



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from : German delegation
to : Council

Subject : Information on the present dioxin situation in Germany - Initiatives at European level to improve consumer protection in the animal feed chain

Delegations will find attached a note submitted by the German delegation, to be dealt with under "Any other business" at the meeting of the Council (Agriculture and Fisheries) on 24 January 2011.

Concerning the dioxin incident in Germany (situation at 19 January 2011):

Over a period from 11 November 2010 to 16 December 2010, 8 batches of mixed fatty acids for technical purposes contaminated with dioxin (totalling 205,96 t) were delivered to a feed fat producer.

The cause of the contamination is hitherto unclear. The public prosecutor is investigating.

The German authorities are currently working on the assumption that 2 256 t of feed fat was produced from this total amount of contaminated mixed fatty acids and delivered to various mixed feed production plants. There it was combined with mixed feed for laying hens, table poultry, beef cattle and pigs and sold to farms.

The number of farms closed as a precaution was at most 4 760. The present figure amounts to 677 (**situation at 18.00 on 19.01.11**). According to information available so far, there were no deliveries of contaminated feed fat to other Member States or non-EU countries.

The supervisory authorities only give farms a clean bill of health once investigations have shown that batches made into feed and farm products do not have high dioxin content, or when it can be proved by other means that the products cannot be contaminated.

Initiatives at European level to improve consumer protection in the animal feed chain

Subsequent to the dioxin incident the German Federal Government has set up an action plan on "Consumer protection in the animal feed chain". The action plan contains the following points:

1. Licensing requirement for animal feed producers

Producers of feed fat must in future apply for a licence subject to strict conditions. Enterprises must show by means of analyses, reports to the authorities and reference samples that the limit values for critical substances are adhered to. Feed fats may now be produced only in installations intended exclusively for food or animal feed production. The management staff must be technically qualified. The competent supervisory authorities of the Länder must carry out regular and comprehensive on-the-spot inspections.

2. Separation of chains of production

We will stipulate by means of new provisions that feed fats and feed fatty acids cannot be produced in installations which also produce materials for the engineering industry. We are pressing for EU-wide rules on this.

3. Extended legal controls on feed

Requirements on animal feed producers for the control of their products will be tightened. We will make it a legal requirement for firms to test their feed ingredients for substances posing a health risk and all results of such checks will have to be notified to the authorities.

4. Notification requirement for private laboratories

Private laboratories testing foodstuffs or animal feed and finding significant amounts of undesirable substances must in future notify any such results to the competent authorities.

5. Binding nature of the "positive list" of feed materials

We are in favour of a legally binding positive list. Such compulsory rules can only be established at EU level. The purpose of this positive list must be to improve safety and transparency in the feed materials market. Accordingly, it needs to be transparent, exhaustive and legally binding.

6. Insurance against the risk of liability

We will make it compulsory for feed manufacturers in Germany to take out industrial and product liability insurance or demonstrate that they have equivalent insurance against liability. Irrespective of national provisions we believe that such requirements are needed at EU level.

7. Review of penalties

We are reviewing the penalties for breaches of the (German) Code on foodstuffs and animal feed. Both the classification of administrative breaches or offences and the scope of the penalties are being jointly reviewed with the Federal Ministry of Justice.

8. Developing dioxin monitoring - establishment of an early warning system

All the data on dioxins in foodstuffs, animal feed and the environment will, in future, be listed and analysed in a common data pool. The latter needs to include the findings from manufacturers' own checks. This will form the basis for an early warning system enabling a quicker identification of problems and speedier implementation of countermeasures.

9. Improving quality control of foodstuffs and animal feed

State authorities' quality control of foodstuffs and animal feed needs to be significantly improved. The aim is to enhance the transparency of the workings and implementation of official inspections and subject these to independent evaluation. We need to work hard on finding the best inspection method.

10. Transparency for consumers

Consumers are entitled to know which foodstuffs are contaminated with pollutants. For this reason the competent authorities have to publish immediately the results of official foodstuff inspections where contamination levels have exceeded legal limits. This will be a key component of the forthcoming amendment to the law on consumer information (VIG).