30th Meeting of the Forum of Food Law Enforcement Practitioners
Minutes
Gozo, Malta, 8/9 November 2010

Monday 8 November 2010

Hans Jeuring, FLEP Chairman.

The Chairman welcomed the delegates to the meeting.

Dr R Busuttil – Chairman, Food Safety Commission, Ministry of Health, Malta

Dr Busuttil welcomed FLEP members to Malta. He said that food was an extremely important issue for everybody. Malta had long had a wide range of food legislation. The greatest change to the food legislation had come about as a result of Malta’s entry into the European Union. This had led to a review of food safety controls. In Malta, the Directorate for Environmental Health was responsible for food safety enforcement. In recent years, the Environmental Health Directorate had been substantially restructured. This included moving towards a more risk based enforcement system. Review of the Environmental Health Directorate would continue to ensure that efficient and effective food safety control systems were in place.

A key element of ensuring food safety was the requirement for the training of food handlers. In Malta, tourism delivered about 25% of GDP and so it was important that tourists had a good experience in the islands. There was zero tolerance for repeat offenders on food safety breaches. The enforcement authorities would support and assist businesses to comply with the law and in particular HACCP legislation.

Currently a review was on going considering the animal by-products legislation. The role of risk assessment and risk communication had been given to the Food Safety Commission through the Maltese Food Safety Act of 2002. The Commission provided annual reports on the work of the Competent Authorities. The key to success was good co-ordination of the food Competent Authorities. Every year there is a focus on consumer hygiene knowledge, delivered through a food safety week.

Dr Busuttil wished all the delegates a fruitful and successful meeting and thanked the Ministry for Gozo for its input and support in organising the FLEP meeting.

Food control in Malta – John Attard Kingswell

Food control had been reviewed when Malta became a member of the European Union. The Ministry of Health was responsible for food safety. The Food Safety Act 2002 had established the Food Safety Commission to oversee and co-ordinate food control. The Food Safety Act applied from farm to fork and provided the food safety framework.
The Environmental Health Directorate had been set up “to promote and safe guard the well being and health of the public from adverse environmental effects”. John Attard Kingswell was director of the Environmental Health Directorate. Malta had a Public Health laboratory which was accredited to ISO17205 2005. This accreditation applied to 19 different laboratory tests. The Public Health laboratory was the national reference laboratory for 18 different parameters. In 2009, 6,088 samples had been taken and in 2010, 37 sampling programmes were active.

**Health inspectorate services**

The Health Inspectorate carried out a wide programme of work. Food business legislation compliance was a priority, with 8,329 food businesses registered in Malta. 7,637 were under the jurisdiction of the Environmental Health Directorate, the rest were covered by the Veterinary Control Directorate. ISO9001 2008 had been achieved for complaint management services. The Environmental Health inspectors used PDA systems to carry out their inspections. Results were uploaded to a central system. All food premises were graded according to risk factors and this was linked to the inspection frequency. In 2009, 10,038 inspections had been carried out. A range of Guidelines had been produced for the inspection services including guidelines on labelling, meat products, legal undertakings and inspection procedures.

Looking to the future, the IT systems were being improved. Two new modules were being added which provided an overview of contraventions and sampling results. The Maltese Food Safety Strategy was further being developed, to formally ensure an effective food control system whilst taking into account the reality of a very small country and the need to maximise the use of resources. A Ministerial statement had recently referred to the Environmental Health Services Directorate and said that the Directorate was an extremely professional, efficient and effective service.

**Minutes from 29th meeting, Aarhus, Denmark, September 2009**

In relation to the item on the RASSF system, it was noted that a draft regulation on the operation of the system was approaching its final stages. This would develop a new electronic communication system which would be significantly different from the previous system. Fully introducing the new system was likely to take a couple of years.

A minor correction was noted for the JRC update.

Apart from this the Minutes were agreed as an accurate representation of the Aarhus meeting.

**Matters arising and any other business to be discussed on the second day**

Axel Preuss asked that there should be a brief discussion on nanotechnology and food. The Chairman agreed that this would be covered.

