Wednesday 18 February 2015

Ray Ellard, FLEP Chairman

The Chairman welcomed all delegates, provided an overview of FLEP and its role and discussed the link between food crime and food hygiene.

The Chairman noted apologies from the Commission, DG SANTE that they were unable to attend.

Professor Dr. Dr. Andreas Hensel, BfR President.

Welcome to Germany and an introduction to the BfR

Prof. Hensel discussed the role of science and the BfR in German food safety. He also discussed the scope of the reference laboratories. Private laboratories should be involved into the system to improve standardisation of analytical techniques for food safety. Prof. Hensel also emphasised the importance of international collaboration to address food safety issues.

Bernd Appel, BfR

Food safety risk assessment tools - virtual exercises

Mr. Appel provided an overview of the work of the BfR in risk assessment and the approach taken in proactive and reactive risk assessment. There is a need for a proactive approach due to the globalisation of supply chains.

There are challenges for risk assessors linked to changes in patterns of consumer demand and the effects on the food supply chain. Investment in data analytical tools and use of virtual exercises helps improve understanding of food chains and product flows.

Undertaking robust risk assessments of food supply chains requires a good understanding of the precise composition of food products, trade routes, environmental issues, etc. The BfR have obtained funding for a range of research initiatives to examine accidental and intentional contamination of food products, research that will help to unpick the composition and associated risks of various food products. One of the projects has started to review spices.

Undertaking global supply chain risk assessments includes efforts to harmonise risk assessment tools between countries. The BfR has developed network analysis as a means to investigate outbreaks, which was used to investigate the 2011 outbreak of E. coli in Germany or the Hepatitis A outbreak in 2013.

The tools developed by BfR include:

- FoodChain Lab
  - Can be used to identify links between individual, apparently unconnected, cases.
Possible to overlay with GIS software to identify whether geographic cases are linked.

- Only 5 data points are necessary.
- Can interrogate the strength of links between data points.
- Used to identify the source of a 2012 Norovirus outbreak.

- **FoodProcess Lab**
  - Simulator for food process chains; for example for the behaviour of microorganisms in food products.

- **STEM**
  - A spatial and temporal epidemiological modelling / visualisation tool.
  - Good quality data and modelling techniques are necessary.

- **PMM Lab**
  - Designed to ease and standardize the statistical analysis of experimental microbial data and the development of predictive microbial models (PMM).
  - A predictive tool to model microbiological pathogenicity.

BfR is cooperating with the US FSA to harmonise tools. All are based on an open source platform ‘KNIME’ (Konstanz Information Miner).

Mr. Appel stated that BfR have an ‘open invitation’ to provide training for competent authorities and also industry professionals about the tools.

**Audience questions / comments**

**Q1:** Where does data for the tools come from, in particular, the 'human case' data?

**A1:** Data sources are varied and include:

- A national monitoring programme for microbes.
- During an actual outbreak companies are required to provide data.
- Co-operation between public institutes, universities and industry.
- National Reference Laboratories (NRLs) for microorganisms.

**Q2:** How does the BfR combine disparate data sets, that is, how do the models manage the combination of different data sets?

**A2:** The algorithms used identify the links, it is not necessary to manually link the data. The algorithms obviate the need for data sets that are similarly structured. It is more problematic to get the people involved together to share information and expertise in the event of an outbreak.

**Q3:** How does BfR obtain data on the trade connections for food products / supply chains?

**A3:** There is always a lag, a couple of weeks to a year. Rather than rely on one source of supply chain data, the software tools combine various data sources. Bioinformatics / mathematics can be used to effectively combine disparate data sources.

Prof. Hensel: Soon there will be a national roll out of the software tools in Germany. EFSA and the Heads of Agencies (HoA) are informed. BfR will set up a training course to train people how to use the software. The software itself will be free to use. It can also be used for food fraud in addition to food safety.
Georg Schreiber BVL - Federal Office of Consumer Protection and Food Safety

Risk management structure in Germany

Mr. Schreiber provided an overview of the approach taken to risk management in Germany, including the organisations involved and their relationships with each other. The presentation described how BVL works to coordinate activities at the national level to improve coherence between the activities of the approximately 400 supervision authorities and 35 official laboratories. Mr Schreiber talked about the annual plan and mentioned products such as meat and fish, products containing algae, tooth bleaching agents and meat sold on ebay.

