Meeting of the AFCRT – 1 February 2022

Draft report

*Guglielmo Adinolfi ( Starch Europe/PFP)*

**List of participants:**

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| --- | --- |
| **Name** | **Organization** |
| Alexander Krick | CIBE |
| Carmela Ciarliero | Copa and Cogeca |
| Matthias Gröger | Copa and Cogeca |
| Max Schulman | Copa and Cogeca |
| Paula de Vera | Copa and Cogeca |
| Stuart Rutherford | CropLifeEurope |
| Nuria Moreno | EUPPA |
| Lucía Hortelano | Euro-Cocoa |
| Roman Vorss | Europatat |
| Silvia Tombesi | European Snacks Association |
| Nathalie Lecocq | FEDIOL |
| Egle Baecke | FRESHFEL |
| Katri Saari | FRUCOM |
| Jose Carvalho | IBMA |
| Gugliemo Adinolfi | PFP/Starch EU |
| Aline Rutsaert | PROFEL |

Preliminary decisions from the Chair

* Note taking should be taken in turn, by participants and those excluding themselves today will be asked again to take notes at next meetings. Next meeting note-takers will be FERM (if a new participant is identified); followed by IBMA.
* Members scheduled to take the notes are asked to inform Paula in advance in case they will not be able to attend the meeting.

The minutes of the last meeting (02 November 2021) are endorsed by the participants without any request of amendment.

The agenda was approved with the addition, under AOB, of a discussion on developments concerning the active substance Sulfoxaflor, used as an insecticide.

1. **Roundtable exchange of views on the institutionally planned initiatives on plant protection for 2022**

***Renewal of glyphosate*** - Timeframe is unclear, but it would appear that information gathering is still ongoing by the Commission and it may also mean that the approval period for the active substance will be extended for a time still to be determined. There is not yet an official confirmation on this. Helpful information is available on the [EFSA dedicated website](https://www.efsa.europa.eu/en/news/glyphosate-consultations-over-400-submissions-collected) *(FDE, Confagricoltura, Frucom, Copa-Cogeca, Europatat)*

***Pesticides MRLs*** – The setting of workable MRLs remains one of the biggest challenges, including acceptable transitional periods. There are rumours that the Commission wants to tackle MRLs with particular attention to non-EU authorised substances, both for imports of products treated with them and the production of these substances in EU territories. This might drastically reduce the import of certain products treated with non-EU authorised substances from third countries, especially the ones that we do not produce in the EU but still have demand (coconuts, pineapples, mangoes, coffee…). This should also take into account discussions at CODEX level. Europatat reminded that temporary MRLs for Chlorpropham will be also lowered later this year *(Copa-Cogeca, FDE, Euroseeds, FEDIOL, ESA and general interest by pretty much all participants, ECA)*

***Renewal/non-renewal of active substances*** – there are about 30 active substances expected to come under scrutiny within the next 12 months. One out of 3 substances are likely not to be renewed. Often, this is a decision of the applicant as they do not even apply for renewal and the biggest issue is the lack of effective alternatives to be used to protect crops and plants in the Member States (*most of the partners participated).*

***Chemical strategy for sustainability (CSS)*** – It would appear that ‘in the beginning of the year’ the Commission intends to work at the chemical strategy for sustainability published in 2020. Some members of Copa-Cogeca are concerned about certain products such as aromatic and essential oils as they fear that they could be covered under the scope of the strategy, something that remains uncertain for now as well as the pesticide products that may fall under the scope of this evaluation exercise (Copa-Cogeca and many others).

