

Draft Report of the 20th meeting of the FLEP Forum meeting In Freiburg im Breisgau on 23 and 24 June 2003

1. Participants

Organisations from the following nations (see list of participants)

Austria, Czech Republic, Denmark, Germany, Ireland, Malta, the Netherlands, Norway, Spain, Sweden, Switzerland, United Kingdom,

Observer:

EC-DG JRC-IRMM-FSQ

Special guest:

Ms. Angelika Michel-Drees, Verbraucherzentrale Bundesverband e.V. Germany

2. Introduction

The Chairman, Mr. Wolfs, welcomed delegates and observers and he specially welcomed Minister Willi Stächele, Ministry of Nutrition and Rural affairs of Baden-Württemberg.

3. Welcome by Minister Willi Stächele

Mr. Stächele welcomed the FLEP delegates to Freiburg, the city at the foot of the Black Forest in southern Baden. He referred to the famous violinist and philosopher Yehudi Menuhin, who insisted that "man's right to silence, to clean and pure water, to fields and woods and to uncontaminated food should be enshrined in the constitution of every country".

He said that this obligation was taken extremely seriously in the countries belonging to the EU and EFTA.

He mentioned that the media had played an important role in stimulating consumer awareness. Part of this consumer awareness is due to the great developments in analytical techniques in enabling residues and contaminants to be detected at very low levels. The pioneering work of Baden-Württemberg research facilities has played an important role. Globalisation of food means that contamination appears to occur more frequently during the last decade. He said that the networking of the specialised know-how of FLEP will play an important role in tackling the up-coming problems. Furthermore he referred to the proposal for the Official Control of Feed and Food. This new Regulation may play an important role in harmonising the official controls in Member States, but it is essential that the duties of food law enforcement agencies should not be overloaded with alarms and bureaucracy, so that insufficient time is left for the actual work of the inspection. In closing he invited the FLEP Forum for the evening at the "Staatliches Weinbauinstitut" to taste the local wines. (Lecture: Annex 1).

4. Report of MS. Angelica Michel-Drees

Ms Michel-Drees explained that the German Consumer Organisation (GCO) is engaged in advocacy work for consumer interests and that it was founded in 2000. GCO is an umbrella organisation of 35 consumer-oriented organisations. It has a central office in Berlin and another office in Bonn with about 80 employees. The organisation is an active Member of BEUC and Consumer International.

The four objectives of GCO are:

- to enforce transparency on production methods, product features and the quality of goods and services
- to establish precautionary consumer protection as a key political objective
- to enhance equal opportunities between consumers and enforcers
- to promote sustainable consumption.

The main tasks of this organisation is:

- to represent consumer interest in politics and economics
- to co-ordinate activities of member organisations related to consumer policy
- to protect consumers by taking collective legal actions
- to promote consumer information
- to foster the highest standards for consumer counselling
- to provide professional qualifications for the staff of consumer organisations

The topics of GCO are not only restricted to food but also all other issues like product safety, tourism, financial services etc. related to consumer interest.

The Chairman thanked Ms. Michel-Drees for the interesting presentation and invited her to be our guest during this meeting.

5. Ms. Rosemary Hignett, Food Authenticity in the UK

Ms. Hignett informed the FLEP Forum meeting about the activities of UK-FSA on misdescription of food.

The main objectives of these activities are

- to identify and characterise any problems
- to inform consumers
- to take appropriate action
- to resolve misdescription problems

To reach this objective a Food Authenticity programme had been established. The main aspects of this programme are developing methods of analyses, carrying out food surveys, publishing the results and taking action to follow up findings.

One of the main challenges is to find and develop methods for detecting fraud in production of foodstuffs, and co-operation between official control laboratories may play an important role in enhancing the effectiveness of individual countries' programmes.

At this moment isotopic and DNA techniques play an important role in authenticity research.

When planning surveys a prioritisation scheme is used to identify the most important issues for investigation.

The subjects which had been studied were:

- olive oil
- apple juice
- tuna products
- water in chicken
- irradiated food
- Natural mineral water
- Added water in scallop/scampi

The subjects which are being surveyed at the moment are:

- basmati rice
- potato varieties
- horse meat in imported meat products e.g. salami

Issues for future research are:

- fat in mince
- probiotics
- GM Soya in meat products
- Cheese analogues
- Vitamin and minerals in supplements

After each investigation the results are published, providing full information for consumers.

Follow up action is taken as necessary and may involve bringing the issue to the attention of the EU. Sharing the results within FLEP could promote more effective action where problems identified affected more than one country.

The proposal to create a Working Party was endorsed by the FLEP Forum.

6. Minutes of the FLEP Forum meeting November 2002 and the Steering group meeting in March 2003

Both reports were, with some small changes, endorsed by the FLEP Forum.

