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Consumer safety and food quality

Reply to Recommendation[1]: Recommendation 1389 (1998)
Committee of Ministers

The Committee of Ministers has taken note with interest of the four recommendations dealing with food safety that the Parliamentary Assembly has made since 1998. The first of these recommendations (Recommendation 1389 (1998) on consumer safety and food quality) was the subject of a provisional reply in which the Committee of Ministers informed the Assembly of the consultations it was conducting with the relevant committees of experts, namely the Steering Committee on Bioethics (CDBI), the Public Health Committee (Partial Agreement) (CD-P-SP), and the Standing Committee of the European Convention on the Protection of Animals kept for Farming Purposes (T-AP). The other recommendations adopted by the Assembly, Recommendation 1417 (1999), Recommendation 1445 (2000) and Recommendation 1446 (2000), were also submitted for an opinion to committees whose expertise is recognised by the Assembly, namely the European Health Committee (CDSP), CD-P-SP and T-AP).

The Committee of Ministers welcomes the Parliamentary Assembly's recommendations and shares, in many respects, the concerns that the Assembly expresses about consumer protection and food safety. It has carefully studied the opinions that it requested. These opinions have prompted it to base its overall reply to the recommendations on four main considerations:

– legal norms;

– expert scientific advice;

– information policy;

– national and international co-operation.

1. Legal norms

The Committee of Ministers would like to emphasise how much expertise the Council of Europe has in the field of biomedical ethics, human rights and biotechnology alongside its relevant legal instruments, namely the Convention on Human Rights and Biomedicine and the European Convention on the Protection of Animals kept for Farming Purposes.

These instruments form the basis for activities in the area of biotechnology, including those carried out by the Steering Committee on Bioethics such as the European Conference on Biotechnology in Oviedo (1619 May 1999). Issues addressed by the conference, under the authority of the CDBI, included biotechnology and food, and food safety was a particular concern.

1. Joint reply to Recommendations 1389 (1998), 1417 (1999), 1445 (2000) and 1446 (2000), adopted by the Committee of Ministers at the 746th meeting of the Ministers' Deputies on 21 March 2001.

The Parliamentary Assembly's comments regarding the rapid development of technologies, including biotechnology, in the food-processing sector could be applied to agriculture as a whole. In this context, the Committee of Ministers agrees with the Parliamentary Assembly that it is important to encourage legislative and technical harmonisation and reiterates the importance of the work carried out for this purpose under the European Convention on the Protection of Animals kept for Farming Purposes.

The Committee of Ministers recalls that, to date, twenty-four member states have ratified the convention, including states where animal farming is a major activity. Bosnia and Herzegovina and the European Community are also contracting parties to the convention. In recent years, there has been increasing interest in this matter in the central and eastern European states. The Committee of Ministers points out the request for the countries applying for membership of the European Union to implement the provisions of the convention.

The Committee of Ministers has given thorough consideration to the Assembly's proposal to prepare a European framework convention on food safety which would establish general principles, and a pan-European legislative framework drawing on existing international rules. It is conscious of the important contribution the Council of Europe could make to work in progress in this field, due to its specific approach geared at promoting human and animal well-being and at proposing solutions with a pan-European character. At the same time, it recognises that the proposal raises divergent views and that it is advisable to avoid, as much as possible, duplication of the work of other international organisations (in particular the European Commission, WHO, FAO and the Codex Alimentarius Commission).

2. Expert scientific advice

The Committee of Ministers has taken due note of the Assembly's recommendations regarding the need to extend the national and international framework for expert scientific advice. It recommends, in particular, that the Committee of Ministers "extend the role of the steering committee responsible for public health by setting up within it a public health unit to offer advice to member states in the various fields connected with this subject". However, it would appear that the WHO and the European Community are much better equipped from a financial and technical viewpoint to deal with health safety problems. The programmes and activities launched by these two organisations are of a technical nature and are aimed at solving specific problems.

The Committee of Ministers would prefer to focus on areas in which the Council of Europe can provide its own expertise.

In this connection, it wishes to highlight the activities of the Public Health Committee (Partial Agreement) and the work of its three subsidiary bodies – the Committee of Experts on Nutrition, Food Safety and Consumer Health (P-SP-NU), the Committee of Experts on Flavouring Substances (P-SP-AR) and the Committee of Experts on Materials coming into Contact with Food (P-SP-CDA) – which is aimed at the best possible protection of consumer health and safety in each field. The European Commission takes an active part in the work of these committees.

The recent publication by the Committee of Experts on Nutrition, Food Safety and Consumer Health of a report on the contamination of food by dioxins answers many of the concerns raised by the recent dioxin crisis by means of recommendations on measures to be taken at source and on risk management in foods. The committee of experts is persisting in its efforts to enhance food safety in Europe through its current activities on new foods and the protection of stored products.

The Committee of Ministers would also draw attention to the pioneering work on the use of antibiotics in animal husbandry conducted in the past under the auspices of the Public Health Committee and would stress that this committee and its subordinate bodies attempt to contribute to the best possible protection of health safety in Europe in their respective fields; however, in view of the need to avoid duplication of the work of other international organisations, they cannot approve the Assembly's recommendation that the use of antibiotics for humans and animals should be reincorporated into the Council of Europe's work programme.

As stressed by the Parliamentary Assembly, current developments in husbandry must be closely monitored. This is one of the ongoing activities of the Standing Committee of the European Convention on the Protection of Animals kept for Farming Purposes, which examines both scientific developments and new husbandry techniques in order to draw up new recommendations or revise those that have been adopted.