**The impacts of budget reductions on food safety controls - Expectations of the Commission – Carmen Garau, Director of Unit E5-Enforcement**

Carmen Garau noted that resource reduction was a concern and that cut backs were being announced across Member States, with more expected. This was initially an issue for each Member State to address. However, the Commission would review effectiveness of delivery of responsibilities. Each Member State was responsible for the implementation of food safety controls required by the legislation. There is a formal relationship between the Commission and each Member State. The Commission has a responsibility of overseeing all Member States’
food safety activities. At a Chief Veterinary Officer meeting earlier in the year, Member States were asked to provide views on the impact of cuts. Most said that resources were becoming scarcer but the focus remained on food safety and enforcing legislation. The overall aim for everybody was to work more effectively. There would be a particular focus on finding and seeking efficiency gains. The FLEP meetings were a good opportunity to share good practice more widely in order to secure effective and efficient working. Risk prioritisation was the key issue. The Commission wanted to understand if it could provide assistance to Member States and what assistance was required. Article 4 of Regulation 882 requires that enforcement is carried out with adequate resources and staff. Until this point in time, the Commission has only once resorted to enforcement proceedings against a Member State for infringement of its duties. Each Member State must decide on the appropriate level to achieve the legislative objectives. There is no standard level set. It is, as a consequence, difficult to take a Member State to court for failing to meet its obligations. The reason for this is that the legislation is based on outcomes rather than resources. Unit E5 has these issues in mind when reviewing the legislation. Regulation 882 is currently being reviewed. The application of fees is being considered in order to better finance carrying out official controls. There is a review of residues being carried out. There is a review of veterinary controls at borders being carried out. The aim of this latter review is to integrate import controls at borders. There are very detailed provisions in the veterinary area; however, the view is that there should be more consistent controls across all commodity areas. Risk should be the basis for all controls. All these different elements will be brought together under the overall review of Regulation 882.

Alongside the 882 review, other reviews are being carried out on animal health and plant health legislation. These are likely all to impact on Regulation 882. The aim is to make the control system more efficient and easier to implement through better integration. The fee discussions are likely to be politically sensitive and there are a wide range of options. The role of Unit E5 is to identify what needs to be done to simplify and modernise requirements including removal of out-of-date requirements. The Commission report on Article 44, i.e. the implementation of the MANCPs, will be produced shortly. This report will base on 2008 data from 26 Member States. It is likely to lead to discussions around effectiveness of reporting and the possibilities of reducing duplication. It is likely that standard templates for reporting will be introduced. The aim overall is for a modern, simple and effective system of official controls with reduced reporting requirements. Cut backs are being seen everywhere and everyone is seeking to deliver within limited resources. There is little that the Commission can do as the responsibility rests with the Member States, however the Commission will aim to make the legislation simpler and easier to enforce.

**Meat inspection review**

The official controls in slaughterhouses are also being reviewed. These fall within the remit of Unit E2, the biological safety unit. There is discussion on the whole system of controls and how they might be reviewed to be more efficient yet continue to preserve safety. Two round table events have been held so far for all Member States. Further are planned. The European Food Safety Authority is tasked with risk assessment related to the whole range of animals. In 2012, the Commission will propose any necessary changes emerging from the review.

**The use of private sector organisations to assist official control authorities**

- **Jan van Kooij, Netherlands**

The key principles behind this project work had been identified as mutual responsibility and interest and mutual trust and co-operation. Self regulation by organisations was being reviewed. There was an official contract between the VWA and the private organisations leading to random checks only by the VWA in order to verify the self regulation systems. The basic assumptions for this project were:
Voluntary participation
Activities were focused on the Codes of hygienic practice

All premises, for example restaurants, hospitals, butchers etc, had their own Codes of hygienic practice that ensured compliance would meet the legal requirement. Individual information was sought from participating restaurants. This could be provided by control organisations. This demonstrated the extent of hygiene and HACCP compliance. In order to participate in this project, restaurants would need to be identified as good performers with regard to hygiene compliance. In order to be classified as 'good', VWA checks needed to show that no infringement had been found or that only a small amount of minor infringements had been identified. The businesses were not required to be members of a certification system, rather that they self assess and self regulate.

Participating businesses would be subject to yearly checks by the VWA at the offices of the private controls organisation. In addition, a sample of random checks would be made. New organisations were judged strictly by existing documentation. Communications were agreed between the VWA and organisations; results were published on the VWA website.

Looking at further detail, the step by step plan was explained.

