

**REPORT OF THE FIFTEENTH MEETING OF THE FLEP FORUM
HELD IN PRAGUE ON 27 AND 28 MARCH 2000**

1. Participants

Organisations from the following nations (see list of participants):

Austria, Belgium, Denmark, France, Germany, Greece, Ireland, the Netherlands,
Norway, Spain, Sweden, Switzerland, United Kingdom

Observers: Czech Republic, Malta, Hungary

2. Introduction

The Chairman Mr. Wolfs welcomed delegates and observers. He particular thanked Mr. Sebesta for hosting the meeting.

3. Inauguration by Mr. Jacub Sebesta, General Director of CAFI on behalf of Mr. Jan Fencel, Minister of Agriculture.

Mr. Sebesta welcomed the FLEP-Forum members to the attractive city of Prague. He said that the Czech Republic had already participated in the FLEP-Forum meeting since 1995 and that he was glad that the Czech Republic had been given the chance to organise a FLEP-Forum meeting.

In the Czech Republic food regulations are under review and already 8 new regulations have been adopted. He specially informed the Forum about an act on the free access to information, which is important to create transparency.

The Food Inspection Service had already done a lot of work to improve the Food Safety situation in Czech Republic and the control is more and more focussed on ensuring food safety. They have set up a special programme for the next few years to restore consumer confidence.

Mr. Sebesta said that he underlined the importance of informal institutions like FLEP. Such institutions are playing an important role in harmonising food control in Europe. He wished the Form a successful meeting and a “pretty stay” in Prague.

4. Minutes of the last meetings.

The reports of the FLEP Forum meeting in Santiago de Compostella and the meeting of the Steering Group in Brussels were (with a few textural changes) adopted.

5. Proposal for the enlargement of the FLEP-Forum membership.

It was agreed that all officially nominated EU-members would be invited as full FLEP-members. The terms of reference will be changed as such.

6. Letter about the White Paper to the European Commission

Mr. Statham and Mr. Van Havere introduced the reaction of FLEP to the White Paper, as was prepared by the Steering Group.

In general the Forum endorsed the reaction prepared by the Steering Group, except about the proposed restrictions for publishing of the detailed individual inspection reports. It was generally recognised that the present reports of the FVO-inspectors were often too detailed and that the reports may cause confusion to the consumer on some minor points, which can cause a lot of discussion in the press. From the other point of view withholding of information will cause confusion too and suppression of information is not the solution. For this reason it was agreed that the FLEP-report about the role of FVO would be added to this reaction, in which information was given about the reporting role of the FVO. The reports should not be focussed on individual details, but should describe the execution of the controls by the official authorities. Also the reaction of the member states on reports should be published.

7. Measurement and assessment of food-law compliance

Mr. Klaasen, legal/compliance advisor from the Ministry of Justice in the Netherlands. He started with explaining the table of eleven principles. The table can be split up in three sections:

1. Spontaneous compliance dimensions

T1: Knowledge of the rules; Familiarity with and clarity of the rules

T2: Cost-benefit: The material advantages and disadvantages

T3: Level of acceptance: The extent to which the policy is accepted by the target group

T4: loyalty and obeisance of the target group:

T5: Informal control: the possibility that sanctions are imposed by other than governmental authorities

2. Control dimension

T6: Informal report probability: the possibility that an offence comes to light other than through government control

T7: Control probability: The likelihood of being subject to control

T8: Detection probability: The possibility of detection of a given offence through governmental control.

T9: Selectivity: The change of control and detection as a result of targeting the firms, persons, actions, or areas to be checked.

3. Sanction dimension

T10: Sanction probability: The possibility of a sanction being imposed if an offence has been detected through control and criminal investigations

T11: Sanction severity: The severity and type of sanction linked to the offence and the allied disadvantage of imposing sanctions.

This table of eleven principles is being used in the Netherlands to monitor the extent of compliance in some specific cases in food law. The results are not known yet. (A short note is added as an appendix).

