



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 16 October 2012

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LIMITE

**AGRI 667
CODEX 27**

“I/A” ITEM NOTE

from: General Secretariat of the Council
to: Coreper / Council
No. prev. doc.: 14558/12

Subject: Follow up to the adoption of a standard setting maximum residue levels (MRLs)
on ractopamine by the Codex Alimentarius Commission at its 35th session
- *Council Conclusions*

I. INTRODUCTION

1. On 7 September 2012, Coreper gave a mandate to the Codex Alimentarius Working Party to examine possible courses of action after the adoption of a standard on ractopamine by the Codex Alimentarius Commission at its 35th session, in July 2012.
2. The Presidency consulted Member States and the Commission on major issues, framed into three questions.
3. The responses to this consultation constituted the basis for the preparation of draft Council Conclusions. A first draft was circulated on 26 September. Comments to this text were taken into account in a revised version, annexed to doc. 14528/12 and discussed by the Codex Alimentarius Working Party on 8 October.

4. Coreper examined on 12 October the text resulting from the discussion at the Working Party level and presented in the Annex to doc. 14558/12.
5. As a result of the discussion at Coreper on 12 October and subsequent consultations conducted with some delegations, the Presidency considers that the Council Conclusions presented in the Annex is a balanced text.
6. On this basis, Coreper is invited to:
 - approve the Council Conclusions;
 - forward these Council Conclusions to the "Agriculture and Fisheries" Council, for adoption at its session on 22/23 October.

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 1995, 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.

REGRETTING 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 by a mechanism based on consensus, which is a fundamental principle of the organisation, 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 concerns on animal health and animal welfare that are widely felt among its Member States.

CONFIRMS its decision 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.

REQUESTS the European Commission to maintain effective measures 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 continues to prioritise the auditing of control measures in countries exporting to the EU.

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

STRESSES that the Codex Alimentarius is a risk management body, which should take into account all relevant factors.

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.

CONCLUDES THAT, in order to ensure that international food standards promote a high level of protection of consumers' health and fair practices in the food trade, a strategic line of action should be followed by the European Union and its Member States, with the aim of strengthening their influence on the work of Codex Alimentarius, notably by:

- a) raising awareness among stakeholders as well as in the national administrations on the importance and implications of the adoption of international standards by Codex;
- b) undertaking actions in order to better answer to calls for data from international risk assessment bodies;
- c) improving cooperation between FAO-WHO risk assessment bodies and other independent agencies in charge of risk assessment;
- d) improving the participation of national experts to the sessions of Codex committees;
- e) 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;

- f) better liaising and coordinating with European States which are not EU members to develop shared positions;
- g) approaching other 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;
- h) liaising with the other regional committees in order to make the position of the Codex Regional Co-ordinating Committee for Europe better known;
- i) ensuring that existing financing instruments are used for effective and targeted actions.

INVITES the Commission and the Member States to implement these Conclusions by all relevant means and actions.