**Step by step plan**

- An initial meeting was held to discuss the requirements with the business
- Business documentation was examined with particular focus on the businesses own checks inspection system. The own checks inspection system was based on the sectoral requirements within the Codes of good hygiene practice
- Each control organisation participating in the project would cover a list of businesses that met the VWA criteria for acceptance onto the project. If a business showed anything other than a very few minor infringements, it would be excluded from the scheme. The scheme was only for businesses with good standards
- The VWA would compare the control organisation information with the VWA information
- The VWA would audit the offices of the control organisation to ensure that their checking systems worked effectively. Organisational details were published on the VWA website. Businesses using the control organisations and falling within the VWA criteria would be subject to reduced VWA interventions
- The VWA would carry out a series of random checks. For each of these checks, two inspectors would visit. Overall 50 premises were inspected and formal action was required for a number

The need for formal action diminished the trust in the effectiveness of the control organisation system. However the project was in its early days. Further discussions were planned with the control organisations, to identify reasons for failure in self regulation and organisational control.

**Workshop - Annual control plans and the consequences of budget reductions**

All countries represented identified changes in budget allocations. A number had cuts in the region of 25%; few had no reductions at all. Denmark was not subject to budget cuts currently but expected that changes would happen over the next couple of years. In light of resource reductions, a number of common themes could be seen. Checklists were more widely used to ensure consistency and to reduce the need for high levels of professional intervention.
In areas where support had been provided to businesses, this was now often being reduced. Businesses were expected to manage their own improvements, without large amounts of support from the regulators. Minimum compliance standards were in some cases being set. There was much consideration of the contribution of private sector organisations to ensuring food safety. All Member States were focusing very carefully on risk based approaches. There was some debate about the type of risk that should be considered, should it only be public health risk and if so how did fraudulent activities fit within this area? In many cases, fraud did not directly impact on public health. However, it did impact on the purse of consumers. In the Netherlands, labelling was not being seen as a high priority as this had little impact on public health. However, it was important to consumers, which led to media concerns being expressed. Overall it was felt that in order to have a truly risk based approach; there was a considerable need for data information and intelligence.

Other mechanisms were being considered to drive hygiene compliance improvement. A key example of this was the Smiley system which empowered consumers to make choices based on hygiene and safety. In other areas, 'name and shame' approaches were being used where businesses and organisations failed to meet standards. In Belgium, third party certification was being seen as a way to identify good standards of compliance. However, work had shown differences in views around compliance between private sector auditors and enforcement authority inspectors. In most cases, third party certification had its greatest focus on quality rather than safety.

A number of Member States were looking at generating income through charging, independent of the Commission review. In the Netherlands, charges were currently made for re-inspection visits.

The Chairman summarised the feedback saying that this was an area of considerable concern to all the Member States. He had been asked by the Heads of Agencies group to report back on discussions from the FLEP event. It was proposed that a questionnaire would be developed for all Member States to identify the level of reductions being carried out. The report would be agreed between all FLEP members and then sent on to the Commission subject to agreement.

The future of FLEP

The Chairman reported on his attendance at the Heads of Agencies group on 14 October. The Heads of Agencies group had considered a range of issues including the effects of budget reductions on food safety controls. Cost effectiveness was being addressed through a benchmarking group. It had been identified by the Heads of Agencies group that the support of FLEP was extremely useful in looking at operations of official controls across the Member States. In particular, the work on risk based approaches was seen as extremely important. The Head of Agencies group asked FLEP to assist them in working on this area. Whilst this was extremely useful, there was a need in light of all the cut backs to food safety agencies to consider the future role of FLEP. The Chairman asked the group whether or not they thought it might be helpful to move from an informal grouping to seek a more formal status. The example of the Prosafe organisation was given. Prosafe was an independent organisation that looks at product safety. However, it was linked to the Commission. As a result of the links to the Commission, Prosafe was provided with funding to carry out work activities, by the Commission. The FLEP members were asked whether or not they would like FLEP to be set up on a similar basis. This led to a wide range of discussions. A range of opinions came forward. However, overall there was a view that becoming a formal organisation closely linked to the Commission was likely to restrict discussion and activities.
Carmen Garau stated that the Commission was very interested in the work of FLEP. The Commission believed that it was crucially important to make contact with practitioners and they would always read and consider papers and expert views expressed. Unit E5 would seek to attend FLEP meetings wherever possible. However, outsiders were likely to question where the differences lay between the Heads of Agencies group, FLEP and the new 882 working group that had been set up by the Commission. Overall, Carmen Garau believed that one of the key strengths of FLEP was its independence and informality. If FLEP was to seek to become a more formal organisation supported by the Commission, they would need to be very clear about the differences between FLEP and its activities and those of the Heads of Agencies group.

