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HEALTH & CONSUMER PROTECTION DIRECTORATE-GENERAL

03 - Science and stakeholder relations

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

Summary Record

7 MARCH 2008

1. APPROVAL OF THE AGENDA AND MINUTES OF 30 NOVEMBER 2007

The agenda and the minutes of the plenary of 30.11.07 were formally approved. It was agreed that summary records would in future be circulated by e-mail to the Advisory Group (AG) members and would be deemed to be approved once the deadline had expired.

2. MAIN INITIATIVES PLANNED FOR 2008 IN THE AREA OF FOOD SAFETY, ANIMAL AND PLANT HEALTH.

- SANCO's Annual Management Plan; the Commission Legislative Work Programme and UMPs

The Commission representative explained the Commission's Legislative and Work Programme (CLWP) and the purpose and planning cycle of the annual management plan, used by Commission management as a tool to follow up and report on the activities and resources of each Directorate-General. Since the introduction of activity-based management, these plans have to set clear, specific, measurable and verifiable objectives for each activity as well as indicators for the monitoring and reporting on the progress made and the impact of the activities to the EU citizens. The internal part of the AMP consisted of the unit management plans (UMPs). The UMPS, or a summary, had just been published on the SANCO Europa website on a trial basis. The representative asked participants for a feedback on the usefulness of this exercise.

Concerns were expressed over delays due to the Lisbon Treaty and the increase in IAs. ECPA wondered whether, when considering indicators, those negatively affected are taken into account and whether there is a cost/benefit analysis. The COM acknowledged that the Lisbon Treaty is a major challenge for planning as, for instance, additional initiatives will now go through co-decision. The increase in IAs are admittedly causing additional delays but should also ensure better proposals, taking account of stakeholder needs and any negative impacts. The COM informed participants of the principles for judging whether there should be an IA or not.

- Comitology: Forward planner 2008

The Commission representative explained the purpose of the forward planner, a comprehensive overview of actions designed to inform stakeholders earlier about planned activities and consultations. The planner provides an indication of the timing of the

consultation, a brief description of the measure foreseen, the unit in charge of the proposal within the DG and what sort of stakeholder consultation is considered. Participants were asked to inform the COM if they wished to be consulted on the measures listed.

CELCAA asked whether the Commission had, in the Planner, assessed the impact of the new comitology procedure. The Commission responded that as the consultation phase itself takes place before a proposal is tabled to the Standing Committee, the new Comitology procedure does not affect the planning.

Several organisations welcomed the Comitology Planner as a useful tool. EUROPABIO requested a short description and objective of the measures in order to be able to better identify those of interest. BEUC underscored the importance of providing documents in good time. In response to UGAL, the Commission clarified that the targeted stakeholders were those which it considered most appropriate but members of the AG, or any other stakeholder, can express interest and ask to be consulted on any of the listed measures. The representative emphasised that the planner was designed to increase awareness and to allow stakeholders to plan their responses.

The COM would update the Planner on a regular basis, starting in July 2008. It would review the process itself after one year to assess its value. EUROCOMMERCE highlighted a few minor inconsistencies between the unit management plans and the forward planner. The COM further clarified why certain issues had not been listed and underlined that the planner was meant to serve as an indication when stakeholders might be consulted.

3. PRESENTATION OF THE FOOD AND VETERINARY OFFICE

The representative briefly introduced the FVO, including its role within SANCO. He also gave some context and perspective to their work based on past activities. New developments were outlined, particularly in the context of Regulation (EC) 882/2004 on official controls and the impact on the future work of the FVO.

FEFAC asked about FVO reporting, general overview reports in the enlarged EU, and training efforts and compliance checks on self-regulating guides developed by industry. The FVO responded that although it would be very difficult to provide an overview on the basis of missions in all 27 MS, it should be possible to provide useful reports on the basis of a good selection of countries and targeted sectors, as not all issues were relevant for all countries. The FVO is not directly involved in training but provides input into the Better Training for Safer Food initiative. Self-regulating guides by industry were of interest as they might have an impact on the way in which competent authorities targeted their controls. In response to BEUC, the FVO clarified that delegation of official controls to private bodies excluded certain tasks, and had to meet specific criteria set out in the legislation. EUROPABIO asked about harmonising data on controls, to which the FVO responded that the main aim of the FVO is that MS focus on their national plans and official controls, also given that all MS had developed their own data systems over the years. However, EUROSTAT is working with MS to ensure better statistical data. ANIMALS ANGELS and FEFAC underlined the usefulness of the FVO reports.

4. REPORT TO EP/COUNCIL ON IMPLEMENTATION OF FEED AND FOOD CONTROL REG. 882/2004

Under this Regulation the Commission had to report to the EP and Council, in particular to review the experience gained from the application of the Regulation, by 20 May 2007. However, as the Regulation is a recent one, some rules had only recently been implemented and not enough information was available. An interim report has thus been prepared which addresses the re-evaluation of the scope; the experience gained in the application of the Regulation in the areas of multi-annual national control plans; fees; implementing measures currently ongoing, Better Training for Safer Food and Community Reference Laboratories. The final report is foreseen for spring 2009.

Questions were asked on the harmonisation of inspection fees (BEUC) and what sectors might contribute to the financing of official controls and how the pesticide legislation might be affected (CELCAA). BEUC stressed that differences in fees should not be allowed to influence competition. The COM underlined that fees should only cover the cost of inspection and that differences exist because of the lack of harmonisation within the EU. The COM explained that a study was being commissioned to obtain a clear picture of the current situation in the MS. This assessment should be finalised for the end of 2008. The study will be the basis for a possible revision of the fees system. The COM clarified that pesticide legislation would not be changed, the intention was to integrate control measures under the general umbrella of the Food and Feed Control Regulation.