7. Any other business

Remarks were made about the performance of the FLEP website. It was agreed that Mr. Ellard in co-operation with the secretariat would look for a better performance of the FLEP Website.

8. Changings in Food Control

Mr. Berg (Norway) informed the FLEP Forum that extensive changes would occur in official Food and Feed control. These changes include:

- new food law

- a new official food control authority, covering the production chains from farm, field and fjord to table
- a new scientific committee
- adjustment in authority between ministries

All present control authorities on food animal health are included in the Authority.

The new Authority will include a central office in Oslo (125 employees), 8 regional offices (225 employees) and about 60 local offices (about 980 employees). The Ministry of Agriculture is the administrative responsible Ministry, with shared professional responsibility of the Ministries of Fisheries and Health. Laboratories are not included in the Authority. There are three National competence centres in Bergen (fish), Ås near Oslo (plant) and Sandness (animal production). This new organisation will start on 1 January 2004. In responses to a question from Mr. Jenewein about the co-operation between inspectors and the laboratories, Mr. Berg said that the politics had decided that the Authority should use private laboratories and that at this moment it is unclear how this co-operation will develop.

Mr. Sieswerda (NL) informed the Forum that the administrative responsibility concerning the Dutch Food and Product Safety Authority was moved from the Ministry of Health to the Ministry of Agriculture, Nature and Food Quality. Furthermore the budget of the Authority will be cut by about 11%.

Mr. Dahm (DK) informed the Forum that the number of official laboratories will be diminished to 6 and that part of the official laboratories will be privatised. Also the number of sample examinations will diminish. He expected that a major issue would be the integrity of the laboratory tests.

Mr. Eguileor (Spain) said that the new spanish Food Agency had started this year. This Agency is willing to co-operate with FLEP. However, this Agency does not have responsibility for enforcement.

A scientific committee had started at the beginning of June. The first issue, which will be considered, is the co-ordination with the accreditation services and especially the question of how the service will deal with the integrity of the accredited organisations.

9. Discussions on the Draft EU Regulation on “Official Feed and Food Control”

The Forum split into three groups to discuss the issues on financing, sanctions and co-operation between organisations in EU. It was agreed that Mr. Statham would make the letter to report the FLEP remarks to the European Commission. This letter is added as Annex 2

10. Horizon scanning of Food Health Issues

Mr. Jenewein presented an overview of the results, which were received, from the FLEP Forum Members and a scanning of the notification of the Rapid Alert System.

The opinion of the FLEP Forum was that this overview could be used for funding of specific research in each Member State. Sharing this kind of information between FLEP members is very useful and FLEP Members can then use this information for planning purposes. This Working Group was asked to provide further information during the next FLEP Forum meeting. The report will be put on the FLEP Website.

11. Co-ordinated programme 2004

Ms. Lecours could not be present at this meeting and no proposals were submitted to the FLEP Forum. The Chairman suggested to use the report on “Horizon scanning of Food health issues” to select the FLEP proposals for this programme.

After some discussions the FLEP Forum agreed to submit the next proposals:

- listeria in raw and salted fish
- methanol in Vodka, Gin and Whisky
- benzpyrene in herb preparations
- heavy metals in herbs.

Note from the secretary:

Shortly after the FLEP Forum meeting the EU Commission organised a meeting to prepare the proposal for the Co-ordinated programme 2004. Unfortunately the FLEP proposal could not be presented in time to the EU-Commission. The conclusions of this meeting were:

- *microbiological quality of cheese made from raw milk and of poultry meat (only for campylobacter) (*)*
- *microbiological (B. cereus, Cl. perfringens, Salmonella) and toxicological (mycotoxins, ethylenoxide) quality of spices*

As concerns food additives, it was pointed out that SO₂ and nitrate/nitrite are routinely checked by the Member States. Therefore, it was decided that the Commission will separately send a circular letter to invite Member States to transmit, in the same time as the results of the Coordinated Control Programme 2004, the results of inspections/analysis for SO₂ and nitrate/nitrite carried out as a routine activity or in the framework of the national control plans.

12. Quality of Inspections

Mr. Jenewein informed the meeting that because of the developments in the EU relating to the Official Feed and Food Control the work of this Working Party had been overtaken and it was suggested that the activities of this Working Party should cease. The FLEP Forum agreed with this proposal with the remarks that after publication of the "Official Food and Feed Control directive" a new initiative may be taken.

13. Annual plans

Mr. Statham informed the Forum that no meeting of the Working Party had taken place, but that he had prepared a template to be discussed in the Working Party in the coming months. The FLEP Forum agreed with this suggestion. A report will be presented during the next FLEP Forum meeting.