In conclusion, the Chairman said that he would discuss the issue further with Unit E5 at DG Sanco but this would be at some future date. In the future, FLEP would seek to invite representation from the Heads of Agencies group to meetings in order to strengthen the support for FLEP. It was suggested that the review of 882 would provide opportunities to work more closely with the Commission. It was commented by one of the members that a great strength of FLEP was the ability to speak as professionals rather than as a representative of a Member State. When comments were made on the basis of representing Member State interests then sharing of information and openness of debate could be restricted. The item was thus concluded but would return to the agenda at future meetings for further review.

Working group updates

1. **The role of laboratory analysis in food control**
2. Glenn Taylor reported back on activities of the group. Two sets of questionnaires had been sent out and these had produced a large amount of data. Summarising:

- **Qualifications of experts.** There was a wide range of qualifications across the Member States. Austria, Germany and the UK had similar systems. France and Portugal had legal experts outside the laboratories. There could be no specific recommendations given the variation across the Member States. It was up to the Member States to determine the expertise necessary.

- **Accreditation.** 90% of laboratories were accredited to ISO17025. Proficiency trials had taken place but Official Control laboratories needed to demonstrate their ability through accreditation, validation and training etc. Accreditation of the enforcement officers should be to ISO17020 and this could apply more widely, e.g. to scenes of crime officers, asbestos sampling officers, etc.

- **Charging and economics.** 70% of Official Control laboratories undertook private sector work. Charging was being explored as a way forward. Charging systems were more and more being introduced across the Member States. In the UK, the Official Control laboratories competed for business. There was some evidence from the UK work that this could be beneficial. 90% of laboratories sub-contracted some of their work. Looking forward this should be considered further and the consequent impact on specialised laboratories examined. It might well be possible to look at the creation of specialist laboratories and centres of expertise that would serve the whole of the EU.

- **Risk and sampling rates.** There was considerable variation across the Member States. There was considerable variation in failure rates. Further work was needed on the potential for a framework to support risk based sampling, i.e. how much was necessary to evaluate risk and support local authority interventions.

- **EU harmonisation.** Further consideration should include:
  - Frequency of accreditation visits
- Ways to define areas of expertise
- The need for ISO17020 accreditation for enforcement officers
- The need for charging linked to failures and links into earned recognition approaches
- The need for development of regional expertise
- Ways to evaluate value for money

In discussion of these items, Carmen Garau stated that under the review of Regulation 882, there was a working group set up on laboratory accreditation. This working group had only recently begun, however it was seeking to gain input from DG enterprise and the accreditation board for European laboratories. The Commission advised that the regulator should set the benchmark for accreditation.

2. **Import controls – Regulation 669 update**

   The update was provided by the FLEP Chairman, Hans Jeuring. The working group had been very active in 2009 and had contributed significantly to guidance on Regulation 669. The working group had been involved in training on import controls. 2011 and 2012 would provide another range of courses for around 500 people funded by the Better Training for Safer Food initiative. Regulation 669 had been enforced since January 2010. In the Netherlands, the introduction was going smoothly. Some concerns had been expressed about recognition of the performance of the food business operator. Good compliance levels were not fully recognised by the legislation. If there was a move away from big importers with good compliance records, this would have greater impact on sampling of others with lower compliance standards.

   Some difficulties had been identified in the designation of points of entry. Fees were being variably applied and this would be discussed further in Brussels. In Belgium, for instance, fees were lower as businesses already paid direct taxation on food control. Fees were higher in the UK.

   There was general discussion around the implementation of Regulation 669. Comments were made about products arriving without appropriate documentation, about frequency of controls and concerns raised by business. Some problems had arisen around interpretation of CV codes. There had been questions raised about the time taken to carry out checks and release products. Some importers had complained about delays for example where testing was required for aflatoxins and pesticides. Member States believed that the maximum turn around time was likely to be five days, however, two to three days was much more usual. For mycotoxins and aflatoxins, delays were due to sampling results. Often this could take up to three days.