***Essential uses and Chemicals Sustainability Strategy*** – a workshop is taking place in the beginning of March. The most hazardous substances will be banned unless they are acknowledged as ‘essential’. Stakeholders can express interest in any such substance in the attempt of preventing them from being banned. Further information can be found [here](https://ec.europa.eu/environment/events/stakeholder-workshop-concept-essential-uses_en) (FDE)

***Sustainable food systems*** – One angle stressed by many participants is the setting up of the advisory group. Crop Life Europe reminded about a brief they shared with the AFCRT members in December 2021 alerting on the potential impact on trade of unilaterally adopted sustainable food systems (Copa-Cogeca, Crop Life Europe, FEDIOL, ESA).

***Initiative on bees and farmers:*** Copa and Cogeca is working in an internal assessment and best practices document which will put together farming and beekeeping practices favourable for pollination and plant protection at the same time.

***Statistics on agricultural inputs and outputs (SAIO)*** – Copa-Cogeca is working with CIBE on this issue. POLITICO published an article on SAIO and F2F on 31 January 2022. Paula will share it with the group through email (Copa and Cogeca, CIBE)

**Innovation** – On 27 January a Euractiv event took place, focusing on F2F and on how the targets may be achieved. A large group of food chain partners made a joint statement the main focus of which was the need to promote innovating technologies to be used to achieve the F2F targets. Tackling the question of how to promote innovation may mean meeting with many different DGs in the Commission. Also in the context of innovation is the debate on NGTs (Copa and Cogeca, Crop Life Europe, FEDIOL, Euroseeds , ECA))

***Processing factors*** *–* Commission note expected to be agreed upon in February (FDE, ECA, FEDIOL and others). We will make a follow-up of the discussion also in our next meeting in April 2022.

***Multiple source substances*** *–* This topic is currently falling under the Pesticides regulation (1107/2009) but are found in food through different sources (FDE))

***Revision of the Sustainable Use of Pesticides Directive (SUD) –*** In this context, CIBE said they are focusing in particular on the principle of emergency authorization and seed treatment *(*all partners*)*

***Micro-organisms and revision of principles/data requirements*** – Some partners made a note to the Commission saying that their approach is not speeding progress up. The conditionality of some requirements leaves more room to interpretation. Further data is being requested in terms of secondary metabolites (IBMA)

***Measurement uncertainty*** There are concerns on the different approaches between Member States regarding measurement uncertainty *(on the agenda for this meeting)* PROFEL, Frucom)

***Green claims and, in general, environment related claims*** (ECA)

***Trade - Mirror clauses -*** Agricultural practices in use in third countries exporting to the EU, import tolerances(CIBE, Copa and Cogeca, FDE, PROFEL, CropLife Europe)

***Input from the Chair***, in addition to what said above:

* We need to follow F2F and how they are going to accommodate reducing use and risk of many pesticides
* Also, we need to understand how the CAP strategic plan will influence pesticides use and availability

1. **SUD revision’s state of play** (Copa-Cogeca)

* No significant progress was made since last October workshop, at least from the Commission side.
* Copa-Cogeca will meet the Commission (SANTE F3) on 15 February and they are in the process of identifying topics to be discussed during the 2 hours meeting.
* Most sensitive issues will only be raised orally.
* Main aim will be to understand what next steps the Commission intends to implement.
* It would appear that, based on a leaked agenda, some significant developments may occur in March as concerns SUD revision – Copa-Cogeca asked AFCRT members to share any additional information they may have on this March meeting.

Discussion

The role of HRI is still unclear, at this stage. We will have to wait for the proposal to be published but it is expected that the Commission will *not* move away from HRI.

It is unlikely that the SUD proposal will undergo further consultations after publication, as it will then enter into the EP/ Council adoption process. The Commission may be asked about this during the 15 February meeting with Copa and Cogeca. Some partners have heard that expected publication date is 23 March (**update from 15 February: it was confirmed by SANTE**). There will not be consultation. The proposal will for sure follow the normal legislative procedure, i.e. will go to EP and Council. One aspect that seems to be triggering significant discussions within the Commission is the **impact assessment of the proposal . The suggestion was made that Copa-Cogeca asks further information on this at their February meeting** **(update from 15 February:** it may be published along with the proposal on the 23 March 2022)**.**

Pesticides use and reduction targets in F2F might be incorporated and measured in the Commission proposal. We know that Member States will have a target but no details are available yet on how they intend to achieve that. CropLife Europe shared their [statement](https://croplifeeurope.eu/media/press-releases/joint-statement-farm-to-fork-strategy-how-to-reach-the-targets/) on how the targets could be reached.