However if you want to predict the results official control systems it is necessary to repeat the surveillance on a regular base. United Kingdom noted that to investigate compliance of food law is a very important issue. At the moment control methods are used using general experience. However in most cases there is no research about the effectivity.

The Forum appreciated the lecture very much and afterwards it was decided to set up a Working Party to investigate the possible applications of this methodology.

8. Working Party “Co-ordinated programme 2001”

Mr. Gabriele informed the Forum about the proposals. After a discussion about the functioning of the Co-ordinated control programme (just a few FLEP-proposals are incorporated, no report afterwards) it was agreed that the secretary should send the proposals to the EU Commission. Depending on the developments this year in Brussels, a further decision will be taken on how to come forward with new proposals.

8. Working Party “E. Coli O 157:87”

Mr. Statham introduced the report of the Working Party. He summarised the earlier work of this Working Party being a document about the methods of detection.

In this new report it was discussed what kind of actions Member States took in case of unhygienic slaughtering. The conclusion was that Member States would take different actions especially in cases where the carcasses were contaminated with faeces.

As follow up of this study Mr. Statham asked the Forum to support a bid to the European Union for financial support for a research project on the environmental sources of E. Coli O 157. This project should research the role of the environment as a route of contamination. Special attention should be paid to the role of abattoir waste, farm manure and slurry.

Germany informed Mr. Statham about a research in which wastewater was spiked with viruses and salmonella. The conclusion of this research was that after one week there was no survival anymore.

Although such a research project will be very expensive the Forum agreed with Mr. Statham to look at the possibilities for financing and to look for interest.

During the next meeting progress will be discussed. The reports produced by this Working Party will be published in the next FLEP Bulletin (July 2000)

9. Working Party “Proficiency Testing Schemes”

Mr. Arkesteijn introduced the report on proficiency testing schemes. The Working Party had sent a questionnaire to 20 countries dealing with questions about the number of official laboratories, the kind of analyses in the specific labs, and the use of proficiency testing scheme. The report contained detailed analysis of all of the questionnaire responses. The Working Party suggested 11 recommendations. The Forum endorsed 10 of them. The recommendation to establish common penalties to be applied in the event of non-compliance could not receive a general endorsement and will be deleted from the report. It was agreed to publish the report in the next Bulletin.

10. Working Party “Guides to hygienic practice”

Mr. Duval introduced the report on Guides to hygienic practice. General conclusions and recommendations were:

- The food business sectors are responsible for developing hygiene guides, but all interested parties, including enforcement organisations should be involved.
- Most countries had already developed a lot of hygienic guides and a lot of duplication was the result. Furthermore the list of guides should be widely available, so the guides produced in one country could be used by others.
- The Commission should be stimulated to translate a number of common guides
- In the near future an evaluation of the effectiveness of the guides should be carried out
- The Directive 93/43 is out of step with the HACCP-guidelines of the Codes of Hygienic practice. A hygienic guide can not substitute for the omissions in primary legislation. The directive should be revised in taking up the obligation of the documentation and the training of the proprietors and managers.
- The Working Party underlined the importance of the pre-requisite programmes, which were produced by the Codex Alimentarius.
- It was concluded that implementing HACCP in small and less developed businesses is still problematic. The initiative of the Codex Alimentarius to develop strategies for this kind of food businesses to help them to implement HACCP was endorsed.

According to the list available at the European Commission some countries were poorly represented. France will send some corrections on this list.

It was agreed that FLEP would keep an up-to-date list of present hygiene guides in the English language. This list will be published on the future FLEP Web site.

It was agreed that the report would be published in the next FLEP-Bulletin.

11. Working Party “Pesticide Residues”

Mr. Baudys presented the report to Forum. The Working Party had sent out a questionnaire as was agreed during the last Forum meeting. Reactions were received from 14 countries. All countries are monitoring pesticides in fruit and vegetables. The quantities varied between 220 and 9500 samples a year. The number of pesticides,

which were checked, varied between 40 and 275. The percentage of samples exceeding the residue limits was between 1% and 10%. It was generally concluded that there were big differences between the Member States.

