

# Public health: control of salmonella and food-born zoonotic agents

2001/0177(COD) - 20/02/2003 - Council position

Firstly, it should be stated that the Council welcomes the fact that it has been able to incorporate several of the European Parliament's amendments in its common position and that the Commission accepts these and the other changes to its initial proposal. It hopes that this will permit rapid adoption of the Regulation. The Council, the European Parliament and the Commission agree that the Regulation should establish certain basic principles. In particular, the three Institutions agree that the Regulation should: - provide a flexible framework allowing the progressive extension of control measures to additional animal populations and pathogens; and - in principle, cover all stages of the food chain. As a consequence, the common position adopted by the Council encompasses several of the amendments that the Parliament adopted at first reading. The Commission accepts these amendments and the other modifications made to its initial proposal.

- Scope : the Council agrees that the monitoring of zoonoses and zoonotic agents ought, in principle, to cover all stages of the food chain, including food and feed. The common position is therefore consistent with the relevant parliamentary amendments. To ensure consistency with the principle of subsidiarity, the common position would leave the control of zoonoses at the level of primary production to national law when such production takes place on a very small scale. The Council considers that it is not appropriate to establish Community control rules to regulate food production activities that have only a slight and localised impact on public health. However, national law would have to achieve the food safety objectives of the Regulation.

- Community targets : the Council agrees that: - the Articles ought to contain more detail regarding the setting of Community targets for the reduction of the prevalence of zoonoses and zoonotic agents; - targets ought to be established in respect of all salmonella serotypes with public health significance as soon as is reasonably practicable; - it is appropriate to provide for targets both for breeding and slaughter pigs. However, the Council does not believe that it is yet appropriate to envisage targets for sheep or calves, or for other bovine animals. The common position is therefore consistent with one of the relevant parliamentary amendments and partly consistent with the others. In addition, the common position contains clarification on the scope of Community targets. These would apply to salmonella serotypes with public health significance. Since there are very many salmonella serotypes, and their impact on public health varies greatly, it is necessary to clarify how a list of those salmonella serotypes with public health significance would be drawn up. The common position does this through general criteria contained in the Articles and specific criteria laid down in the Annexes. As regards the timetable for the implementation of Community targets, the common position sets relative dates, linked to the Regulation's entry into force date. This would ensure that, whatever the final date of adoption of the Regulation, there would always be a proper balance between the need to avoid undue delay in implementing the targets and the need to allow sufficient time to make implementation practicable. The common position also provides for an additional six months between the setting of a target the start of the obligation to carry out testing. This would ensure that Member States have time to adapt and to implement national control programmes. The common position provides for the Commission to carry out a cost/benefit analysis before proposing Community targets. To avoid the implementation of the targets from creating undue burdens for primary producers in the first few years of application of the Regulation, it provides for transitional periods. Each target for poultry would, for its first three years of application, apply only to the most prevalent salmonella serotypes (the five most frequent in human salmonellosis as regards breeding hens, and the two most frequent in human salmonellosis in the case of other poultry). The requirement for the Commission to carry out a cost/benefit analysis would not apply during these transitional periods. However, should the Commission carry out such an analysis voluntarily, and if the conclusions justify it, it would be possible to extend the requirements for poultry other than breeding hens to the five most frequent serotypes during the transitional period.

- Specific control requirements : the Council agrees that the specific control measures for laying hens should apply to all salmonella serotypes with public health significance. However, it does believe that it would not be practicable to extend the