3. **Food fraud**

   A review had been carried out of the recommendations of the working group. An overview had been provided to the Food Trafficking conference in Paris under the management of OCLAESP. The issue of food fraud was still current for most Member States and it was proposed that the working group be reconstituted to look at areas where FLEP might contribute more.
Hon G Debono, Minister for Gozo

Mr Debono apologised for not being able to welcome delegates to the meeting on the first day; however, he was very pleased to be able to welcome everybody at the start of day two. Mr Debono said that food safety was a key issue. Gozo sought to be an eco-island and as a consequence all its arrangements were based around the principles of sustainability. The EU accession had brought new legislative requirements for food safety. Introduction of the EU requirements had led to a reduction in the number of health related food issues. The Environmental Health Directorate had organised a range of seminars to improve practices and raise awareness of hygiene issues amongst food businesses. The economy of Gozo was extremely dependent upon tourism, both external and internal. Traditional food had been promoted as an element of tourism. The Health Inspectorate service operated from the Ministry of Health in Gozo and was delivered by environmental health officers. The Gozo inspectorate was linked into the Environmental Health Directorate of Malta. 665 improvement notices had been issued in the last year. Food safety was a key issue and as a consequence, Gozo was pleased to host the meeting of EU food safety professionals, i.e. the FLEP meeting.

In closing, the Minister for Gozo said that he hoped that all FLEP delegates would have the opportunity to explore Gozo and to try its wide range of excellent food.

JRC update

An update was provided, however, Anne Mette-Jensen had to leave early because of poor weather in the Gozo Channel necessitating transfer to Malta ahead of the expected time. A new director had been appointed to the JRC and a scientific forum had been carried out for European reference laboratories. The new Commissioner had also visited the JRC. A new strategy had been created for JRC which was composed of:

- Vision
- Matrix structure
- Priorities
- Implementation

Links were being strengthened with stakeholders i.e. the European parliament, ILSI Europe, CEN, Official Control laboratories etc. JRC had been involved the evaluation of the EU reference laboratories. New standards had been published on DON in feed, in ZON in feed, new method on aflatoxin B1, in infant food and a method on Zearalenone in infant food. There had been a workshop in conjunction with DG Sanco on pyrrolizidine alkaloids. There had been participation in an FVO inspection mission to Croatia. A PHD study had been published on the development of validation of analytical methods for mycotoxins in food. There had been two publications on the determination of fumonisins in maize. There had been a publication on the development of electrochemical immuno sensors for DON detection in food. There had been a report on the proficiency test of the determination of T2 and HT2 toxins in cereal products and a report on the extent of the detectability of mycotoxins in animal feed by the addition of binders/ adsorbents.

On going activities were being carried in the area of natural toxins and these included:

- Development work on multi analytical methods for DON, ZON, HT2 and T2 toxins in food
- Production of a method for the determination of OTA in liquorice
• Proficiency test on ochratoxin A in feed and food matrices

Significant work had been carried on polyaromatic hydrocarbons (PAHs):

• A report had been produced on the methods of performance characteristics when determining benzo a pyrene, benzo a anthracene, benzo b floranthene and chrysene in food
• A report had been produced on inter-laboratory comparisons on the determination of 16 EU priority PAHs in fish
• A report on inter-laboratory comparisons on the determination 16 groups of PAHs in vegetable oil
• A survey had been carried out on contamination in chocolate and method validation study had been carried out for EU priority PAHs in food
• There had been a proficiency test on the determination of the EU PAHs in olive oils
• There had been other work carried out on other process contaminants including proficiency testing on mineral oil in sunflower oil
• Proficiency testing on three MCPD esters in food
• Proficiency testing on determination of melamine in food
• Publication on 3MCPD in food other than soy sauce or hydrolysed vegetable protein

Work had been carried out on heavy metals and IMEP including inter-laboratory comparisons on determination of bromate in drinking water, determination of heavy metals in feed of plant origin, inter-laboratory comparison on determination of arsenic in rice.

On going heavy metals and IMEPs work included organisation of:

• Proficiency tests on heavy metals in seafood
• Proficiency tests on heavy metals in mineral feed
• Proficiency tests on total cadmium, lead and arsenic in vegetables
• Proficiency tests on total cadmium, lead and arsenic and extractable cadmium and lead in feed of plant origin (rye grass)
• Method validation study on determination of organic arsenic in feed
• Workshop on heavy metals for National Reference laboratories

Work was also being carried out on allergens. This included:

• Publication of the development of PCR methods for lupin detection
• Publication on common protocols for validation procedures using ELISA methods
• A new study was being carried out on determining protein based clarifiers in wine
• A multi analytical method was being developed for allergens using PCR.