Other issues, which were looked for, were warnings, holding the consignments until the analytical research is known and sanctions. Although on these points big differences existed.

The recommendation checking consignments before release of the customs should be changed to “ at the point of entrance”.

The Forum appreciated the good presentation and the clearness of the research, although this research showed that there is a lack of harmonisation of enforcement strategy on checking pesticides residues in the EU. It was agreed to publish the report in the FLEP-Bulletin.

12. Administrative co-operation

Mr. Gabriele introduced the document. The group discussed the co-operation between Member States. They came to the conclusions:

- to try to promote the use of the procedural guide drafted by LACOTS, and in particular the incident notification form
- to promote the quality of answers and especially the time required for receiving an answer.
- to use a future FLEP-Web site to put information on about actions taken by the enforcement authorities.

The Forum supported these conclusions should be taken into account

13. Working Party “Functional Food”

Mr. Duval informed the Forum that until now no meeting had taken place. He introduced the aim of the Working Party, which is to evaluate the differences in regulations between Member States, the difficulties in enforcement and to consider a FLEP recommendation to the European Commission. The next steps are to research the view of the members and to hold a Working Party meeting. During the next Forum meeting a report will be presented.

14. Risk management by importers: the HACCP-method as a tool

Mr. Gabriele introduced the document prepared by France. The document gave a method to apply HACCP in practice by importers. It was important to point out that importers are responsible for the products which they import. For this reason they should know the hazards of the products they are buying. Because of the many potential hazards it is difficult for importers as well as for the enforcement organisations to determine which hazards are important for each particular product and should be therefore be controlled. For that reason it is important to point out the HACCP monitoring on well-known hazards. In addition to a general monitoring system for hazards, which are less likely be present. The document noted the problems of different control systems and different intensities in controls by the EU Members. A more harmonised EU-approach is necessary including imports of products to ports with a less control density or to countries where the importers are not obliged to fulfil the HACCP requirements.

It was agreed that the report should be published in the Bulletin.

15. Working party “Quality management of Food Inspection”

Mr. Jenewein informed the Forum that the Working Party had had one meeting. There was a general discussion about the use of EN 45004, which defines criteria for inspection services and ISO/DIS 17025, dealing with general requirements for the competence of testing and calibration of laboratories. This last document also deals with sampling, which is also part of the task of an inspector. The Netherlands asked special attention for the different sampling procedures prescribed in EU legislation e.g.

- each package had to fulfil the law
- 5 different packages in a lot
- extensive sampling procedures like aflatoxin in nuts

Mr. Jenewein noted that at the next meeting a first report would be presented for discussion.

16. Working Party “Dioxin”

Mr. Binneman introduced the report “What can we learn from the Belgium dioxin case”. This report gave a general description of the problems raised during the dioxin crises. It was generally agreed that lack of harmonisation had caused a lot of

confusion and for that reason harmonisation for limits of contaminants (not only for dioxin/PCB, but also for other contaminants) at reasonable levels is urgently needed. It was agreed to publish the report in the Bulletin.

17. Working Party “Audit”

Mr. Ellard informed the results of the first meeting of the Working Party. Issues to be discussed are:

- skills required for an auditor
- what sanctions should be applied and under what circumstances
- what should be the specific knowledge in a business for a pre-audit

It was agreed that the Working Party will make recommendations about the above listed subjects, including training requirements and similarities and differences between member states (questionnaire). Furthermore they will look at the systems in Australia and New Zealand. A report will be presented to the next meeting.

18. FLEP-Web site

Mr. Ellard presented a first outline of a FLEP Web site and said that Ireland would like to host the Web site. It was agreed that in cooperation with the secretariat the documents to be presented on the Web site would be established.