5. GREEN PAPER ON BIO-PREPAREDNESS

On 11 July 2007, the Commission adopted a Green Paper on Bio-Preparedness. The aim was to stimulate a debate and launch a process of consultation at European level on how to reduce biological risks and to enhance preparedness and response. MS and other stakeholders had been asked to respond to questions in the paper by October 2007.

The COM, responding to questions, emphasised that it had an "all-hazards" approach, which means that it does not only focus on a possible terrorist attack, but also on an intentional release, an accident, or even a naturally occurring disease. Nevertheless, what is specific about bio-terrorism is the potential for multiple simultaneous outbreaks or crises, whereas existing tools were developed with accidental or natural occurrences in mind. The COM therefore intends to see how existing instruments can be best adapted and further enhanced to deal with this possibility. It plans to publish a staff working paper summarising the results of the consultation in spring 2008.

6. FEASIBILITY AND ADVISABILITY OF ESTABLISHING FEES FOR EFSA

The COM explained that a draft report on fees, based on the results of the consultation, would soon go into inter-service consultation. In response to questions on the conclusions, it was explained that a restrictive scope was envisaged and that the budgetary authorities (Council and EP) responsible for the adoption of the EFSA budget would be invited to discuss these conclusions.

7. PRIVATE VOLUNTARY STANDARDS IN THE SPS FIELD

The COM presented this issue which is currently being debated in the WTO. Whilst encompassing a range of products, Private Voluntary Standards (PVS) predominantly

apply to food and food products and are increasingly a trade issue of particular concern to developing countries. A background document was circulated prior to the meeting.

Several participants (COPA-COGECA, FRESHFEL, ECPA, and CEFIC) stressed that PVS do not just concern developing countries but their proliferation is also a global problem affecting farmers and the retail trade in the EU and in countries such as Chile, Argentina, NZ and Australia. CEFIC believed that these standards could contribute to the enforcement of EU food law so long as similar or identical to the requirements of EU legislation otherwise they did not really contribute to consumer safety. BEUC felt that such standards could be positive, filling a gap until the legislation is addressed. The representative acknowledged a need for streamlining as different companies were often audited to different standards for similar products. BEUC/CEFIC felt there is a need to examine what such standards offered beyond the legislative requirement. EUROCOMMERCE considered that PVS were aimed at managing food safety regulations and that frequent changes to PVS reflected changes in EU legislation. The representative drew attention to the pressures on retailers from NGOs to market products on the basis of safety.

IFAH, FRESHFEL and ECPA emphasised that products should not be marketed on safety. Private standards should not create confusion over safety and mislead consumers, lead to unfair competitive advantage and undermine EU legislation (the example of MRLs was cited). FEFAC believed they could be useful in assisting third countries to export, in areas where no legislation exists in these countries. EMRA viewed the standards as an opportunity if they provide added value for all stakeholders and lead to more responsible business practice. The COM noted the comments and will organise a working group of the AG to enable a more structured discussion.

8. ANIMAL CLONING

The COM outlined the state of play: the conclusions of the EFSA draft opinion, the European Group of Ethics' opinion, the Eurobarometer survey; the FDA's final opinion, US action and recent developments. BEUC and COPA-COGECA considered that there is no convincing argument for producing cloned animals. BEUC wondered how all the different aspects, including animal health and welfare, would be taken into account and weight given to each aspect. With respect to the Eurobarometer survey, BEUC believed that consumers' perception of cloning would be negative (supported by IFAH), with progeny having the same connotations as clones themselves. EUROPABIO agreed that there is little convincing argument for cloning but also considered there is no argument for a ban either. The representative believed it is difficult to see whether there would be a successful market for such produce.

IFAH, on communication, wondered whether positive elements of cloning could be presented as well as the negative. The representative asked about possible problems with the WTO over future action. EUROCOMMERCE emphasised the importance of open and transparent communication at an early stage. EUROGROUP FOR ANIMALS asked the Commission how they intended to take into account the obligation to respect animal welfare included in the protocol annexed to the Amsterdam Treaty and in Directive 98/58 on the protection of animals kept for farming purposes.

The COM explained it is awaiting the EFSA final opinion which it hoped would resolve some of the questions as EFSA had been asked to examine whether the health and welfare of clones and their offspring is affected. The COM stressed that it had not taken any

decisions on this issue and would re-examine the issue once the EFSA final opinion and the results of the Eurobarometer study are available.

9. FEEDBACK ON THE WORKING GROUPS OF THE ADVISORY GROUP

- WG on the protection of animals at the time of slaughter or killing and animal transport on 19/12/2007 and the WG on Animal Transport on 3/3/08

The COM briefly reported on the WG on 19 December 2007. A summary report had already been circulated to the AG.

The COM explained the scope of the proposed revision of the EU legislation on the protection of animals during transport. A summary report of the meeting on 3 March 2008 on Animal Transport would be circulated shortly.

- WG "Animal Health Advisory Committee"

A detailed report on the first meeting was not given as a large number of AG members had participated in the WG. The intention is to present an annual report on the progress of the Animal Health Strategy and proposals made in the WGs. A standard form would be produced for stakeholders who had concrete proposals to make, to enable them to submit their ideas in a structured manner.

10. MISCELLANEOUS

The COM explained that under the Health Democracy Report, the Commission had committed itself to establishing a list of affiliations/memberships of relevant European Federations and their representativeness. It would circulate the list and asked participants to amend or add information for their organisation.