BVL has responsibility for food safety risk management across the supply chain, from farm to fork. The presentation included examples of BVL actions at each stage of the supply chain.

The presentation also covered the following:

- Coordination among authorities.
- General administrative procedures, the ‘framework of food control’.
- Information and communication system (FIS-VL).
- Data management.
- Rapid alert system.
- Crisis coordination.
- Fight against food fraud.
- Early warning system.
- Control of e-commerce.
- Information for consumers.
- Identification of High Risk Products

Audience questions / comments

Q4: How does BVL manage Freedom of Information requests? Doing so can be very time consuming.

A4: The BVL publishes as much as possible online. It is a requirement to publish proven non-compliances on databases, so it is straightforward for BVL to do a data extraction in response to an FOI. It is currently law in Germany that non-compliances are published immediately, but food business operators are unhappy with the arrangement and are pushing for change.

Q5: Please tell us more about the multidisciplinary specialised teams on food fraud?

A5: There is a special team of around 90 people, including vets, police and judges. The teams go into businesses to identify potential issues. There is now a good relationship between the team and local authorities. Local authorities can request the help of the team for particular cases / issues. There are plans for similar teams for different business types (i.e. beyond food fraud).

Q6: Comment on the information system in Scotland.

A6: All inspection outcomes are published online, and the information is available in a mobile phone application. Making the information easy for consumers to access reduces the number of FOI requests. In addition, national official control sampling results are available.

A6: A similar scenario is likely to be the end result for Germany.
Ray Ellard, Food Safety Authority Ireland

Revising the FLEP terms of reference – update discussion

Mr. Ellard provided a short summary about the need to revise the FLEP terms of reference (ToR). Mr. Ellard described the link to the Heads of Agencies group and how this link should be formalised in the revised FLEP ToR. He suggested that the ToR should also include the procedures for agreeing the composition of the Steering Group, selecting the chair, and the frequency of FLEP events. The minutes of the Rome meeting were circulated.

Mr. Ellard suggested the establishment of a minutes-committee to approve the minutes to the Berlin meeting and ensure that they could be shared quickly with attendees. Attendees agreed and the following volunteered to join the committee:

- Urs Bänziger, Federal Food Safety & Veterinary Office, Switzerland.
- Peter Gaffey, Environmental Health Association of Ireland.

Attendees requested that the current ToR be circulated as it was not sent in advance of the meeting. Attendees also requested that in future all documents be circulated well in advance of the meeting to provide an opportunity to read through them.

Q7: FLEP needs to carve out a role with the Commission, HoA and Member State CAs. One of the questions for FLEP to address in its ToR should be how FLEP can help to shape EU legislation so that it is practical to implement and enforce. Also, FLEP should include something in its ToR about facilitating knowledge exchange and sharing of best practice. FLEP could provide comments to the Commission, or facilitate more coherent lobbying between Member State CAs. These sorts of functions need to be reflected in the revised ToR.

Action 1: Eoghan Daly to prepare minutes and circulate to minutes-committee.

Action 2: Sarah Appleby to prepare revised version of FLEP ToR.

Action 3: Eoghan Daly to circulate revised FLEP ToR to attendees and request contributions from the network.

Dorothy Guina Dornan, Food Safety Authority of Ireland

Administrative Assistance and Cooperation – a role for FLEP?

Ms. Guina Dornan provided an overview of the Administrative Assistance and Cooperation (AAC) arrangements between Member State competent authorities (CAs) as set out in Articles 34-40 of Regulation (EC) No 882/2004. The presentation covered:

- The legal framework
- EC 882 Official Control
  - Competent authorities must provide each other with assistance on request, assistance without request and assistance in the event of non-compliance
  - Designated bodies
  - Provision for joint on the spot inspection
  - Each member state must designate a liaison body
- Shortcomings as discussed by the Commission at a recent meeting of MS CA experts Including:
Ad hoc nature; non-harmonised and unstructured; lack of a reporting template or mechanism; slow response time; language barriers and lack of clarity between the scope of RASFF and AAC

- How the shortcomings are being addressed Including:
  - Questionnaire and case studies; Implementing Act; Food fraud network; strengthening AAC provisions; development of an IT tool pre IMSOC; guidance and EU MS expert WG meeting
  - IT tool like RASFF- Communication, Creation, Validation, Request, Response, Confirmation, Closure which is being developed currently for food fraud and how this might be customised to suit AAC needs.

