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European Union

Food and Agricultural Import Regulations and

Standards

EU Food Irradiation Rules

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Report Highlights:

In Dec 2002, the European Parliament took the view that the current list of foods approved for irradiation should not be extended. As a result of the negative perceptions of this technology in the European Union, no new authorizations are expected in the next few years.

Includes PSD changes: No
Includes Trade Matrix: No
Unscheduled Report
Brussels USEU [BE2], E2

Summary

Irradiation legislation in the EU is only partly harmonized. The EU wide approval for herbs and spices co-exists with national approvals for a limited number of products in a select number of Member States. In the next stage of the harmonization process, the positive EU list has to be completed and national authorizations have to be withdrawn.

The completion of the positive list has the potential of becoming a trade barrier for U.S. food products. A number of "ready to eat" foods are expected to be approved by the U.S. Food and Drug Administration in 2003. In the EU on the other hand, it is very unlikely that any new approvals, even those the Scientific Committee on Food considers to be safe, will be granted EU approval in the next few years as none of the players involved are pushing hard for additional approvals.

New approvals have to be proposed by the European Commission, after consultation of the Scientific Committee for Food, and need to get approved in the co-decision procedure with the Council and the European Parliament. The Commission has asked the EP and the Council for their reaction of three different scenario's: (1) addition of peeled shrimps and frog legs, (2) addition of deep frozen aromatic herbs, dried fruit, cereal flakes and germs, chicken offal, egg white, gum arabic, peeled shrimps and frog legs or (3) no additions to the current list. In December 2002, the EP expressed the view that the current list should not be extended. The Council has not discussed the scenario's outlined by the Commission yet and is not expected to during the next six months. The Commission does not intend to table a proposal before the Council has debated the issue and as a result, the whole dossier is effectively blocked. Moreover, the most important stakeholders in this dossier, more specifically the European food industry and the consumer groups do not support an expansion of the list and are thus not expected to exert any political pressure any time soon to move this dossier forward.

Legislative Background

Irradiation legislation in the EU is only partly harmonized. At the EU level, irradiated foods are regulated by two EU directives, which became applicable in Member States since 20 September 2000. The legislative process requires that EU irradiation legislation is proposed by the Commission after consultation with the Scientific Committee for Food, but is adopted in co-decision with the European Parliament and the Council.

The framework directive 1999/2/EC on the approximation of the laws of Member States concerning foods and food ingredients treated with ionizing radiation, covers general and technical aspects for carrying out the process, labeling of irradiated foods and conditions for authorizing food irradiation. Foods may only be irradiated (1) if there is a technological need, (2) if the treatment poses no health hazard, (3) if it is of benefit to consumers and (4) is not used as a substitute for good hygiene, health and agricultural practice.

The implementing directive 1999/3/EC establishes a Community list of food and food ingredients. So far, this positive list contains only a single food category: "dried aromatic herbs, spices and vegetable seasonings". This EU wide approval for herbs and spices co-exists with national approvals for a limited

number of products in a select number of Member States. These national authorizations will cease to exist once the EU list is completed.

Commission Consultation with Stakeholders

The EU framework directive contains a requirement that the Commission had to table a proposal before 31 Dec 2000 to complete the harmonized EU list. Two years past the deadline, the Commission has not done this yet. In a preparatory step, the Commission published in October 2000 a consultation paper inviting all interested parties to submit comments on which foodstuffs should be allowed to be treated by ionizing radiation. A total of 33 comments were received, including comments from the U.S. Government. Comments in favor of expanding the list to products for which a positive opinion was expressed by the Scientific Committee on Foodstuffs, were expressed by the irradiation industry, the FAO/WHO Consultative Group and the US Government. EU consumer organizations are either totally against additional authorizations or would like to see this technique applied as restrictively as possible. They feel the priority should be given to the improvement of good hygienic practice through HACCP systems. Moreover, most of the food production and trade sectors are opposed to the inclusion of their products into the positive list, mainly because they expect negative consumer reactions. Only some specific sectors are in favor of authorizing irradiation of their products, like shrimps, frog legs, crayfish and blood products.

Commission Communication outlining three options

As it became clear from the reactions from stakeholders that further harmonization of authorizations is very difficult and contentious, the Commission did not immediately move on to drafting a proposal but rather inserted an extra step in the process. Based on all comments the Commission received in response to its consultation paper, the Commission adopted in August 2001 a communication (COM(2001) 472), outlining three options for drawing up a proposal for a fully harmonized positive list.

The first option is to include peeled shrimps and frog legs, as a clear need had been identified during the consultation process to include these products.