It might happen that instead of a Directive, the Commission will issue a draft regulation – this seems to be a growing trend. **(update from 3 February 2022, leaked version of the proposal:** it includes provisions to develop a Regulation, but it is still an unofficial version).

1. **Processing factors: state of play** (FDE)

In October 2021, the Commission shared a revised version of the EC Information note on processing factors, including comments received from stakeholders (stakeholder consultation September 2021) The Commission does not plan a second round of consultations with the stakeholders but Member States are free to exchange further with their national industry.

The current version is, we understand, Revision 6, circulated for comments until 22 December 2021.

At the next SCoPAFF, end of February 2022, the Member States are expected to *take note* of the paper. This would amount to finalisation. Previously announced timeframe indicated that the paper was meant to be finalised before the summer. Hence, it is not expected that further delays will occur.

FDE commented to the Revision 6 and noticed no major changes in comparison with the previous version, and they were mostly positive changes. Still, **some concern remain on some sectoral processing factors:** The processing factors that the companies drew up in the list of sources that should be applied rank the lowest.

**They should instead be given priority over national databases**. FDE will take action after the finalization to understand if there are any challenges that members are encountering with the application of processing factors. **FDE supports a common/harmonised interpretation on how to apply processing factors**. The suggestion is that the outstanding concern is put forward to the Commission at any occasion any AFCRT member meets with them. **FDE will circulate the latest draft of the note they got hold of, with a view of making sure that other members are indeed working on the same version.**

PROFEL spoke withDG SANTE) in January, and received confirmation that the note is planned to be adopted in February, but did not obtain any details on the comments received

1. **Transitional Measures** (FDE)

FDE received a reply from the Commission in November 2021 and it was not very encouraging. Ms Bitterhof (SANTE) said they would only be available for a meeting in the second half of April, due to their heavily charged agenda.

FDE suggested that in proposing dates for a meeting, the AFCRT also raises issues that need further discussion with the Commission. Amongst aspects that our draft message to the Commission could include are EU-authorised products versus imported products, the fact that SCoPAFF discussions are revealed when it is too late for the industry to adapt, as products are already subject to higher or lower MRLs by then: this also means the manufacturers of finished products are obliged to use a low(er) shelf-life. Our message should stress that while the industry does not question decisions based on safety considerations, transitional measures are absolutely essential and any decision should state whether they are made on the ground of safety or for other reasons.

**Most of the participants agreed with FDE drafting a message to the Commission along the lines above. However, it was stressed that the tone of our message should be constructive and it should take the format of a suggestion of points for discussion during the meeting.**

Also, for everyone’s information, FDE reminded that Sabine Juelicher is retiring as of 1 March.

**Decisions**

* FDE to circulate a draft letter to the Commission to the members of the AFCRT and not only to the signatories of the paper sent to the Commission whereby they asked for a meeting.
* The letter should be constructive in tone
* A doodle will be circulated as a priority and a decision should be made on the size of the delegation: it is expected that not more than 5 persons from AFCRT should participate.

1. **Measurements Uncertainty** (PROFEL)

Measurement uncertainty can be taken into account when checking compliance with MRLs. This concept is expressed in a document from DG SANTE on analytical controls dated 2013, updated in 2019.

The concept of MU is beingtaken into account for official controls but also in the framework of ‘auto controls’ carried out by FBOs.

Recently, France issued a note saying that measurement uncertainty should be taken into account during official controls but NOT by FBOs when they do auto controls. This can create a barrier for trade when a product is produced in a country that allows measurement uncertainty from FBOs, and exported to a country – such as France – where this is not allowed.