The Committee of Ministers welcomes the fact that, in its recommendations, the Assembly emphasises the link between husbandry practices and the quality and hygiene of animal products. This implies that the work being conducted on animal welfare as a factor in husbandry techniques goes some way towards remedying the problems raised.

In this connection, the Committee of Ministers wishes to draw the Assembly's attention to the opinion submitted by the Standing Committee of the European Convention on the Protection of Animals kept for Farming Purposes on Parliamentary Assembly Recommendation 1446 (2000) concerning a ban on antibiotics in food production. This opinion is communicated to the Assembly in an appendix to the present reply.

3. Information policy

Like the Parliamentary Assembly, the Committee of Ministers recognises the importance of introducing an open and transparent information policy on food safety. A growing public mistrust about the use of biotechnology in food production has been observed. The Committee of Ministers considers that account should be taken of the feelings and beliefs of Europeans on this subject and points out that the Oviedo Conference addressed such issues, particularly those relating to labelling and to the involvement of all stakeholders in the ethical debate.

The Committee of Ministers also agrees with the Parliamentary Assembly that it is important for information to be exchanged between all the parties concerned. It points out that the committees of experts working under the auspices of the Public Health Committee promote such exchanges in their respective fields of activity, using means including the Partial Agreement website.

The T-AP has also made the exchange of information the cornerstone of its working methods. It works very closely with non-governmental organisations representing the various sectors concerned, including farmers, veterinarians and researchers.

The Assembly refers to the major role played by the various parties involved and the responsibilities and errors made at various levels in the recent problems encountered with food production. The Committee of Ministers wishes to inform the Assembly that, in this connection, the T-AP stresses the importance of the competence and awareness of the various parties involved, which has prompted it to insist, in recent recommendations, on training and education.

The Committee of Ministers shares the T-AP's view that appropriate skills are a decisive factor in ensuring responsible behaviour at all levels and also contribute to food quality and safety.

4. National and international co-operation

The Committee of Ministers welcomes the Assembly's recommendations to promote concerted national and international action to avert and combat threats to food safety. It also recognises that it would be highly desirable for more member states to join the Partial Agreement in the social and public health field so that a maximum number of countries can participate in its activities. With this in mind, the Committee of Ministers has communicated the four recommendations to the member states so that they can take due account of them.

The Committee of Ministers notes the Assembly's proposal to invite the European Union to set up a European food safety agency. It is not the role of the Committee of Ministers to urge the European Union to take such a course; nonetheless it has communicated the four Assembly recommendations and this reply to the European Commission, for information.

If the European Union were to decide to set up an agency of this kind, the Committee of Ministers could examine whether it would be appropriate for the Council of Europe to be involved in its activities, particularly when it came to drawing up a legal framework covering general health safety questions and possibly also particular issues in this area such as questions of public perception, the protection of consumer rights and the development of the precautionary principle.

In conclusion, the Committee of Ministers, while recognising that it is not in a position to take action on all of the Assembly's recommendations, considers that the activities carried out in recent years by the Council of Europe in the field of biotechnology and health safety are a major contribution to the international efforts made in this area and thus answer many of the Assembly's concerns.

Appendix – Opinion of the Standing Committee of the European Convention on the Protection of Animals kept for Farming Purposes (T-AP) on Parliamentary Assembly Recommendation 1446 (2000) on a ban on antibiotics in food production

In examining this recommendation and drafting its opinion, the T-AP focused on farming practices and farm animal welfare aspects because of its competence in this field. However, the link between husbandry practices and quality and hygiene of animal products has been pointed out, in particular by the Parliamentary Assembly on several occasions (see Recommendations 1389 (1998) on consumer safety and food quality, and Recommendation 1417 (1999) on dioxin crisis and food safety).

The T-AP is aware of the resolutions adopted by the Committee of Ministers on the use of antibiotics in animal husbandry (Resolution AP (77) 2, Resolution AP (78) 2 and Resolution AP (84) 1).

With respect to paragraph 1 of Recommendation 1446 (2000) of the Parliamentary Assembly, the T-AP supports the opinion that the ability to use antibiotics provides veterinarians with an important tool to reduce diseases and, as a consequence, the suffering of farmed animals.

The committee would like to recall that antibiotics are used in three different ways:

– therapeutically to treat clinical disease;

– prophylactically to prevent disease outbreaks;

– and as growth promoters to improve the utilisation of the feed.

The T-AP agrees that an increased resistance to antibiotics constitutes a risk for human health as it is stated in paragraphs 2 and 3, but wishes to draw attention to the fact that this increased resistance also constitutes a risk of reduced welfare of animals. Furthermore, the statement put forward under paragraph 4 that antibiotics may be administered to alleviate the negative effects of poor hygiene and husbandry is supported by the T-AP. The committee is concerned that such a situation often leads to poor welfare of the animals. This matter is addressed in the Protocol of Amendment to the Convention for the Protection of Farmed Animals, and highlighted in many recommendations adopted by the T-AP.

Concerning animal feed, the T-AP recalls that the convention requires that “animals… be provided with food, water and care in a manner which – having regard to their species and to their degree of development, adaptation and domestication – is appropriate to their physiological and ethological needs in accordance with established experience and scientific knowledge”, and that “No animal shall be provided with food or liquid in a manner, nor shall such food or liquid contain any substance. which may cause unnecessary suffering or injury”.