



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 3 October 2012**

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**AGRI 643  
CODEX 24**

**NOTE**

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from:	Presidency
to:	Codex Alimentarius Working Party
Subject:	Follow up to the adoption of a standard setting maximum residual levels (MRLs) on ractopamine by the Codex Alimentarius Commission at its 35th session - Draft Council conclusions

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Following the mandate given by Coreper to the Codex Alimentarius Working Party, delegations will find in annex draft Council conclusions on the abovementioned subject to be examined by the Working Party on 8 October 2012. The Presidency intends to propose the adoption of these conclusions to the "Agriculture and Fisheries" Council, after examination by Coreper.

THE COUNCIL OF THE EUROPEAN UNION

CONSIDERING that the Codex Alimentarius Commission (CAC) aims at developing and harmonising world-wide standards to protect consumers' health and ensuring fair practices in the food trade.

CONSIDERING that since 1994, with the entry into force of the WTO Agreements, in particular the Agreement on the application of Sanitary and Phytosanitary Measures (SPS Agreement) and the Agreement on Technical Barriers to Trade (TBT Agreement), Codex Alimentarius standards, guidelines and recommendations have acquired increased legal relevance by virtue of the reference made to the Codex Alimentarius in the WTO Agreements and the presumption of conformity which is conferred on relevant national measures when they are based on such standards, guidelines or recommendations adopted by the CAC.

CONCERNED by the adoption of an international standard setting maximum residue levels (MRLs) for ractopamine in beef and pork meat by the Codex Alimentarius Commission at its 35th session through a simple majority vote, where the majority outnumbered the minority by merely two votes.

CONSIDERING that adoption of Codex standards by slim majority voting, rather than the well established and preferred mechanism of achieving consensus, undermines the credibility and universal acceptance of the standards.

UNDERLINING that the use of veterinary drugs as growth promoters, and the import of meat from animals treated with these substances is strictly prohibited in the European Union.

STRESSING that the policy of the European Union towards ractopamine is based on persisting scientific uncertainty about the safety of products derived from animals treated with this substance, in line with the EFSA opinion of 2009, and also takes into account ethical concerns on animal health and animal welfare that are widely felt among its Member States.

SUPPORTING the decision of the European Commission to maintain the existing EU legislation on beta-agonists, which bans the use of, and the import of meat from animals treated with growth promoters such as ractopamine.

ACKNOWLEDGES the need for EFSA to re-examine the scientific case, and if necessary obtain further data, in order to consider the initiation of a review of the new Codex Standard on ractopamine.

REQUESTS the European Commission to strengthen existing measures and if necessary to elaborate additional ones, with a view to:

- a) ensuring that Third Countries where ractopamine is authorised have in place an effective dual system, allowing a ractopamine-free production chain for meat intended for export to the EU;
- b) ensuring that the Food and Veterinary Office prioritises the auditing of control measures in countries exporting to the EU.

ENCOURAGES Member States to develop and validate analytical methods for testing the presence of ractopamine in meat.

STRESSES that the Codex Alimentarius is a risk management body, which should also take into account all relevant factors, scientific and non-scientific ones.

CONSIDERS that a careful analysis should be carried out, in close cooperation with the European Commission, with the purpose of finding ways to maintain and reinforce the consensus based decision-making process in the Codex Alimentarius, exploring notably the following possibilities, that could lead to amendments to the Codex procedural manual:

- a) avoiding to undertake new work or discontinuing work on draft standards at an early stage, when it is apparent that no consensus can be reached on them;
- b) introducing the possibility that work on draft standards which have reached the last step of the procedure before final adoption (step 8) but on which no consensus exists can be suspended until consensus is achieved;

- c) defining criteria to vote in order to ensure the credibility and legitimacy of such a decision and if a vote cannot be avoided, requiring transparency and a large majority for adopting a standard **[proposed by some delegations]**.

CONCLUDES THAT a strategic line of action should be followed by the European Union and its Member States, with the aim of ensuring that international food standards guarantee the highest possible level of safety for consumers' and public health, in order to strengthen their influence on the work of Codex Alimentarius, notably by:

- a) raising awareness among consumers as well as in the national administrations on the importance and implications of the adoption of international standards by Codex;
- b) strengthening the participation of EU experts in the FAO – WHO risk assessment bodies;
- c) undertaking actions in order to better answer to calls for data from international risk assessment bodies;
- d) improving cooperation between FAO-WHO risk assessment bodies and other independent agencies in charge of risk assessment when they express concerns;
- e) improving the participation of national experts to the sessions of Codex committees;
- f) identifying early potentially sensitive issues and develop a strategy for how to deal with them before the relevant draft standards are discussed by the Codex Commission;
- g) better liaising and coordinating with European States which are not EU members to develop shared positions;
- h) approaching Third Countries well before a controversial issue is discussed by the relevant Codex committees or by the Commission, in order to make the position of the EU and its Member States better known and to gather support;
- i) developing institutional links and relationship with the other regional committees in order to make the position of the Codex Regional Co-ordinating Committee for Europe better known;
- j) reviewing current funding to Codex activities and considering alternative financing instruments for more effective and targeted actions. **[some delegations consider the inclusion of this reference inappropriate in this context]**