Ms. Guina Dornan suggested that FLEP could contribute to the revision of these Articles, the scope of AAC and to the customisation of the food fraud module of the IT tool to better suit the needs of AAC. Four questions about the potential role of FLEP were posed. Should FLEP:

- Contribute to the AAC IT tool format for modules?
- Input into the proposed guidelines?
- Input into the review of AAC
- Assist in strengthening the process as a group and at MS level?

Ms. Guina Dornan suggested that FLEP is well placed to contribute to, review and strengthen the AAC process.

Audience questions / comments

Q8: [General point] There are workload implications if all non-compliances, such as labelling issues, are put to AAC. It should start with food fraud first, and build from there.

Q9: The format of the AAC system will be important. It will be important that it can accommodate Member States that operate regionally / have semi-autonomous regions, such as Germany with its Lander, or Spain / Italy. RASFF has been redesigned to allow for regional level notification. It would be helpful to know if this is planned for the revised AAC too.

Q10: Support the points made in the presentation but it is important that there is scope in any tool or portal for regional CAs to participate. There is insufficient money in national CAs to coordinate information across regions.

Q11: Are there proposed guidelines for AAC?

A11: There are currently no guidelines on the operation of AAC, only legislation which has been implemented to various extents across the Member States. The Commission proposes to introduce guidelines to accompany the customised IT tool

Action 4: FLEP to develop a note for the Commission setting out its recommendations on the scope of AAC, the nature and extent of the information which should be transmitted, how the IT tool for food fraud could be customised to suit the needs of AAC. Dr Amire Mahmood, Federal Ministry of Health, Austria to work with Ms. Guina Dornan to develop note.

Action 5: FLEP Steering Group to request comments from FLEP on the draft note to prepare submission to the Commission.

Vicky Lefevre, Federal Agency for the Safety of the Food Chain, Belgium

Implementation of EU Regulation 1169/2011 FIC in Belgium
Ms. Lefevre’s presentation covered the main challenges to new labelling rules and requirements. The presentation included several examples of the information resources provided to businesses to help them understand the new requirements.

Several areas of particular uncertainty were identified:

- Requirements on labelling of nanomaterials. Not clear how to identify whether nanomaterials are present or not.
- ‘Loose foods’ are not clearly defined. For example, if they are loose behind the counter but bagged when provided to a customer.
- How oral transmission of information will occur in practice, and how it will be monitored and correct procedures identified and enforced.
- Labelling requirements for defrosted foods. There has been much discussion about what constitutes frozen ingredients or final products.
- Distance selling. Currently the Agency only monitors supplements and responds to specific complaints. There is no statistical sampling procedure in place.

Ms. Lefevre asked participants whether they would be interested in participating in working groups related to the FIC regulation:

- Implementation in MS of mandatory allergen information for non-prepacked food.
- Transitional periods for harmonised presentation of allergens for prepacked food in MS?
- Interpretation in MS of food prepacked for direct sale.
- Food which has been previously frozen and is sold defrosted: which are the exemptions for mentioning defrosted?
- Challenge near future: national guidance on nutrition information for prepacked processed food?

Attendees expressed some interest but no firm commitment was made for participation in the working groups.

**Action 6: FLEP attendees to notify Steering Group of interest in participating in any working groups related to FIC Regulation.**

Carsten Fauhl-Hassek, BfR

**Authenticity Testing of Food - State of Play and Future Challenges**

Mr. Fauhl-Fassek provided an overview of how food authenticity relates to identity (composition) and geographic origin, and the link to accurate labelling.

He set out how food fraud, unintentional and intentional, relates to food authenticity and the implications for food quality and food safety. He talked about (i) substitution (ii) extension (iii) origin.

Five analytical methods for authentication were described:

1. Analysis of composition (classical analysis).
3. Enantioselective analysis.
4. Molecular biological methods (e.g. PCR).
5. Non-targeted analysis (fingerprinting/spectrometry).
Mr. Fauhl-Fassek described how the classical approach for authenticity testing is to use reference data to identify the presence of a known substance. This sort of testing is ineffective when the substance is unknown. The future of testing is validated non-targeted methods.