Freshfel – they will investigate with their French members on their experience when exporting to other EU countries, with a view of understanding how the managed to adapt. They are planning to carry out an exercise in the beginning of 2022 aimed at collecting information from different Member States on which rules they follow or plan to follow on measurement uncertainty. It would appear that the Dutch government disclosed that they are adapting to the Belgian approach.

FDE indicated that they have discussed this issue with their members. Attempts were made of putting together a mapping of the approaches taken by the different Member States but they have not succeeded so far. They channelled their position on measurement uncertainty in the framework of the consultation on the Commission processing factors note and advocated for it to be used not only by control authorities but also by FBOs.

**Decision**: Freshfel, PROFEL and FDE will keep in contact regarding their work towards a mapping of EU Member States interpretation of the use of measurement uncertainty.

**Plant protection tools:**

***Glyphosate*** (Copa-Cogeca)

Copa-Cogeca understood in their recent talks with the Commission that an extension of approval may be considered, since evidence is still being gathered and scientific arguments to assess the substance are still being discussed. When and how this will be done is still unclear.

It was reminded that currently, Glyphosate has a harmonised classification as causing serious eye damage and as toxic to aquatic life with long-lasting effects, prior to and following the assessment by ECHA in 2017. Classification for germ cell mutagenicity, carcinogenicity or reproductive toxicity was not considered to be warranted. The initial scientific evaluation from the AGG does not recommend a change to the existing classification.

It is remarkable that out of the 400 submissions to this consultation the largest was from outside Europe, with Argentina being the biggest contributor. The responses are not available. An ECHA opinion (Committee for Risk Assessment) is expected to be published in June. An opinion is expected on the classification under the CLP Regulation, but the EFSA cannot proceed to peer review until they have the ECHA opinion. The peer review is expected to be finalised in the second half of 2022. **Update from 3 February:** the peer review of EFSA on glyphosate could come by end November or beginning of December 2022. Overall, the above seems to confirm that an extension will indeed be necessary. Risks are, of course, that the whole debate around Glyphosate becomes political again as happened in 2017: pressure from all groups in the EP and form the public opinion is to be expected.

**Decision**: the partners of the AFCRT should share any additional information they possess on Glyphosate.

***Ethylene Oxide (EO)*** (FDE)

The Commission asked EFSA to issue a statement on EO. The EFSA portal suggests work is finalised and the statement will be posted on their website in the next few weeks. This might feed into the discussion on how to manage the incident from the regulatory point of view.

The European Food and Feed Law published an [analysis](https://effl.lexxion.eu/article/EFFL/2021/6/4) concluding, amongst others, that *It is sometimes assumed that a food which is not marketable by law must also be withdrawn from the market. However, Art. 19 of Regulation (EC) No. 178/2002 requires a market withdrawal only for unsafe food. Is a food which is not marketable then automatically also unsafe food? This short analysis shall present the two legal concepts of ‘marketability’ on the one hand and ‘food safety’ on the other in order to answer the question and to help differentiate between not marketable and unsafe food. Is it justified to equate a lack of marketability with a classification as ‘unsafe’? Or are there essential differences between the two concepts so that there can be food which is not marketable but safe? The answers to these questions are especially important with respect to the legal consequences, in particular the issue whether it is necessary to withdraw a food from the market.*

FDE agrees with most of the conclusions.

On 20 January, a meeting took place between the Commission and the Member States. The latter were invited to share the approach they are following to monitor the incident. Many believe that a recall is needed if one has used contaminated ingredients. Some countries, such as Spain, have adopted a different approach: they believe a margin of exposure should be taken into account when taking a decision. The Commission is considering whether based on the position of the Member States and EFSA it would be appropriate to have a meeting of the crisis coordinators on EO.