The Commission also considered a second option proposing to include the products which are currently irradiated in some Member States, namely deep frozen aromatic herbs, dried fruit, cereal flakes and germs, chicken offal, egg white, gum arabic, peeled shrimps and frog legs. ***Note: As required by the EU framework directive, all these food items have already been reviewed by the Scientific Committee for Food (SCF) and have received a positive evaluation. Despite the favorable opinion of the SCF on the safety of the following products, fresh fruits and vegetables, cereals, starchy tubers, fish, camembert from raw milk, casein, rice flour and blood products were not included in the Commission's second option.*** These products are not often irradiated in Member States, which showed a lack of technological need according to the Commission. ***Fresh meat was excluded because priority should be given to better hygienic practices.***

The third option is to consider the current list as complete.

This communication was transmitted both to the Parliament and the Council. Through this approach, the debate in the Parliament and the Council actually moves up to the stage before the official Commission's proposal is drafted. It allows the Commission to draft a proposal that will likely be supported if it takes on board the concerns expressed by the Council and Parliament, who are the co-legislators on this issue.

European Parliament and Council Discussions on the Commission Communication.

In response to the Commission Communication, The European Parliament Committee on the Environment, Public Health and Consumer Policy adopted a resolution expressing their interest in the second and third options laid out by the Commission, i.e. including products that are already irradiated in substantial amounts in Member States or leaving the current list unchanged. At the same time, the EP called for a more solid basis to make authorizations by requesting additional research. Furthermore, the EP was very explicit about the need for the proper enforcement of current rules as a recent Commission report indicated that illegally irradiated food and unlabelled irradiated food has been found on the EU market. In this same context, the EP also called explicitly for regular controls on imports from countries that are known to make wide use of food irradiation, such as the U.S. and Brazil.

On December 17, the EP plenary session voted on the resolution prepared by the Environment Committee. An amendment was adopted in favor of the third Commission option, in other words the most restrictive one. A majority of MEPs took the view that the current list of food ingredients authorized for irradiation treatment should not be extended as this time. All other recommendations from the original report were maintained. The resolution was adopted with 269 votes in favor, 180 votes against and with 5 abstentions. The final report will shortly be available from the European Parliament's website.

While the debate in the EP has taken place, the debate in the Council has not even started yet. The upcoming Greek presidency has not indicated that it intends to move this dossier forward and no other EU country at this point in time seems prepared to push for this dossier to be put on the agenda.

Next Steps

The Commission does not intend to draft a proposal before the Council has debated this issue. The problem is that there is really very little support for the dossier all over. The consumers are against, the food industry is not really in favor and politically the idea is very hard to sell. It is consequently expected that a status quo will be retained for the coming years.

Website Links

Framework Directive: Directive 1999/2/EC of the European Parliament and of the Council on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionizing radiation
http://europa.eu.int/eur-lex/pri/en/oj/dat/1999/l_066/l_06619990313en00160022.pdf

Implementing Directive: Directive 1999/3/EC of the European Parliament and of the Council on the establishment of a Community list of foods and food ingredients treated with ionising radiation
http://europa.eu.int/eur-lex/pri/en/oj/dat/1999/l_066/l_06619990313en00240025.pdf

Consultation Paper

Subject: Irradiated food and food ingredients - Commission proposal for completion of the positive list of foodstuffs authorised for treatment with ionising radiation
http://europa.eu.int/comm/food/fs/sfp/fi01_en.html

Comments on the DG SANCO Consultation of Consumer Organisations, Industry concerned and other interested parties on the strategy for completion of the positive list of food and food ingredients to be authorised for Irradiation Treatment (Annex of Directive 1999/3/EC)
http://europa.eu.int/comm/food/fs/sfp/fi04_en.html

Communication from the Commission on Foods and Food Ingredients Authorized for Treatment with Ionizing Radiation in the European Community
http://europa.eu.int/comm/food/fs/sfp/fi11_en.pdf

REPORT on the Commission communication on foods and food ingredients authorised for treatment with ionising radiation in the Community (COM(2001) 472- C-0010/2002 - 2002/2008(COS))

Committee on the Environment, Public Health and Consumer Policy

Rapporteur: Hiltrud Breyer

http://www.europarl.eu.int/plenary/default_en.htm Year: 2002 Report A5-0384

Texts Adopted by the EP Plenary Session on Dec 17 - Provisional Edition
Foods and food ingredients authorised for treatment with ionizing radiation
P5_TA-PROV(2002)0613
http://www.europarl.eu.int/plenary/default_en.htm

Report from the Commission on food irradiation for the period September 2000 to December 2001
http://europa.eu.int/comm/food/fs/sfp/ann_rep_2000-2001_en.pdf

List of approved facilities for the treatment of foods and food ingredients with ionizing radiation in the member states
<http://www.useu.be/agri/irrad-facilities.pdf>

List of Member States' authorizations of foods and food ingredients which may be treated with ionizing radiation
<http://www.useu.be/agri/irrad-author.pdf>

List of irradiation facilities in third countries approved by the Community
http://europa.eu.int/comm/food/fs/sfp/2002_840_en.pdf

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