An EU-funded project ‘Food Integrity – Ensuring the integrity of the European food chain’ will address the gap between existing knowledge and accessibility. It involves 38 partners and will focus on networking between experts, data sharing and developing a fraud early warning system.

Ray Ellard, FSAI

FLEP Working Group updates

Food supplements

Working group has not progressed since the last Forum meeting.

A conference in autumn 2015 was proposed with the food supplement working group contributing or leading on the programme. There was general agreement among attendees that such a conference would be welcome but it should focus on enforcement of relevant food legislation.

Dr Amire Mahmood, Federal Ministry of Health requested, Austria that FLEP could write to the Commission about the need for upper limits on food supplements.

**Action 7: FLEP Steering Group to prepare letter and send in name of FLEP. Letter to be drafted by Dr Amire Mahmood.**

E-commerce

The working group has made good progress. Meetings are attended by the Commission. The working group contributed to Regulation 882/2004 revisions with respect to Article 35, Article 135 related to controls for internet selling of food.

Third Party Assurance schemes

Work on assurance schemes has been co-opted by the HoA group and FLEP member Hans Beuger is working with the HoA on the topic.

Update from the Commission Regulation 882 revision progress

As the delegate of the Commission could not attend the meeting, the planned presentation is available on the FLEP website ([http://www.flep.org/meeting_2015.html](http://www.flep.org/meeting_2015.html)).

Captain Sergio Tirrò, Carabinieri NAS, Italy – Food Crime Updates

Olive oil protection in Italy

Mr. Tirrò provided an overview of the olive oil supply chain in Italy and summarised how the trade in olive oil has developed.

The presentation included facts and figures about the scale of olive oil production globally and the relative importance of Italy.

There is currently a shortage of olive oil in the south Mediterranean as the recent harvest was particularly poor. It was the worst for 50 years, leading to a 33% reduction in the volume of olive oil produced.

There are rumours of the introduction of tonnes of oil to Italy.

Blending of foreign oil in Italy is legal and can be labelled ‘made in Italy’. However it cannot be labelled ‘produced in Italy’.

Good olive oil cannot cost less than €8 / €9 a litre.
Lots of fraud involves dying other vegetable oils with chlorophyll.

Official controls for olive oil are the only ones where a non-analytical test is acceptable.

Training is available in Rome to identify counterfeit olive oil.

Council conclusion on law enforcement

Marketing of fraudulent food is increasingly attractive to organised crime.

Council invited Member States to provide training for people involved in policing food crime.

A multi-agency approach is necessary to address food crime.

There is a need for a mechanism to share information between private sector and police while retaining confidentiality.

Food businesses and Member State police should be encouraged to share information with the Member State focal point for Europol.

It is important that revisions to Regulation 882/2004 are prepared with food fraud in mind – there is a need to verify compliance with anti-fraud measures.

EU Grant Funds 2016

DG Home approved and validated conclusions of Europol about increase in counterfeit food products and such products posing a risk to public health.

In December 2014 the Commission and Europol signed an agreement to launch a restricted call for proposals.

The call is restricted to EU interested public bodies, and those organisations mentioned in the action plan.

Competent Authorities can obtain funding to support police activity / initiatives to address fraud at the international level.

There is a meeting in July 2015 to review funding priorities. Proposals developed by this stage have a good chance of being funded.

Action 8: Captain Tirrò to provide list of contacts to FLEP Steering Group for circulation to FLEP members.

Action 9: Captain Tirrò to provide Council conclusion of justice and home affairs council.

Action 10: Captain Tirrò to provide details of training on olive oil testing.

Audience questions / comments

OPSPON 4 was conducted at the end of January 2015.

The press release is available on the Europol website that describes the tonnes / quantities of products seized.

Several transnational cases are going to be developed into cross-border cooperative arrangements.

OPSON involves 21 Member States, 4 non-EU neighbouring countries and other countries via Interpol (mainly from Africa and South America).

Contact Bérengère Dréno for details of Europol national contact points.

Francesco Librandi, Ministry of Agriculture, Foodstuff and Forestry Policies, Italy
ICQRF activities on organic products and geographical indications protection

ICQRF: The Department of Central Inspectorate for quality safeguarding and anti-fraud of foodstuff and agricultural products. ICQRF is the law enforcement body of the MiPAAF.