FDE sent letters to the Commission in preparation of the 20 January meeting and activated national federations.

***Bacillus thuringensis***

PROFEL provided an update on the letter sent to Ms Bury regarding the lack of a harmonised approach across the Member States when Bt spores are found on products placed on the market. In its reply, the EC recognised the difficulty of the situation which creates uncertainty for FBOs. The Commission committed to raise the issue at the next SCoPAFF meeting (26 and 27 January 2021). The Commission considers mandating EFSA and the European Centre for disease control to issue an opinion whether Bt strains used in biocontrol may have had a role in food intoxication cases, and if the use of Bt in agriculture may pose a risk for consumers.

IBMA also provided an update:

90 per cent of the issue was reported by France and related to school canteens/households and some restaurants. A publication by ANSES drew attention to this.

A project is ongoing at the Wageningen university to identify a quick genomic method to distinguish among the commercial strains from other bacilli. Confusion derives from the fact that reports do not include reference to the method that was used to measure presence. Only values are reported but it is unclear what exactly was measured: BT or some other bacilli in the group. This is sensitive information, because of the confidentiality agreements between the operators and the laboratories. Also: some Member States’ reports confirm food poisoning cases by BT toxins from food such as rice and noodles that are not stored properly due to refrigeration problems, and not from fruit and vegetables where a BT may have been applied. This element allows to dismiss the ANSES publication: reactions such as vomiting were reported, but BTs do not include toxins that cause vomiting. This element was brought to the attention of the European Centre for Disease Control.

*Question:* *What are the implications for future users of BT as crop protection tool?* In sugar beet growing there are two active substances that are being considered for authorisation in Spain, Italy and Romania and they are submitted by two different applicants.

*Clarification:* What matters here are the strains that have been actively used in food; there are some subspecies used in water, but not for use in crop protection. What can be detected are not always the registered strains, but the subspecies that can be found in nature. It remains to be determined whether they were used deliberately or were naturally present. The problem is not that much related to safety but that the method used in the food chain cannot identify the specific type of BT hence, we have an analytical issue. Once again, it was explained that they symptoms reported do not seem to be linked to BTs: the symptoms suggest that there are other responsible agents.

As said, the issue mostly concerns France. Germany, though contacted, did not share information on their position. Other Member States are considering what position to take.

What could happen is restriction of use in Europe whereas the rest of the world could still use them as it is not possible to set up border controls.

***Decision suggested by the Chair*** – Should any member believe that the AFCRT should take an active role, they should let Paula know.

**AOB**

***Sulfoxaflor***:

* At last week's SCoPAFF, Commission held a *tour de table* with Member States.
* The Commission was expecting there will be **no qualified majority**on their proposed restrictions (to use in greenhouses).
* The Commission nevertheless received green light from their hierarchy to proceed with the vote.
* The written vote has been launched and Member States have **until Tuesday 8 February 2pm** to cast their vote.

If the lack of qualified majority is confirmed, the Commission would then reflect on next steps – an Appeal Committee (AC) being the most likely scenario. Should there be an AC and should there be no qualified majority in the AC, the Commission could proceed with adopting its proposal (as it did a few years ago with e.g. Thiram)

**Timetable for 2022 meetings**

* **2nd (NEXT) meeting:** 6 April 2022 (hybrid Teams/physical) – 9:30h to 12h – Once the measures in place in April will be clearer, it will be decided whether it will be a hybrid Teams/physical meeting. Copa-Cogeca is investigating whether they can provide a meeting room. Copa and Cogeca also reminded the partners that from January 2023, there should be elections of Chair, a new one or Max re-elected if he would want to continue in the role.
* **3rd meeting**: 5 July 2022 (online Teams) – 9:30h to 11:30h – same but most likely Teams as some people will be on holiday.

• **4th meeting**: 25 October 2022 (hybrid Teams/physical) – 9:30h to 12h – hopefully we will be able to meet physically