19. General information

Mr. Gabriele (France) informed the Forum that the French agency for scientific advice had been operating since May 1999. The Agency deals with gathering scientific opinions, organising consultancy meetings and executes the risk assessment. The dioxin crisis was the first case and had worked well. Within a very short time risk-assessment was done and all products with less than 2% fat could be excluded from measures. The white paper described the same role for the European Food Authority. Mr. Van Havere (Belgium) informed the Forum about the establishment of one agency for food safety. In this agency all earlier food control organisations, veterinary as well as food, are included. This agency will start at the end of this year.

Mr. Clemmensen (Denmark) informed the Forum about the merging of 5 former control organisations in one Food agency. In the new agency there are 11 regions and one main office in the Ministry of Food, Agriculture and Fisheries. This new agency started at the first January 2000. A brochure was distributed.

Mr. Curtis (United Kingdom) said that the Food Agency would start on 1 April 2000. The main role in food control is monitoring and auditing the local authorities. Besides they will help the local authorities in their control tasks.

Mr. Verburg (the Netherlands) informed the Forum that an evaluation of the dioxin crisis had taken place. The conclusions were that the further harmonisation of the legislation was necessary, crisis management should be improved as well as the organisation of the communication to the consumer (also under normal circumstances).

A new development in the Netherlands is that from 1 October 2000 most sanctions will not pass the court any more, but will be handled by means of administrative penalties.

Mr. Croon (Sweden) informed the Forum that the Swedish Parliament is making an investigation about how to organise food control. At this moment food control is still under the responsibilities of the municipalities. Furthermore the present national food authority is dealing with making legislation and the supervision of the food control. Separation of these two activities is under discussion. At this moment in the National Food Agency consists of 14 divisions. This will be merged into 5 departments.

- risk analysis
- legal department
- supervisory division local food authorities
- risk communication incl. nutrition
- basic support

Mr. Treboux (Switzerland) informed the Forum about the next new acts:

- Declaration of EU and Swiss products (specific for GMO's: 1% is allowed)
- Origin labelling
- The prohibition of intensive breeding of chickens.
- The prohibition of the use of antibiotics and hormones in feed or the next statement should be used: "can contain antibiotics" if there is no guarantee

Ms. Papathannassiou (Greece) informed the Forum that the Greece Food control is merged in one organisation, however laboratories are excluded from this merger. The laboratory will stay a separate organisation

20. New activities

Working Party “Funding Research for E.Coli”

Aim: to look for possibilities to organise a co-operation between laboratories for an E. Coli research project to ask for financial support by the European Union.

Participants:

United Kingdom

Mr. Statham (Chairman)

The Netherlands

Denmark

Norway

Working Party “Operational criteria for Food Control organisations in the EU”

Aim: to set up operational criteria for the food control organisations in the European Union

Participants:

The Netherlands

Mr. Verburg (Chairman)

Ireland

Austria

Belgium

Norway

Spain

United Kingdom

France

Working Party “Procedures for managing crises”

Aim: to investigate the procedures in EU-Member States and to recommend a general procedure (if possible).

Participants:

France

Mr. Gabriele (Chairman)

Denmark

Switzerland (may be)

Ireland

The Netherlands

Working Party “QUID”

Aim: to study the possibilities to enforce the QUID regulations. This Working Party will look for contact with Mr. Slack about his proposal for an EU-funded project on QUID.

Participants:

United Kingdom

Provisional Mr. Harrison (Chairman)

Switzerland

Germany

France

Denmark

Austria

The proposal to make a Working Party about “Emerging Pathogens” was not endorsed. Instead Mr. Statham was asked, in co-operation with the Netherlands and Norway, to present a discussion paper for the next meeting.

All contact persons were asked to inform the Chairman of the Working Party to nominate their participants in the Working Party within one month following the meeting. A copy should be sent to the secretariat.

21. Round table

The next Meeting will be somewhere in the Netherlands on 20 and 21 November 2000.

The Chairman thanked all participants for their positive contributions and especially Mr. Sebasta (Director of the Czech Food Control Authority) and all his colleagues for the Meeting’s arrangements. Ms. Hakkenbrak and the translators were also thanked for their contributions.

23 November 2000

Jan van Kooij

FLEP Secretariat