Work was also being carried out on food quality. There had been an international conference on organic food authenticity. A method for cocoa butter equivalents in milk chocolate had become ISO standard 11053: 2009. On going work was taking place on:

• Markers for ethanol
• Classification of bovine tripe
• Sweeteners

Further details were available on the website of http://www.irmm.jrc.be and http://ihcp.jrc.cec.eu.ind
E-commerce - Introduction and proposal for a working group, Yvonne Huigen, The Netherlands

Yvonne Huigen updated the group on e-commerce activities. The food trade on the internet was growing significantly and posed a number of food safety and fraud issues. It had been considered by several people as part of the FLEP conference in Berlin on risk based controls. It had been concluded generally that conventional enforcement approaches did not work. Yvonne Huigen recommended that FLEP establish an e-commerce working group and suggested the following approach be adopted:

- Problem areas are identified
- Risks are prioritised
- Future trade on the internet considered

There were would need to be a link to the Commission and across the EU and beyond. FLEP could be a contact point for groups working on e-commerce across a number of areas.

The way forward was suggested as:

- Terms of reference established
- Electronic working group set up
- List of participants established
- Working group constituted by 31 December 2010

The aim of the group would be to:

- Develop a document identifying best practice in dealing with the internet trade
- Develop guidance for inspectors
- Report to FLEP meetings and other groups

The German representative commented that after the risk based controls conference in Berlin, work had begun on a pilot project. The Germans would carry out internet searches to identify businesses trading in food and would check their registration and identify any trade in banned substances. They would be working with the tax authorities. They were also working with eBay as eBay requires vendor information and will pass this to the competent authorities on pesticide issues. The German authorities were hoping to extend this work to address food safety issues.

The representative from Slovakia commented that Slovakia had also established a working group on e-commerce after the Berlin event. So far 14 registered businesses had been checked. The initial work had shown only 14 businesses registered for trading food on the internet. Early searching had shown there were at least 116 businesses that should be registered. The Slovakian group was looking closely at consumer education on buying food and related products from the internet.

A German delegate commented that consumer information was extremely important and the German project was looking at the possibility of establishing an internet `Smiley`. This would work by listing businesses that met legislative standards on the BVL website. The German project, whilst in its pilot stage, had established a central unit. The information on completion of the pilot would be passed to all the Federal States for enforcement by competent authorities. German activities were assisted by the fact that German law states that if a website is in the German language then it can be considered to be a German business.
The Netherlands were also looking at work to tackle e-commerce.

The Czech Republic had also established a working group.

It was generally agreed that internet trade was a very complex issue and that this appeared to be a suitable area for a working group for FLEP. The working group would be led by Germany and the Netherlands. Delegates were asked to sign up by the end of December. At the meeting, the Czech Republic, Slovak Republic, United Kingdom, Sweden, Denmark, Germany and the Netherlands all volunteered to participate.

Food fraud update

A round table discussion identified that food fraud was an increasing problem for many Member States. It was believed that the reduction in budgets and consequent impacts on enforcement activities were likely to encourage fraudulent activities. It was identified that the work on food fraud through a newly constituted working group would need to link closely with e-commerce as fraud would cross into the internet trade.

Denmark commented that they had established a “police force” for food fraud and that this was working well. It was agreed that a new working group be set up on food fraud activities and that the UK would be Chair for this work.

Crisis management - To what extent do the arrangements vary across the Member States?

A round table discussion was held. To introduce the topic descriptions were given of approaches by the Netherlands, Malta, Czech Republic, Belgium and the United Kingdom.

The Netherlands

Four to five years ago, the Netherlands developed a detailed document on crisis management. The document described who was responsible and what should be done in the case of the crisis. There were four levels:

- Level 1 - routine, for example a RASFF notification
- Level 2 - an incident
- Level 3 - a serious incident which was the responsibility of the individual Member State and the VWA
- Level 4 - a crisis where people are dying. This level was the responsibility of the Ministry of Health or the Ministry of Agriculture.

The dioxin crisis was defined as a serious incident. Economic issues were created as borders were closed to trade from the Netherlands. The document was in Dutch but an English summary existed.

Malta

Crisis management was the responsibility of the Food Safety Commission. Plans were being compiled currently but the size of Malta made interactions and reactions relatively simple. There were EU contact points. It was an EU requirement that a Member State had a crisis management plan.
Czech Republic
CAFIA had to deal with crises in 1997, 2002 and 2008. The Czech Republic suffered from major flooding issues. There had been a communication campaign about flood damaged food and inspection teams were sent to areas where flooding had occurred. A crisis law had been instituted which identified the responsibilities of the different ministries.

