

Alþingi  
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**Sent:** 15. júlí 2008 15:11  
**To:** Elín Valdís Þorsteinsdóttir  
**Subject:** Fw: Samantekt fyrir sjávarútvegs- og landbúnaðarnefnd

Sæl Elín.

Með vísan í beiðni sjávarútvegs- og landbúnaðarnefndar um gögn varðandi aðdraganda að yfirtöku 1. kafla í viðauka 1 við EES-samninginn og fyrirhugaðar lagabreytingar til samræmingar við matvælaöggjöf ESB fylgir hér með greinargerð, sem utanríkisráðuneytið hefur tekið saman í samráði við hlutaðeigandi starfsmenn sjávarútvegs- og landbúnaðarráðuneytis svo og Matvælastofnunar. Greinargerðinni fylgja fundargerðir / frásagnir af nefndafundum, sem málið varða.

Auk þess fylgir hér að neðan yfirlýsing fulltrúa ESB í sameiginlegu EES nefndinni sem hann gaf á fundi nefndarinnar 4. júlí s.l.

Með bestu kveðju,  
Sigurgeir Þorgeirsson

*"4. Delay in the entry into force of the "Food Law Package".*

*Mr. Chairman, thank you for letting me raise the issue of the delay in the entry into force of the Food Law Package. We all know the long and difficult negotiations that we went through to put this food law package together, and I believe that at the end, we managed to put together a very good and balanced package, which also took into account specific concerns, in particular of Iceland with regard to fishmeal, the continued ban on import of live animals, etc.*

*So when we finally manage to adopt the whole package in October last year, we had hoped for a speedy implementation and entry into force this year, and the further delays have now become a matter of concern for us.*

*We all know that we have cases from time to time that for one reason or another are subject to delays without this seriously compromising the EEA co-operation. However, in the case of the Food Law Package, the delay is particularly problematic for several reasons.*

*Firstly, the fact that it is a very comprehensive package means that so long as it is not in force, it has far reaching consequences, notably for the EEA EFTA participation in EFSA, for the introduction of the new concept of horizontal food law also in the EEA, and the revision of Iceland's application of veterinary acquis.*

*Secondly, the body of legislation at stake is very important for the good functioning and the homogeneity of the Internal Market. With the delay in the implementation, a significant "hole" exists in the EEA, where our operators are faced with fundamental differences in the legal framework, in which they operate.*

*Thirdly, precisely because of the importance of the concept of horizontal food law which was introduced on the EU side in 2002, much new legislation related to the various parts of the Food Law Package is now blocked in relation to the EEA and is creating an important back-log of relevant legislative acts to be incorporated.*

*I fully understand the sensitivity that is frequently encountered when it comes to the subject of food safety. I also very much respect the need for national parliaments to scrutinise such new important decisions. But for the reasons that I've mentioned, I sincerely hope that Iceland will be able to finalise its parliamentary procedures in September as indicated so that there will be no further delay, thus allowing for closing the gap in the internal market and also for EEA EFTA participation in EFSA.*

Thank you."

## **Samningaviðræður um upptöku matvælaöggjafar ESB í EES-samninginn**

Í samantekt þessari er rakinn aðdragandi þess að matvælaöggjöf ESB var tekin upp í EES samninginn og þar með endurskoðuð undanþága Íslands að því er varðar kröfur sem innfluttar landbúnaðarafurðir frá ESB skulu uppfylla. Eru raktir helstu viðburðir þess langa tíma sem málið var til meðferðar.

Þess skal sérstaklega getið að málið var tekið upp á öllum fundum í vinnuhópi EFTA um dýraheilbrigði, í viðeigandi undirnefnd EES samstarfsins og í sameiginlegu EES-nefndinni sem haldnir voru á árunum 2003-2007. Einnig er rétt að vísa til samantekta sem fylgja þar sem er að finna tilvísanir í fundargerðir nefndanna.

Vinna að máli sem þessu kallar á langvinn samskipti í ýmsu formi við lykilaðila innan framkvæmdastjórnar ESB. Slík samskipti fara undantekningalítið fram með óformlegum hætti.

