political decision, but might not just be based on what is rational. If EU citizens are requesting a certain type of labelling, which they might use in the wrong way (such as origin labelling), then the Commission and industry should address this. For example, by making a better case for why such labelling is not needed.

- The costs and benefits of labelling changes must be taken into account and should be based on facts. For example SMEs might be more affected by changes as they update their labels infrequently but there is a need to know what 'infrequently' means, e.g. every 2 years, every 5 years?

3. ANIMAL HEALTH (EU STRATEGY 2007-2013)

Animal health policy at the EU level plays a key role in facilitating the trade in animals and animal products, ensuring food safety, preventing the transmission of animal diseases to humans and providing financial support for the control and eradication of many serious diseases. The devastating social and economic consequences of diseases like foot-and-mouth disease or avian influenza demonstrate the importance of a strong and effective animal health policy at EU level. The Commission intends to develop a new and improved animal health strategy for the EU, to go beyond what has already been achieved with the existing animal health policy.

The existing EU animal health policy is currently undergoing an external evaluation. This evaluation serves as a basis for reflection on possible policy options for the future. The evaluation team has identified possible key options to design the future Animal Health Strategy. At this stage, all these options are still open and will be studied following a full stakeholders' consultation. The final report will be presented officially to the stakeholders in November 2006 (Austrian-Finnish Presidency conference).

Based on the evaluation results and the conference conclusions, the Commission will present during the DE Presidency (mid-2007) a Commission Communication on the EU Animal Health Strategy (2007-2013).

Comments and questions raised:

- AG members were generally largely satisfied with the stakeholder involvement decided upstream by COM in the elaboration of the project The current situation should be simplified with a clear strategic line to follow (COPA-COGECA; FESASS).

- Some questions on the financing of this strategy remain to be answered (FESASS).

POINTS FOR INFORMATION

4. RASFF DEVELOPMENTS

COM recalled the procedures which apply to the RASFF system according to the global framework given to the system within the "General Food Law" (Regulation EC No 178/2002). Details of the operations have been successively summarised in a Vade-mecum, and a Manual. The most important elements of the system are the initial criteria used for the establishment of the notification: alert, information. The system needs new implementing measures to update and formalise the current procedures and to fill the gaps that have been identified.

A small working group of MS RASFF contact points has been set up for the development of new implementing measures for the system. The drafting is still at a preliminary stage and therefore does not necessarily represent the official views of COM.

Comments and questions raised:

- The review of the RASFF procedures is welcomed given that there are still uncertainties about the categorisation of risk in the notifications, the level of confidentiality or the definition of a lot which can differ according to the MS (CELCAA and UECBV).

- The review of the system is important in order to give the consumer confidence in the system (CIAA), it is regrettable that the way potential emerging risks are taken into account is not harmonised in the MS (BEUC).

COM explained that many problems are linked to the fact that the system needs to be "rapid", which explains why, on occasion, initial findings notified are later contradicted.

5. WHITE PAPER "BETTER TRAINING FOR SAFER FOOD"

In the framework of the new hygiene regulations, COM is launching the "Better training for safer food" initiative which aims to organise training courses for the staff of the competent authorities in the MS in charge of verifying compliance with EU food and feed law, animal health and animal welfare requirements, and with plant health requirements. Such training is also open to participants from third countries and, in particular, from developing countries.

A European dimension to training aims to establish a fair level of uniformity of the controls carried out and of the decisions taken by the controlling authority pursuant to such controls, thus giving more certainty to food businesses as to an equal treatment wherever controls are carried out.

The participation of third countries will lead to a better understanding of EU food standards and import procedures thus lowering the hurdle for third countries, and in particular developing countries, to place goods on the EU market. It will also lead to better compliance with the EU food standards and thus to lesser and more simplified controls at import.

Following *ad-hoc* training initiatives organised in 2005-2006, a permanent training system should be in place from 2007 onwards. The subjects of the training in 2006 are:

- HACCP
- Veterinary checks in airport and seaport BIPs
- Animal welfare (stunning and killing during slaughter and disease control situations)
- ABPs standards
- EU standards for fish and vegetables
- Avian flu for ASEAN countries

6. EVOLUTION OF DEVELOPMENTS IN RELATION TO:

6.1. The Hygiene package

Details will be discussed at a meeting with stakeholders on 29.05.2006 (documents were sent on 19.05.2006). The package of 5 interrelated and interdependent proposals and one non-related proposal will be discussed with MS in a final working group on 9 June and in the SCOFCAH on 19-20 June. The package will be submitted for a vote in the SCOFCAH on 18-19 July.