Mr. Librandi provided a summary of the activities and responsibilities of the ICQRF. Recent successes have included dismantling an international criminal organisation that falsely labelled cereals as organic.

ICQRF is also responsible for preventing or stopping the unlawful use of protected geographic origins (PGO / PGI). They send / receive notifications to / from other EU designated authorities about PGO and PGI infringements.

There is an initiative to protect PGOs and PGIs in the context of e-commerce (Program Verified Rights Owner (VeRO)). ICQRF reports the advertisements infringing intellectual property right to the host e-platform (like eBay or Amazon).

Audience questions / comments

Q12: There is limited understanding in Ireland about PGI etc and most enforcement officers would not easily identify infringements.

Florian Riedel, Federal office for Consumer Protection and Food Safety (BVL)

List of Substances of the Competent Federal Government and Federal State Authorities

The BVL has prepared a document listing around 590 plants and plant parts used as food ingredients for functional qualities.

The list was prepared in response to a request from the Federal States Authorities in Germany, so that the list could be included in Annex III of Regulation (EC) No 1925/2006.

From the list, a ‘hitlist’ has been defined that contains substances of concern when used in food supplements or fortified food.

The systematic approach to identify products to include on the list was described, and the classification groups used were explained.

There is a need for a harmonised approach to classifying plant substances across the EU. There is too much variation and it makes enforcement difficult.

Audience questions / comments

Q13: Ask the Commission for a working group on food supplements to support harmonisation. The working group should:

1. Determine the maximum levels for food supplements.
2. Discuss and review lists that have been prepared by Member States and determine whether any commonality can be identified.

Q14: In Germany positive and negative lists are used. What happens when plants are not on either positive or negative lists?

A14: The list is not legally binding. A negative classification is only a recommendation. If a plant is not on a list then the food business operator has to undertake its own risk assessment.

Eoghan Daly, CIEH
Food control performance metrics: Evidencing the effectiveness of enforcement activities

Mr. Daly discussed how revisions to 882/2004 related to a renewed focus on risk-based controls, 3rd party assurance schemes and mandatory charging for controls may increase demand and need for performance metrics for official control systems.

He highlighted how determining the effectiveness of controls based on outcomes, not activities and outputs. Emerging examples from the Netherlands and Denmark demonstrate that such performance metric systems are feasible.

Mr. Daly suggested that harmonisation of select performance metrics would be beneficial as it would facilitate identification of best practice and knowledge exchange.

He asked the audience whether they would be interested in a working group related to official control performance metrics. The audience responded in the negative, they would not be interested in joining such a working group because there is already work done by the FVO.

Action 11: Attila Tirián, National Food Chain Safety Office, Hungary to share papers from an FVO working group on the topic of performance metrics.

Potential implications of the Biocidal Product Regulation (EU) No 528/2012

Establishing maximum residue limits for active substances in biocidal products used for food hygiene purposes

Mr. Daly described the potential food safety and enforcement implications of Regulation (EC) 528/2012, the Biocidal Product Regulation.

The Regulation could introduce food hygiene risks by reducing the availability and / or effectiveness of products used to kill micro-organisms and protect food safety. He also suggested that the Regulation would be difficult to enforce due to the lack of easily applicable tests, issues around cumulative MRLs and a lack of clarity about when an MRL becomes enforceable.

He proposed next steps to ensure the food hygiene and enforcement issues are considered. He proposed that EFSA’s BIOHAZ panel should review the food safety impact of placing restrictions on disinfectants, and that adequate consideration be given to enforcement implications.

He asked whether there is a role for FLEP to encourage assessment by the EFSA BIOHAZ panel. The response of the audience was mixed. Some were unaware of the issue, while others thought that the current decision making process was sufficient and included the necessary experts.

It was suggested that the Steering Group could draft a letter for approval and submission on behalf of FLEP about the potential food hygiene implications of the Regulation.

Action 12: FLEP Steering Group to draft letter to Commission about need to assess potential food hygiene implications of biocides regulation.

Dr. Ramona Lichtenthäler, BVL

Data analysis tools for early risk identification

Ms. Lichtenthäler provided a short overview of a project for the electronic early identification and information system for food safety issues.