Belgium
A crisis management unit existed within the Food Agency. The unit worked on incidents and provided briefings e.g. dioxins in pork fat.

United Kingdom
In 2009, over 2,000 incidents were dealt with by the Food Standards Agency. The FSA had a set of protocols, the latest of which was published in February 2010. Many of the protocols would be tested this year. Protocols were available on the FSA website. Incidents were classified as low, medium or high. They were scaled up as seriousness increases. A stakeholder group and a scoping group might be involved in managing an incident. Incident management would consider issues across the whole food chain. A crisis line was available to deal with the high level of calls that might occur during an incident or a crisis. There were links to the Prime Minister, to Ministers and the media. In the situation of a crisis, formal internal incident meetings and reviews would take place. Whilst this was an internal activity, external stakeholders were likely to be involved. The FSA was a member of the EFSA crisis management working group. The working group was currently part way through a four year programme. The programme would test Member State responses. The Olympics would pose a significant test for avoiding or managing crises.

After a round table discussion, it was agreed that Member States would provide links to information on crisis management.

Update from the Heads of Agencies group, Hans Jeuring
Hans Jeuring, FLEP Chair, had attended the Heads of Agencies (HoA) group meeting on 14 October. On 17 November, Belgium would be organising a symposium on “Self check systems”. On 24 November, a symposium on Nanotechnology in the food chain would be held. Pharmaceutical enforcement had been considered at the HoA group and a benchmarking project was being introduced. An instrument was being developed for driving improvement. The HoA group concluded that benchmarking should be complementary to the FVO audits. The HoA steering group would take up benchmarking systems.

Hungary would take over activities when it took up the Presidency of the Union. Food safety priorities were identified as a matter of concern during a time of financial constraints. All the Agencies were concerned about this and discussed different ways of measuring food safety compliance and enforcement. Discussions had included consideration of certification systems and the use of private companies. Cost effectiveness was a key issue.

For the future, the Food and Veterinary Office (FVO) would be focusing on ensuring food safety continued to improve across the Member States. There was consideration of revising the FVO audit processes and reducing the documentary burdens on Member States. Michael Scammell, FVO Director, had confirmed that there would be a move to reduce the burden in the future and add value for the Member States involved in audits.

Challenges remained in considering uniform enforcement and benchmarking should assist in this process. For the future, the FVO would have a greater focus on third countries and the audits would be better joined up. Improved enforcement was needed. The review of
Regulation 882 and work on import controls could drive forward the risk based controls approach.

A discussion was held on risk based Official controls and Hans Jeuring made a presentation focused on the FLEP meeting in Berlin. The HoA group was pleased to hear about the work of FLEP and would encourage FLEP to continue in this area of work. The FLEP Chairman undertook to report back to the HoA group on progress.

Review of Risk Based Controls Conference, Berlin, April 2010, Jenny Morris, United Kingdom

Jenny Morris provided an overview of the risk based controls conference in Berlin. The conference was entitled “Risk based approaches to official controls in food businesses” and had been jointly hosted by FLEP and the German Ministry of Consumer Protection and Food Safety (BVL).

Nearly 100 delegates from 19 countries had attended to debate the issues which included the emerging problems of controlling the rapidly growing trade of food over the internet. Speakers had included the Deputy Head of Enforcement at DG Sanco, who provided a view from the European Commission on risk based controls. She said that the requirements were explicitly laid out in Regulation 882/2004 on Official Controls. Any Official Controls needed to be proportionate to the risks posed, which meant they needed to take into account the systems of food business “own checks” and needed to be intelligence led. In other words, checks needed to be more frequent where problems were suspected. Every Member State was required to detail how these checks would be organised through its Multi-Annual National Control plans and report its achievements to the Commission each year. The Commission currently collated reports and expected to provide an overview of successes and failures in order improve controls generally. To check on achievements, the Commission’s auditors, the FVO, carried out regular missions to Member States.

