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NOTE

From: General Secretariat of the Council
To: Delegations
Subject: Follow-up to the fipronil incident of 2017
- Information from the Commission

Delegations will find in Annex an information note from the Commission services on the above mentioned subject to be raised under "Any other business" at the session of the Council ("Agriculture and Fisheries") on 17-18 December 2018.

Follow-up to the fipronil incident of 2017

A High-level Ministerial meeting was organised on 26 September 2017 in order to draw lessons from the contamination incident with fipronil that occurred during the summer of 2017. At this meeting, the Member States and the Commission agreed on a number of measures with a view to reinforcing the EU action against food fraud and illegal activities affecting the safety of the food chain. The Agriculture and Fisheries Council took note of these conclusions on 9 October 2017. The purpose of this note is to inform the Ministers on the follow-up actions taken at EU level.

In the annex to this note Ministers can find a detailed overview of follow up actions.

Drawing on lessons learnt from previous food incidents, the Commission has prepared a Commission Implementing Decision updating the General Plan for crisis management in the field of food and feed safety. The main purpose of this Plan is to protect public health by reinforcing cooperation and communication between the EU and Member States and to ensure a harmonised approach during food incidents or crises. The network of Member States' crisis coordinators met twice in 2018, at the initiative of the Commission, with a view to reinforcing coordination between the Member States, responding thus also to the demand for a food safety officer contact.

As regards IT developments for the Rapid Alert System for Food and Feed (RASFF) and the Administrative and Cooperation (AAC) systems, the actions taken are in line with the conclusions from the Ministerial Conference. As a first action a Single Contact Point in the Member States for both systems has been successfully implemented, with the concept having been agreed upon in February 2018. In addition, an implementing act that is based on the Official Controls Regulation will soon legally cover the RASFF and AAC integration. In the meantime, the first version of this integrated IT system has been presented to the RASFF and AAC contact points with a positive feedback.

As regards the monitoring against illegal substances, a new Implementing Regulation on the monitoring of substances is under discussion, allowing Member States more flexibility to identify possible illegal uses and to adapt their monitoring programs when such uses are identified. This will allow in practice an earlier detection of the possible use of substances that are not allowed for use, resulting in unacceptable residues in food.

Fraudulent practices can unfortunately never be completely excluded, but with the system as it has been updated since the fipronil incident we have a better chance of finding problems earlier and to deal with them in an efficient and harmonised manner.

Annex – Follow-up to the fipronil incident: detailed state of play

- **General plan for crisis management.** Drawing on lessons learnt from previous food incidents, the Commission has prepared a Commission Implementing Decision updating the General Plan for crisis management in the field of food and feed safety. The main purpose of this Plan is to protect public health by reinforcing cooperation and communication between the EU and Member States and to ensure a harmonised approach during food incidents or crises, which address the risk at hand in a proportionate fashion. The Plan foresees an early coordination role for the Commission, alongside with criteria for triggering action at EU level. A transparency-based approach as well as a communication strategy are also essential parts of the Plan. The consultation of stakeholders was completed at the end of November and the Commission should adopt the Plan in the coming weeks.

- **Food Safety Officers.** The network of Member States' crisis coordinators met twice in 2018, at the initiative of the Commission, with a view to reinforcing coordination between the Member States, responding thus also to the demand for a food safety officer contact.

The network allows amongst other actions to exchange knowledge and best practices on national crisis management plans, offers a forum to learn from on past crises and improve the capacity to react to new ones. The Commission also mobilises the network during outbreaks, such as during the 2018 Listeria outbreak due to frozen vegetables, where the affected Member States' crisis coordinators met twice to ensure proper coordination and communication. The Commission intends to maintain this network, to further develop interaction between crisis managers in charge of food/feed safety incidents at Member States' level.