Frá upphafi meðferðar málsins var ljóst að ný matvælaöggjöf ESB yrði hluti af EES samningnum. Íslensk stjórnvöld gengu út frá því að það yrði með sama hætti fyrr, þ.e. að áfram yrði undanþága til staðar að því er varðar landbúnaðarafurðir í tilviki Íslands. Í samskiptum við framkvæmdastjórn ESB á árunum 2002, 2003 og 2004 var þessu atriði haldið skýrt til haga. Undir lok ársins 2004 varð endanlega ljóst að framkvæmdastjórn ESB hafði ekki í hyggju að taka þessa nýju löggjöf upp í EES samninginn öðruvísi en að hún myndi að fullu ná til Íslands.

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**29. apríl 2002** – EES EFTA ríkin senda formlega til framkvæmdastjórnar ESB drög að ákvörðun sameiginlegu EES-nefndarinnar um upptöku reglugerðar 178/2002 um matvælaöggjöf, fæðuöryggi og Matvælaöryggisstofnun Evrópu (EFSA) í EES-samninginn.

**10. desember 2002** – Drögin rædd á fundi í sameiginlegum vinnuhópi EFTA um dýraheilbrigði og spurningum framkvæmdastjórnarinnar svarað.

**9. janúar 2003** – Óformlegur fundur EES EFTA ríkjanna og framkvæmdastjórnarinnar í framhaldi af fundi vinnuhóps EFTA um dýraheilbrigði þar sem framkvæmdastjórnin lætur í ljósi efasemdir um hlutverk Eftirlitsstofnunar EFTA (ESA) í tengslum við Matvælastofnunina og óskar eftir minnisblaði um hlutverk ESA og frekari rökstuðningi fyrir því.

**4. mars 2003** – Óformlegur fundur EES EFTA ríkjanna og DG SANCO<sup>1</sup> – Minnisblað um hlutverk ESA afhent. Í kjölfarið útbúin ný drög að ákvörðun.

**19. maí 2003** – EES EFTA ríkin senda formlega endurskoðuð drög að ákvörðun sameiginlegu EES-nefndarinnar til framkvæmdastjórnarinnar.

**3. september 2003** – Framkvæmdastjórnin sendir athugasemdir við drögin til EFTA ríkjanna. Framkvæmdastjórnin gerir m.a. athugasemdir við það að EFSA muni eingöngu hvað Ísland

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<sup>1</sup> Stjórnarskrifstofa ESB á sviði heilbrigðis- og matvælamála.

varðar, gegna hlutverki varðandi heilbrigðisreglur í sjávarútvegi, í samræmi við gildandi takmarkanir í viðauka I við EES-samninginn. Þessu hafnar framkvæmdastjórnin og telur reglugerðina sem slíka byggja á heildarnálgun að því er varðar matvælaöggjöf og ekki sé unnt að takmarka gildi hennar með þessum hætti. Framkvæmdastjórnin gerir jafnframt tillögu um að í tilteknum kringumstæðum geti EES EFTA ríkin ekki óskað eftir vísindalegu álitni frá EFSA. Gerir jafnframt frekari athugasemdir sem lúta að hlutverki ESA.

**16. september 2003** – Óformlegur fundur EFTA ríkjanna og framkvæmdastjórnarinnar til að ræða athugasemdirnar.

**15. október 2003** – EES EFTA ríkin svara athugasemdum framkvæmdastjórnarinnar. Þar er m.a. ítrekað að Ísland hafi undanþágu frá kafla 1, viðauka I við EES-samninginn og hvorki ESA né framkvæmdastjórnin hafi hlutverki að gegna hvað varðar gerðir sem falla undir undanþáguna en reglugerðin eigi að fullu við um Ísland á öðrum sviðum.

**25. nóvember 2003** – Fundur sameiginlegrar undirnefndar I og sérfræðinga. Framkvæmdastjórnin ítrekar afstöðu sína varðandi upptöku reglugerðarinnar hvað Ísland varðar og að horfa þurfi heildstætt á málið.