An overview of the work of the FVO was provided by Maura Waters, the Deputy Head of the FVO. She said that most Member States had risk based systems in place but they did not necessarily cover all the sectors that needed to be considered. Generally, risks were classified as high, medium or low and this led to setting of the appropriate frequency of official controls. A number of challenges could be seen, for example establishing the balance between consumer, political and economic risks. In some cases, risks would be distorted by a media focus, interest group or political intervention. The aim must be to achieve a cost effective means of delivering reasonable assurances of safety through effective prioritisation. There was however a danger in ignoring controls and apparently low risk promises as this could mean significant changes in risk might not be identified. Ultimately, a desirable control system would be one that was neither too complex nor too costly. It would need to be documented with evidence of the decision making processes, incorporate continuous improvement and be flexible enough to allow timely change. The FVO had set up a number of Communities of Practice to share information about risk based approaches, which at a future time might provide the basis for a Commission Guidance document.

After these talks, speakers from Germany, Ireland, the Netherland, the UK and Hungary gave an overview of the ways in which different Member States approached risk based controls. The first step in all cases was a risk categorisation of the food business. Type of food, method of production and management history of compliance were key criteria. Some difficulties were identified in fitting businesses into broad categories and this might be resolved through the introduction of more tailored control programmes. It was generally agreed that achieving zero risk would not be possible; the challenge was to prioritise to ensure a cost effective use of
resources and give acceptable levels of protection. Getting the correct operational conditions was essential. Verification of controls was essential to allow change where necessary. Sampling was regularly used both for verification and surveillance. Sampling criteria and ratios were widely variable. The frequency and type of controls varied significantly. New regulation 669/2009 had recently been introduced to take this risk based approach on imported foods not of animal origin.

There was much debate about the different approaches to risk based controls and it was agreed that a FLEP working group would pull together the findings and develop the work further, ultimately for sharing with the Commission and Member States.

Day 2 of the conference was focused on risk based controls in e-commerce. The conference identified the need for further work in this area and again agreed that a FLEP working group should look into this matter further.

Discussion among the delegates at the FLEP forum endorsed the proposals from the conference, that FLEP should set up working groups on risk based controls and e-commerce. The risk based controls working group would be chaired by the Netherlands. The UK, Ireland and Germany volunteered to participate. Other Member States would be asked to send in details of contacts if they wished to be involved.

Any other business

1. **Nanotechnology**
   Belgium was organising an international conference in November. Currently there was no legislation related to Nanotechnology in food. The German delegate Axel Preuss had raised the issue initially. He commented that cosmetic regulation required notification of use of nanoparticles. Regulation 258/97 of the novel foods legislation was being reviewed. It appeared likely that this would require registration of the use of nanoparticles. Currently there were limited analytical techniques to deal with nanoparticles. Some products deliberately included nanoparticles and advertised them as such but there was little detail about the extent of usage. The delegate from Germany believed that this would be a topic worthy of further consideration by FLEP. The Chairman agreed that this should be considered at a future FLEP meeting but that it might be worthwhile delaying for a while until more information and analytical methods had been developed. The German delegate commented that work was being carried out in the laboratory at Munster to identify nanoparticles. Interested members of FLEP would be welcome to visit to discuss the work further.

2. **Food authority updates**

2.1 **The Netherlands**
The Netherlands informed delegates that the VWA and the General Inspectorate Service of the Agricultural Ministry and the Sanitary Service were being merged. Divisional structures and plans were being developed. It looked likely that work would be broken down into the following categories:

- Animals
- Small businesses
- Larger businesses and manufacturing
- Non food
- Imports and exports
- Laboratories
There would be an overall reduction in budget and staffing. The Ministry of Agriculture, Economy and Innovation would now be responsible for the combined inspectorate which would be called the new VWA, i.e. the new Food and Consumer Protection Agency.

2.2 **Slovakia**

The Slovakian delegate informed FLEP members that Slovakia was restructuring its food safety organisation.

**New work groups**

Delegates agreed that new work groups should be set up to look at:

- E-commerce
- Risk based official controls
  The risk based official controls work group could be further broken down into risk based inspection and risk based sampling.
- Food fraud
  It was agreed that the food fraud working group be brought together to look further at work areas that might be covered.

**Date and venue of next meeting**

The next meeting would be in the Autumn of 2011 and would be hosted by the Netherlands.

**Steering Group**

Erik Dahm had agreed to become a member of the steering group.

**Closing**

John Attard Kingswell thanked members of FLEP for coming to Malta and Gozo. He gave particular thanks to the Ministry of Gozo for hosting the meeting and thanks to the staff of the hotel for making the stay comfortable and pleasant.

The Chairman thanked Malta for hosting the meeting and commented that all FLEP members had very much enjoyed the visit and were very grateful for all the work that John Attard Kingswell, his colleagues and the Ministry had put into delivering with a very successful event.