- **Crisis management exercise.** As part of the improved preparedness on food safety crisis, an exercise with the Member States and EFTA countries has taken place in Brussels from 4 to 6 December 2018. The exercise is a table top simulation that has involved at least two representatives per Member State, one from the food safety side and one from the public health side, with a view to a better understanding of the process and procedures applied when managing incidents in the food sector. This brings also a One Health element to the exercise.

The exercise has brought crisis coordinators together, drawn their attention to what they could be confronted with at national level, made them assess if they would be in a position to deal with the issue if facing it, and focused also on communication challenges, recalling the role of the Commission, the Member States, EFTA countries, EFSA, the European Centre for Disease Prevention and Control (ECDC) and the Rapid Alert System for Food and Feed (RASFF). The exercise responds to a call for such an exercising by Member States in the fipronil conclusions. The lessons learnt from this exercise will be discussed in the next crisis coordinators meeting in 2019.

- **Developments in the Rapid Alert System for Food and Feed (RASFF) and the Administrative and Cooperation (AAC) systems.** In line with the conclusions from the Ministerial Conference:
 - the IMSOC (Integrated Management System for Official Controls) implementing act from the Official Controls Regulation, covering the RASFF and AAC integration in a single IT platform, is in preparation;
 - an IT platform combining RASFF and AAC was presented to the Member States on 28 November 2018;
 - Standard Operating Procedures (SOPs) for the combined platform are also being drafted with the Member States, including the concept of establishing a single contact point in each Member State for both RASFF and AAC. This concept was discussed and agreed upon by the Member States in February 2018 in a RASFF/AAC Working Group;
 - exchanges on all fraud suspicions (180 so far in 2018) are already restricted to the EU Food Fraud Network and this approach will be maintained in the context of the integration of the RASFF and AAC systems;
 - following the approval of the Food Fraud Network in May 2018, a Europol liaison agent regularly liaises with the Food Fraud Network coordinators on food fraud cases.

- **Illegal substances or misuse of substances in Member States monitoring plan.** A new Implementing Regulation is under discussion laying down an improved risk-targeted approach by allowing Member States more flexibility to identify possible illegal uses and to adapt their monitoring programs when such uses are identified. Discussions with Member States are ongoing on this measure. The first draft has been discussed during a Working Group on 22 October 2018 and further discussions will take place on 14 December 2018.

- **Rapid risk assessment.** The Commission, the European Food Safety Authority (EFSA) and the European Centre for Disease Prevention and Control (ECDC) agreed on a mandate for rapid risk assessment that will allow both agencies to rapidly deliver scientific advice to risk managers. The mandate was transmitted to EFSA on 2 August 2018.

- **Fact finding missions.** Following fact-finding missions to gather information on the management of, and the actions taken following the occurrence of contamination of table eggs and poultry meat with unauthorised substances (fipronil) in four Member States, an overview report is expected to be published shortly. The fact-finding missions confirmed that the actions agreed at ministerial level in September 2017 should adequately cover the key challenges identified in the course of the incident.
- **Training of Member States.** Training of Member States' competent authorities is crucial to improve outbreak preparedness and management, and to strengthen investigation and reporting of food-borne outbreaks. The Commission therefore organised a series of 10 workshops over 2018 and 2019 under the Better Training for Safer Food initiative. These workshops aim at disseminating best practices for the multidisciplinary management, investigation and reporting of food-borne outbreaks, improving knowledge of this complex sector and ensuring consistent and high implementation standards across the EU. Furthermore, in order to assess and reinforce the Member States' ability to cooperatively and successfully respond to food safety incidents, the Commission will organise regular EU table-top exercises that will focus on challenges related to cross-border foodborne outbreaks.

Those exercises are expected to contribute to:

- improving preparedness and response planning for food crisis situations through testing procedures in place at national and EU level;
- ensuring coordination between national and EU levels;
- ensuring interaction between Member States and with international partners concerned by using the appropriate channels, such as the Rapid Alert System for Food and Feed (RASFF) and the Early Warning Response System (EWRS);
- guaranteeing coordination of risk communication at national and EU level and improving preparedness to communication and decision-making challenges in crisis situations.