**Byrjun desember 2003** – Tvíhliða fundur milli DG SANCO og Íslands um upptöku reglugerðarinnar á Íslandi.

**8 desember 2003** – Óformlegar viðræður milli EFTA skrifstofunnar og framkvæmdastjórnarinnar um aðlögunartextann í framhaldi af sérfræðingafundi í nóvember.

**3. mars 2004** – Fundur EES EFTA ríkjanna og DG SANCO þar sem m.a. er farið yfir útflutning til þriðju ríkja skv. 12. gr. reglugerðarinnar.

**24. mars 2004** – Tvíhliða fundur Íslands og DG SANCO. Framkvæmdastjórnin ítrekar sjónarmið sín um upptöku gerðarinnar með undanþágu Íslands. Framkvæmdastjórnin vill eindregið að gerðin verði tekin yfir án aðlögunartexta hvað þetta varðar. Af Íslands hálfu er því alfarið hafnað þar sem með því tæki gerðin til vara sem hvað Ísland varðar falla ekki undir samninginn. Er afstaða Íslands sú að þessa gerð verði að taka í viðauka I með hefðbundnum hætti í samræmi við undanþáguna.

**30. mars 2004** Á fundi í sameiginlegri undirnefnd I kemur fram af hálfu framkvæmdastjórnarinnar að þegar búið sé að útkljá hvernig farið skuli með 12. gr. varðandi útflutning til þriðju ríkja væri framkvæmdastjórnin tilbúin að ræða upptöku reglugerðarinnar varðandi Ísland.

**26. apríl 2004** - Framkvæmdastjórnin sendir formlega athugasemdir sínar við drögin varðandi almenn ákvæði (þ.e. annað en upptöku gerðarinnar hvað varðar Ísland).

**11. október 2004** – EES EFTA ríkin senda ný endurskoðuð drög til framkvæmdastjórnarinnar. Fallist á tillögur framkvæmdastjórnarinnar m.a. varðandi möguleika ESA að óska eftir vísindalegri- og tæknilegri aðstoð og upplýsinga frá Matvælastofnuninni. EES EFTA ríkin halda við kröfur sínar um að EFTA ríkin og ESA hafi sama rétt og framkvæmdastjórnin og aðildarríkin til að óska eftir vísindalegu álitni frá Matvælastofnuninni.

**16. nóvember 2004** – Fundur í sameiginlegri undirnefnd I þar sem framkvæmdastjórnin itrekar afstöðu sína að því er varðar möguleika EFTA ríkjanna til að óska eftir vísindalegu álit EFSA. Á fundinum fer framkvæmdastjórnin jafnframt yfir þær breytingar sem hafa orðið á löggjöf ESB á matvælasviðinu með samþykkt heildstæðrar löggjafar sem nær yfir alla fæðukeðjuna og gæti framkvæmdastjórnin ekki fallist á að þessar reglur yrði teknar yfir í bótum af Íslandi þar sem í framkvæmd væri ekki unnt að greina á milli einstakra þátta í fæðukeðjunni og því væri ómögulegt að greina einn þátt frá öðrum í starfi EFSA. Nauðsynlegt væri nú að skoða af alvöru stöðu Íslands í þessu sambandi út frá breyttum forsendum á sviði matvælaöryggis. Slík skoðun gæti ekki leitt til annars en að Ísland tæki yfir að fullu þá viðtæku löggjöf sem nú væri á borðinu á sviði matvælaöryggis. Það væri ekki lengur í takt við tímann að taka einungis fyrir takmarkaða þætti á þessu sviði. Af hálfu framkvæmdastjórnarinnar kemur jafnframt fram að þetta sé vandamál varðandi fleiri gerðir svo sem nýja reglugerð um aukaafurðir.