14. Import

Mr. Jeuring (NL) informed the FLEP Forum that the Working Party recently had a meeting. During this meeting the main issues to be taken up in the report were discussed. The Working Party had discussed the articles in the Official Feed and Food control relating to import. The main issues to be put in the report are:

- outside border control for medium and high risk products
- transportation under "T1" documents
- obligation to cooperate between customs and the enforcement organisations

It was agreed that the Working Party would prepare a report before 1 October 2003. This report will be discussed in the Steering Group meeting in October 2003 for further consideration and to present the report to the EU-Commission.

Mr. Jeuring asked for participation of other FLEP members in the Working Party. The Czech Republic will be a new Member of the Working Party.

15. Template for expertise in inspection authorities

Ms. Morris (UK) presented her ideas about the content of the document, which could be discussed in the Working Party.

The main issues would be to examine the current situation in Member States and to approach Mr. Daelman (EU-DG Sanco) to discuss what kind of qualifications the EU commissions expects from inspectors.

Mr. Sieswerda informed the FLEP Forum about the Dutch experiences in using competence management describing the level of qualifications for inspectors. He was willing to be an active Member of this Working Party.

Ms. Morris said that she was pleased with the offer of Mr. Sieswerda and that his ideas would be a good start for the Working Party.

16. Questionnaire on the delegation of control tasks to non-governmental bodies

Mr. Van de Wal (NL) reported about the results of the Questionnaire. 10 Member States had reacted. In 9 countries (Austria, Norway, Sweden, Switzerland, Portugal, Finland, Germany, Bulgaria, Latvia) there were no private organisations involved in controlling legislation, for which the official feed and food control will be in force. The control of legislation concerning organic food does not fall under this proposed regulation.

In the Netherlands the approval and control of milk and milkproducts and egg products are delegated to private organisations under the supervision of the Dutch Food and Consumer Safety Authority.

During the meeting DK, Ireland and Malta said that in their countries no delegation of official control task exists.

17. Management on effects

Mr. Ellard (Ireland) presented the report of the first meeting of the Working Party.

The main issues which were discussed, were:

- achieving and maintaining Food Safety Standards

Besides the enforcement of food safety legislation there are several other approaches to improve safety, including food quality assurance schemes, food hygiene award schemes, restaurant hygiene rating schemes, training programmes for industry, supply chain control, self regulation by food industry, guidance notes and codes of practice.

- will the industry comply

Relevant issues are: over regulation, unworkable legislation, and absence of realistic or defined expectations of the level of enforcement or the level of compliance to be achieved.

The Netherlands had developed a system called " Guide to administrability and enforceability effect measurement". This system (table) was elaborated on the basis of behaviour with respect to compliance by enforced people/organisations.

Those enforced people/organisations can be categorised as:

- + spontaneous compliers,
- + conscious compliers
- + ignorant compliers
- + ignorant breakers
- + deliberate breakers

By categorising people/organisations in one of these categories specific target actions may be taken for each category.

- Enforcement policies

The main question is if enforcement organisations do have an enforcement strategy, in which such issues as the use of sanctions, the priorities in inspections, instruments to be used for enforcement, acceptable levels of compliance are outlined.

On the basis of the above issues, the task of FLEP could be to provide mutual assistance to competent authorities and the Working Party had formulated the following recommendations:

- Members begin to share experiences on the organisation of food control programmes, specifically with the aim of ensuring legal compliance.
- Members participate in the working group
- The Forum provides the working group with some guidance on future activities e.g.,
 - Develop a document with some examples from several Member States.
 - Make an inventory of the ways member states make their Annual plans, combined with the methods and instruments they use.
 - Set up a pilot project with FLEP Members as an information and experience exchange using workshops.

The FLEP Forum endorsed the recommendations of the Working Party. 3 other countries (Austria, Germany and Switzerland) showed interest for this Working Party. The contactpoints will submit names to Mr. Ellard.

Mr. Ellard promised a next report for the following FLEP Forum. (Presentation: annex 3)

18. Acrylamide – state of the art – Mr. Weisshaar

Mr. Weisshaar explained the origin of the acrylamide problem and the toxicological evaluation of acrylamide for man, concluding that the presence of acrylamide in food may cause cancer. Concerning the detection methods two main methods were used at present: GC-MS and LC-MS-MS, both that gave reliable analytical results.

The main conclusions concerning the formation of acrylamide in food were:

Potato products:

Asparagine is the nitrogen reservoir, while the presence of reducing sugars is the limiting factor. The frying temperature plays a major role in the formation of acrylamide.

Cereal products:

Asparagine is the limiting factor for the acrylamide formation. In dough stored at 25°C the level of acrylamide rises during storage time. However the raised levels of acrylamide in rye dough is much higher than in wheat dough. The mechanism of acrylamide forming is still unknown. The addition of ammonium hydrogencarbonate (generally used in these types of products) has

a major influence on the formation of acrylamide (significantly more in rye dough than in wheat dough). The addition of lactic acid together with ammonium hydrogencarbonate gave even higher levels of acrylamide. Further research is underway.