specific control measures for breeding flocks beyond the two most common serotypes in the short term. Consequently, the common position incorporates one of the two relevant parliamentary amendments, but not the other. To be consistent with the approach adopted for Community targets, the common position provides for relative dates for the introduction of specific control measures. It clarifies that detailed rules on how to check compliance with the objective of salmonella-free poultry meat would be laid down through comitology, at the latest one year before the requirement applies. - Comitology : the Council agrees that, while it should be possible to amend technical provisions contained in the Annexes through comitology, criteria governing such amendments ought to appear in the Articles. The common position is therefore consistent with the objective of the relevant parliamentary amendments. - Intra-Community trade : the common position makes clear that the special measures concerning salmonella that currently apply to live animals dispatched to Finland and Sweden would continue to apply after entry into force of the Regulation. Moreover, as the Commission proposed, the Regulation would contain a mechanism making it possible, for a transitional period, to apply additional requirements to trade with other Member States whose national control programmes go beyond the minimum requirements of the Regulation. The same mechanism would allow the requirements concerning Sweden and Finland to be updated. The Council agrees that it is superfluous for this mechanism to cover food, since the Regulation laying down specific hygiene rules for food of animal origin should contain an equivalent mechanism. The Council cannot accept the application of the mechanism to control measures taken to combat zoonotic agents other than salmonella. It believes that it would be disproportionate for failure to have a national control programme approved on time to exclude a Member State from intra-Community trade. Consequently, while it can accept the parliamentary amendment on the first point, it cannot accept those on the two others. - Financial Issues : the Council agrees that national control programmes must have regard to the financial implications for food and feed business operators of control measures. The common position therefore incorporates the relevant parliamentary amendment. In addition, the common position provides for the Commission to report on financial issues and, if appropriate, to make proposals, within three years of entry into force of the Regulation. So as not to prejudice the content of this report, and the outcome of discussions on any Commission proposals within the European Parliament and the Council, the common position on the Directive on the monitoring of zoonoses and zoonotic agents includes a consequential modification to the amendment to Article 29 of Decision 90/424/EEC. The modified amendment would provide for Community co-financing of up to 50% to be available, in principle, for any costs incurred implementing mandatory control measures, enabling the decision on the level of resources to be allocated to Community co-financing to be taken in the light of the Commission's report. As regards minimum sampling requirements, the common position would maintain an obligation for food business operators to have samples taken and analysed, but would not specify who should meet the costs of these activities. To ensure transparency, Member States would have to include in their national control programmes details of any financial assistance provided to food and feed business operators. - Relationship with other legislation : the common position incorporates amendments to ensure consistency with Regulation 178/2002/EC. In particular, Article 2 now imports the definitions of that Regulation rather than repeating some of them. The common position provides for free-standing definitions of "herd" and "flock", obviating the need for the reader to consult separate acts to understand their meaning. - Consultation of the European Food Safety Authority : the Council agrees that the Commission should consult the European Food Safety Authority (EFSA) before proposing specific control methods. The common position would also require the Commission to consult EFSA before proposing Community targets. The Council does not believe, however, that it is appropriate to make consultation compulsory in all cases. It should be necessary only in cases where the Commission's proposal would have a significant impact on public health. The common position is therefore consistent with the one of the relevant parliamentary amendments but only partially consistent with the other. The common position incorporates parliamentary amendments: - ensuring that the recitals are consistent with the Articles; - enabling Member States to designate more than one competent authority for the purposes of the Directive, provided that there is co-operation between the authorities and a single contact point for the Commission; - providing for the Commission's Food and Veterinary Office to monitor third countries' control programmes; - on Community controls. The common position does not incorporate amendments: - proposing amendments to the recitals that are not consistent with the Articles or the Annexes; - proposing a political statement rather than a legal obligation;

- shortening the deadline for reports; - extending national control programmes to food of plant origin. The Council agrees that laboratories should have to keep pace with any updating of the relevant EN/ISO standard. It considers that it would be impracticable, however, to require compliance with the current standard by 1 January 2004. Instead, the common position would give laboratories 24 months from entry into force of the Regulation to do so. Finally, compared to the Commission's initial proposal, the common position would: - delete the definition of "prevalence", which was superfluous since the Regulation always uses the term in a non-technical manner to describe general objectives; - clarify the procedure for the approval of national control programmes and food and feed business operators' control programmes and the required content of national control programmes; - if necessary to compensate for a different epidemiological situation and to secure equivalent guarantees, make it possible to establish requirements for third countries different from Community targets; - provide for the Regulation to apply six months after its entry into force (that is, at the same time as the repeal of Directive 92/117/EEC); and clarify the minimum sampling requirements and specific control requirements for flocks of breeding hens.