**14. desember 2004** – Á EES-ráðsfundi lýsir utanríkisráðherra undrun yfir því að framkvæmdastjórnin tengi upptöku matvælalöggjafarinnar í EES-samninginn við endurskoðun á undanþágu Íslands við kafla 1, viðauka I. Framkvæmdastjórnin leggur áherslu á að grundvöllur þess að löggjöfin verði tekin upp á EES-svæðinu sé að samþykkt verði að taka upp heildstæða nálgun ESB til fæðuöryggis og fæðulöggjafar sem nái til allra þátta fæðukeðjunnar.

**18. janúar 2005** – Á fundi í undirnefnd I upplýsir Ísland að íslensk stjórnvöld séu að fara yfir málið varðandi undanþágu Íslands frá viðauka I. Ísland itrekar við framkvæmdastjórnina að bakgrunnur fyrir undanþágunni hafi ekki breyst en verið sé að fara yfir athugasemdir framkvæmdastjórnarinnar.

**25. febrúar 2005** - Ríkisstjórn tekur ákvörðun um að láta fara fram athugun á áhrifum þess að taka upp stærri hluta af samræmdum reglum um heilbrigði dýra á EES-svæðinu. Í kjölfarið er komið á fót starfshópi skipuðum fulltrúum fjögurra ráðuneyta undir forystu utanríkisráðuneytis til að fjalla um áhrif þess að víkja frá undanþágu frá viðauka I við EES-samninginn að öðru leyti en því sem varðar lifandi dýr.

**23. maí 2005** – EFTA ríkin senda endurskoðaða ákvörðun óformlega til framkvæmdastjórnarinnar þar sem tekið er tillit til athugasemda þeirra frá 16. nóvember 2004 varðandi ákvæði um innflutning og útflutning, neyðarráðstafanir og vísindalegt álit.

**Júní 2005** – Framkvæmdastjórnin samþykkir breyttan aðlögunartexta í ákvarðanardrögunum en lætur í ljósi áhyggjur í tengslum við innleiðingu og beitingu neyðarráðstafana (safeguard measures) í Liechtenstein og á Íslandi þar sem ríkin hafi ekki tekið yfir allar gerðir á sviði matvæla og fódurs á þessu sviði.

**13.-14. júní 2005** – Seminar í Reykjavík þar sem Norðmenn deila reynslu sinni af því að taka yfir gerðir í viðauka I.

**15. júní 2005** – Málþing um matvælaöryggi á vegum Yfirdýralæknis ætlað hagsmunaaðilum þar sem ný heildstæð stefna ESB í matvælaöryggismálum er kynnt.

**11. október 2005** – Óformlegur fundur Íslands og framkvæmdastjórnarinnar þar sem framkvæmdastjórnin er upplýst um vinnu starfshópsins.

**18. október 2005** – Minnisblað lagt fyrir ríkisstjórn þar sem gerð er grein fyrir skýrslu starfshópsins og dýralæknisfræðilegri úttekt yfirdýralæknis og niðurstöðu hans um að forsenda undanþágunnar eigi ekki lengur við að öllu leyti. Að því marki sem enn væri ástæða til að óttast neikvæð áhrif væri hægt að verjast með viðeigandi mótvægisáðgerðum annars vegar og ákveðnu trygginga-eða ábyrgðakerfi hins vegar. Ríkisstjórnin samþykkir tillögur um að hafnar verði samningaviðræður við framkvæmdastjórn Evrópusambandsins um endurskoðun undanþágu Íslands frá gerðum í kafla 1 í viðauka I við EES-samninginn í því skyni að taka upp samræmdar reglur um annað en lifandi dýr. Jafnframt verði heimilað að semja um upptöku gerða er varða dýravernd, svo lengi sem ljóst sé að ekki yrði vikið frá banni við innflutningi lifanda dýra.

**15. nóvember 2005** – Ísland upplýsir framkvæmdastjórnina að Ísland sé tilbúið að byrja samningaviðræður um endurskoðun á viðauka I að undanskildum lifandi dýrum.