At EU level there is co-operation between DG-Sanco and DG JRC, dealing with a database on acrylamide levels in food and proficiency testing. (Presentation: annex 4)

19. Measurement around the legal limit – Mr. Ostermann JRC Geel

Mr. Ostermann showed the results of a questionnaire sent to official food control laboratories concerning the correction of analytical results for recovery and uncertainty. The conclusion of this inventory was that several labs in one country gave different interpretations and to-day goods can be accepted at one place and refused at another, based on the same results.

This finding may only lead to the conclusion that further harmonisation of this issue is necessary

Furthermore he informed FLEP about DG-JRC activities on Acrylamide

At the end Mr. Ostermann informed about new Workshops from DG JRC:

- nitrofurans analysis (16-17 October 2003)
- Proficiency testing (20 –21 October 2003)

Mr. Ostermann thanked FLEP, on behalf of Ms. Anklam and welcomed further co-operation with FLEP.

One of the key issues, which is important for FLEP is: Who is responsible for taking action for an infringement, detected after a laboratory examination. In some countries the laboratory experts decide, while in other countries the results are given to the inspectors, who decide what kind of action is taken. Here again the co-operation between inspectors and the analytical experts is very important. The suggestion to create a Working Party to examine the different systems in the countries was endorsed. The foreseen SCOOP report on this issue may be a starting point for the Working Party.

20. Report for safe upper limits for vitamins and minerals

Mr. Statham presented the UK study concerning safe upper limits for vitamins and minerals, which was made by an independent expert group. This group studied 30 vitamins and minerals and concluded that for 8 vitamins and minerals upper limits should be fixed. Especially chromium picolinate was considered as a potentially carcinogen. Short-term effects (diarrhoea) were detected for Vitamin C and Calcium. Irreversible harmful effects were determined for Beta-carotene, nicotinic acid, zinc, manganese and phosphorus.

The actions followed after the publication of the report were focussed on voluntary measures by industry, some national measures (still to be studied) and starting discussions with the EU-Commission (EFSA).

The report may be found on: www.food.gov.uk

On the question of Mr. Binnemann in what way the limits were enforced Mr. Statham said that at first legal limits should be fixed at European level. (Presentation: annex 5)

21. New FLEP activities

Mr. Cuhra (Czech Republic) introduced a proposal for a new Working Party on "Pesticides residue analyses". Germany and UK had some concern for duplicating the work on analytical methods of CEN and Codex. Mr. Jeuring suggested re-focusing the aim of this Working Party to investigate the strategies for an annual plan and the number of compounds to be examined by enforcement organisations.

The FLEP Forum endorsed this proposal.

Working Party: "Strategies for pesticides control"

Participants:

Czech Republic	Chair Mr. Cuhra
Germany	
Denmark	
The Netherlands	
United Kingdom	
France (to be asked)	

Working Party "Authenticity"

Aim: to share information on exciting activities and to promote improved co-operation

Participants:

United Kingdom
The Netherlands
Switzerland
Austria
Czech republic
Germany (probably)

Chair: Ms. Hignett

Working Party: "Co-operation between laboratory experts and inspectors"

Aim: to make proposals for improving the transfer of knowledge from the laboratory to the inspectors taking into account the Scoop report the relationship between analytical results, the measurement uncertainty, recovery factors and the provisions in EU Food and Feed legislation.

Participants:

Switzerland
Czech republic
Joint Research Centre Geel
United Kingdom
Denmark
Spain

Chair: Mr. Jeaggi

Proposal for HACCP symposium

Mr. Van Kooij suggested organising a FLEP symposium on HACCP as a follow up of the symposium in 1998. This symposium should be organised for collaborators from enforcement organisations to exchange views and experiences between those organisations.

DK and UK supported this proposal with the remark that this symposium should specially focus on smaller businesses. It was agreed to discuss this proposal first at the next Steering Group meeting to look for financial support by the EU-Commission.

22. **Any other business**

The offer from Mr. Jeaggi (Switzerland) to organise the next meeting in Basel was supported by the FLEP Forum. The meeting will be held on 1/2 March 2004 or 8/9 March 2004.

*Note of the Secretariat: The meeting will be held on **8 and 9 March 2004**.*

Mr. Eguileor informed the Forum that the FLEP Forum meeting in November 2004 could be held in Barcelona (Spain). The Forum endorsed this proposal.

The Chairman (Mr. Wolfs) thanked Mr. Binnemann and his colleagues for the very good arrangements for this meetings and Ms. Hakkenbrak for her active support in organising this meeting.

25 July 2004

Jan van Kooij
Secretary