The package comprises in particular:

- a draft Regulation which adds requirements for the production of certain products of animal origin (fish oil, colostrums); replaces, recasts or adds Community certificates for imports of certain products of animal origin and amends some implementing rules adopted in 2005.
- a draft Commission Decision establishing the lists of third countries from which fishery products and live bivalve molluscs can be imported.

In addition, there is a proposal for an addendum, in relation to wild game and wild game meat, to be made to the guidance document for Regulation (EC) No 852/2004.

6.2. Microbiological criteria for foodstuffs

There are currently two projects:

- New criteria to be added to Commission Regulation (EC) No 2073/2005. This project is at an early stage of development and concerns a process hygiene criterion for B. cereus in dried infant formulae, and a process hygiene criterion for *Enterobacteriaceae*, which if limits are exceeded, should lead to a food safety criterion for Salmonella.

- A draft guidance document on official controls under Regulation (EC) No 882/2004. This text focuses on official sampling which should be well planned and done in the context of monitoring and surveillance programmes.

6.3. Zoonoses

Information was provided concerning target setting for reduction of Salmonella in flocks of breeding hens, laying hens, broilers and turkeys, fattening and breeding pigs. Key dates and results of the baseline study in laying hens were recalled. Reference was also made to further studies.

7. TSE ROAD MAP (PRIORITIES TSE/ BSE)

The TSE road map has been discussed at the Council and the European Parliament and with the Stakeholders. COM will now draft a "SANCO Priority document" defining, based on these consultations, the priorities for future work in the short and medium term. Every topic will be the basis for an in-depth discussion with the MS within the legal framework of the amended TSE Regulation. A meeting with the MS is planned at the beginning of June to exchange views on the proposed COM priorities after which the document will be finalised and published on the SANCO website.

8. FEES/ EFSA (CONSULTATION PAPER)

(*This point was presented at the beginning of the meeting, before point 2 of the agenda*.)

The draft presented will be finalised within the COM services and put on the SANCO website. Since the first version back in September 2005, the proposal for the EFSA budget in the financial perspectives 2007-2013 of the Commission was established at a level 15% to 20% less than expected. Consequently, the paper had to be reformulated. This paper will be discussed further with MS. This is a "consultation paper" needing input from various sources and still not a "position paper" of the Commission.

The paper presents in detail the advantages and disadvantages of the various options if EFSA is authorised to collect fees for the evaluation of certain substances. The practice of fees in other EU agencies such as EMEA (evaluation of medicines and

veterinary medicines) provides workable examples. The main point is to clarify which part of EFSA's activities is in the general public interest and which part is more dedicated to private interests.

Comments and questions raised:

- The independence of EFSA should be guaranteed by the absence of payment to persons in the different panels (COPA COGECA).

- Currently, there is a problem of variations in fees when these are managed at the MS level: however, EU-harmonised fees should not be twice the level of those currently in force in MS (ECCA).

- There should be no link between the fee and the authorisation (EUROCOMMERCE).

- Fees should be proportionate to the costs involved, without any "surplus" used to finance other activities of EFSA (UGAL).

For COM, the system used by EMEA is correct and independent.

9. EFSA OPINIONS ON FRUCTOSE, LUPINE AND MOLLUSCS AS FOOD ALLERGENS

Scientific opinions from EFSA on the potential allergenic properties of fructose, lupine and molluscs have indicated:

- For fructose, the absence of allergic reactions, even if some rare forms of intolerance exist;

- For lupine, a frequency of allergic reactions unknown in the general population, but a serious risk of cross reactivity in peanut allergic patients;

- For molluscs, the well documented possibility of allergic reactions and the existence of crustacean/ mollusc cross reactivity.

Consequently, COM will propose an update of Annex IIIa of Directive 2000/13 with the addition of lupine and molluscs.

10. MISCELLANEOUS

– **Transport of dairy cows**

Presentation of animal welfare problems identified before and after the transport of dairy cows at the end of their production life between the farms and the slaughter house.

- The Commission is requested to raise the problem with the competent authorities in the MS;

- The industry should take appropriate measures;

- The veterinarian at the farm, market and slaughterhouses should be involved.

– **Practicability of the "journey log" for animal transport foreseen by Council Reg. (EC) No 1/2005**

  Presentation of the administrative problems likely to occur as a consequence of using the "journey log" for animal transport foreseen by Council Reg. (EC) No 1/2005 *on the protection of animals during transport* which should enter into force on the 1/07/2007.