The main goals of the project were:

- The early identification of risks and trends of products and establishments
- To identify hazards, before they become a crisis
To show general developments and tendencies („trends”)  
The presentation included an overview of the process used to assess data quality and determine how different data sets can be combined.

Examples were provided of the charts and other analytical outputs of the project.

Oliver Frandrup-Kuhr, BVL  
Managing Food Crises: The example of Germany, a federally organised state  
The presentation included an overview of food crises coordination in Germany. The description included the role of the BVL, BfR, central and local government, crisis unit and crisis council. A detailed description of the role and tasks of the BVL was provided.

Audience questions / comments

Q15: It would be good if the Commission could arrange a pilot simulation exercise with three or four Member States, the Commission, EFSA and ECDC to model a food crisis. Once trialled, the exercise could then be undertaken with other Member States.

Action 13: Dr Ana Canals, Spanish Agency for Consumer Affairs, Food Safety & Nutrition (AECOSAN) to lead writing a proposal to the Commission to undertake a food crisis simulation exercise. Vicky Lefevre (BE) to contribute to the draft note.

Updates from FLEP attendees:

- BE: Business to consumer food hygiene rating scheme will be launched in June 2015.
- CZ: Undertaking work focusing on the origin of Czech wine.
- FI: Launched a food hygiene rating scheme in May 2014. It covers restaurants, includes 4 categories, and has the aim of providing consumers with the results of official inspections.
- DK: Nothing new to report. The publication of inspection results is of great concern to politicians. DK have produced a mobile app to enable consumers search for premises inspection results.
- HU: Task force established to focus on food fraud, includes a wide range of professionals. Have introduced network analysis to improve decision making related to official controls. Has been used to track cattle movements and identify risky farms. Bringing in food hygiene rating scheme, starting summer 2015.
- IT: Setting up a ‘fake food’ exhibition starting with IMPACT participants. Want to show at EXPO Milan. It will focus on Italian-type food, but not exclusively Italian.
- NL: Continuing with actions related to Horsegate. The CA has been given permission to hire new staff. Working on a website to publish approved assurance schemes. May separate approval in e.g. in the slaughterhouses (and other) from enforcement.
- NO: Just finished re-organisation. Used to be 54 local branches and head office, now 5 regions plus head office. Last year started to use new control systems for local enforcement that focus on basic hygiene issues. Doing so enables increased number of premises to be inspected in a day. It provides a quick overview and helps to identify where more detailed visits are required. NO to introduce food hygiene rating scheme next year.
- PT: Using an electronic tag to monitor inspectors’ location in the field. Also using GPS to track cars. All inspectors contactable by radio. Use a central control room operational 24 hours / day.
• ES: The Spanish CA has doubled its staff numbers by merging with the consumer agency. The closer relationship is beneficial for implementing controls related to consumer goods.

• SE: Have been focusing on food fraud. Have a small task-force set up for food fraud. Will undertake training of enforcement officers in Sweden. Hope to have cooperation with other Nordic countries. Have been working on improving coordination with other agencies in Sweden, police, post, tax. Introduced whistle-blowing function, it is to be developed further in 2015. Preparing a handbook for inspectors, and training, around food supplements. The CA is starting to ban certain products. SE may implement a food hygiene rating scheme, it is currently under discussion.

• SK: Co-operation between national agencies and organisations is not improving. Relevant ministries are not working well together. Money for official controls has been reduced.

• CH: Parliament accepted new food laws. The aim of the changes is to improve harmonisation with EU food laws. There is no likelihood of a food hygiene rating scheme in Switzerland any time soon.

• UK: FSA set up food crime unit. It has recently recruited a new head with a background in intelligence, from the National Crime Agency.

• Scotland: New body, Food Standards Scotland, has been established and will incept in April 2015. Includes all functions from the FSA plus responsibility for health, diet and nutrition. There is a new code of practice for enforcement practitioners. FSS will look at food fraud and a food hygiene rating scheme.

Meeting close and next steps
The Chairman thanked all speakers for their contributions and delegates for their participation.
The next meeting would be in Madrid and will be hosted by the [insert name of Spanish CA in Madrid]. The timings would be confirmed at a later date but it was likely to be in February 2016
The Chairman in closing thanked BfR for hosting an excellent meeting.

All presentations from the event are available on the FLEP website
http://www.flep.org/meeting_2015.html

Agreed actions and responsibilities

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