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From: General Secretariat of the Council
To: Delegations

Subject: Conclusions from the Ministerial Conference on the follow-up of the fipronil incident (Brussels, 26 September 2017)
- Information from the Commission

Delegations will find in Annex an information note from the Commission on the above mentioned subject to be raised under "Any other business" at the session of the Council ("Agriculture and Fisheries") on 9 October 2017.

Conclusions from the Ministerial Conference on the follow-up of the fipronil incident

Brussels, 26 September 2017

In the context of the contamination incident with fipronil during the summer of 2017 the Commission and the Member States taking part in the Ministerial Conference on 26 September agreed on the following:

1. The Ministerial Conference allowed the participants to fully take stock and exchange views on past, ongoing and remaining actions by the Member States and the Commission to minimise and manage the fipronil contamination of eggs and egg products;
2. It was noted that a coordinated EU-wide monitoring plan on the presence of illegally used substances in eggs and poultry meat has been finalised for immediate implementation;
3. The Member States and the Commission also exchanged views on lessons learned from this experience, and agreed on several strategic and systemic actions needed at Member States and EU levels to prevent, detect as early as possible, and improve the handling of such incidents or crisis;
4. Cooperation and communication is needed in order to prioritize coordinated efforts that will ensure trust and a harmonised approach during incidents or crises. The Commission is invited to develop a management plan for food and feed incidents (in line with the crisis management plan). In doing so the Commission should pay attention to reinforce its early coordinating role, including defining the criteria when the coordination at EU level should be triggered by Member States;

5. Risk communication should be improved via upstream coordination between Member States and the Commission on the basis of a common factual and accurate information line to be used through the appropriate channels (in particular social media and press) to ensure it reaches the general public in a harmonized and prompt way;
6. Provisions will be considered to strengthen the existing flexibility in residue monitoring at EU level, evaluate the existing risk based monitoring programs and adapt these in order to enable early detection of possible use of illegal substances or misuse of substances to enable Member States to respond without delay to emerging risks;
7. Member States will encourage the food business operators and branch organisation representing these food business operators in their country to implement or improve existing self-monitoring programs on sectoral level.
8. The Commission and the Member States shall make the necessary efforts to ensure an EU wide harmonised and co-ordinated risk management approach in case of a widespread contamination or residue incident, or chemical risk, taking into account the proportionality;
9. In order to provide the basis for a rapid and sound response to such risks, Member States and the Commission should allocate the adequate resources to deal with crisis preparedness and management;
10. Procedures will be set up to ensure a rapid common risk assessment that can serve as basis for a co-ordinated risk management approach at EU level. This could take the form of swift convening by the Commission of meetings with Member States to exchange on any already existing scientific opinions. Whenever deemed necessary, EFSA would be requested to perform a rapid risk assessment, in full cooperation with at least the affected Member States;

11. Priority will also be given to bridging the gap between the use of the Rapid Alert System for Food and Feed (RASFF) and of the Administrative and Cooperation (AAC) systems, in order to maximise their potential. A combined platform for the two systems will be considered, including consolidated Standard Operating Procedures (SOPs) and possible legal adjustments;
12. The possibility of a network with one single contact point in each Member State for both RASFF and AAC should be considered in the respect of each national administrative organisation, to further enhance the efficient and rapid exchange of information.
13. The way of establishing a ‘food safety officer’ acting as an experienced and trustworthy contact person in relation to food and feed safety issues should be considered. The exchange of information on fraud suspicions within the EU Food Fraud Network will be done on a confidential and restricted basis;
14. The use of RASFF and AAC remains the primary responsibility of the Member States, and the Commission ensures the rapid and effective flow of information in the systems and between members of the network. In order to ensure the operation of the system, reflection is needed on finding a more effective and timely triggering of the EU coordination step, to be eventually reflected in clear guidelines.
15. The aspects concerning the interaction between RASFF and AAC and the improvement of coordination and communication among Member States including the establishment of a single contact point will be further discussed in a context of a working group within the Standing Committee for Animals, Plants, Food and Feed. The discussion will be finalised at the CVOs and CMOs meeting and Heads of Food Safety Agencies meeting in the near future;
16. Processes and technical solutions to implement this approach will be further discussed at the conference organised by the Estonian Presidency of the Council related to information systems and digital solutions in the food and plant health sector «Electronic official controls of food and plant products», which will take place in Brussels on 26 October 2017;

17. In the process of reviewing where communication chains and the use of the alert systems can be improved, the Commission will also use any relevant additional information emanating from the forthcoming four fact-finding missions planned at the beginning of October;
18. Capacity building activities at Member States and EU levels, including training and regular incidents/crisis exercises, should continue to be organised to improve and monitor the functioning of the networks, which will take full account of the multi-sectoral nature of and lessons learnt from incident/crisis events;
19. Procedures should be put in place, with due regard to the need to not jeopardise potential criminal proceedings, to enable a rapid transfer of information, at Member State level between judicial authorities and public health authorities, and at Commission level between EUROJUST, EUROPOL and the RASFF-AAC-Food Fraud networks.