**22. nóvember 2005** – Fundur Íslands og DG RELEX<sup>2</sup> um hvernig málum skulu framhaldið.

**Byrjun desember 2005** – Samþykkt að aftengja umræðuna um matvælalöggjöf ESB frá endurskoðun á undanþágu Íslands.

**14. desember 2005** – Á fundi í vinnuhópi EFTA um dýraheilbrigði er áréttað að viðræður um endurskoðun undanþágu Íslands frá viðauka I verði á tveimur stigum, annars vegar samninganefnd sem leidd yrði af DG RELEX og utanríkisráðuneytinu og hins vegar tæknilegur hópur þar sem viðkomandi aðilar frá Íslandi ættu sæti ásamt fulltrúum DG SANCO. Ísland upplýsir að þegar sé hafin yfirferð á þeim gerðum sem þyrfti að taka til skoðunar.

**29. desember 2005** – Fiskútflýttjendur boðaðir til fundar í utanríkisráðuneytinu og þeim greint frá stöðu mála þar sem mikilvægt var fyrir hagsmuni sjávarútvegsins að ekki yrðu truflanir á viðskiptum með sjávarafurðir þó tafir yrðu á að nýjar reglur væru teknar upp í EES samninginn. Gerð var grein fyrir kröfum ESB á hendur Íslandi í sambandi við nýja matvælalöggjöf. Lögð var áhersla á að utanríkisráðuneytið ætti von á því að engar raskanir myndu verða í þessu sambandi meðan málið væri til meðferðar innan EES.

**20. febrúar 2006** – Fyrsti samningafundur Íslands með framkvæmdastjórninni. Rædd bæði pólitísk og tæknileg mál. Framkvæmdastjórnin samþykkir að Ísland geti fengið viðbótartryggingar vegna salmonellusmits, háð samþykkt viðeigandi aðgerðaráætlana þ.a.l., en hafnar beiðni Íslands um sambærilegar viðbótartryggingar vegna kamfýlóbakttersmits í kjúklingum, þar sem fyrir því séu ekki lagalegar forsendur í matvælalöggjöfni. Framkvæmdastjórnin samþykkir að endurskoðunin nái ekki til lifandi dýra eða dýrasjúkdóma og dýrverndar og gerir enga fyrirvara um hvenær þau atriði verði tekin til endurskoðunar.

**20. mars 2006** – Sérfræðingafundur með framkvæmdastjórn ESB. Afmarkaðar tæknilegar spurningar ræddar.

**4. apríl 2006** – Annar samningafundur Íslands og framkvæmdastjórnarinnar. Gildissvið endurskoðunarinnar rætt.

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<sup>2</sup> Stjórnarskrifstofa utanríkismála í framkvæmdastjórn ESB.

**2. júní 2006** – Ríkisstjórnin upplýst um stöðuna í samningaviðræðunum. Upplýst að fyrir liggi drög að ákvörðun sem senda þurfi framkvæmdastjórninni sem fyrst. Í drögunum sé gert ráð fyrir almennum aðlögunartíma, allt að 18 mánuðum til að innleiða gerðir er varða landbúnað, að Íslandi verði heimilt að fæða jörturdýr með fiskimjöli, að ekki þurfi að fjarlægja áhættuvefi við slátrun þar sem Ísland sé laust við kúarriðu, að Ísland geti bannað innflutning á beina-, blóð- og kjötmjöli. Gert verði ráð fyrir að samið verði um viðbótartryggingar vegna salmonellusmits í kjöti þegar Ísland hafi sýnt fram á að það hafi aðgerðaráætlun þar að lútandi. Ekki sé gert ráð fyrir að reglur um dýravernd verði teknar yfir, nema hvað vaðrar aðbúnað og aðferðir við slátrun dýra.

**Byrjun júlí 2006** – Endurskoðuð drög send formlega til framkvæmdastjórnarinnar.

**7. september 2006** – Á fundi í vinnuhópi um dýraheilbrigðismál kemur fram að tvö atriði séu útistandandi hvað varðar ákvörðun um endurskoðun á undanþágu Íslands, annars vegar aðlögunartími hvað varðar reglugerð 178/2002 og hins vegar ósk Íslands um undanþágu frá fiskimjölsbanninu.

**18. desember 2006** – Drög að ákvörðun sameiginlegu EES nefndarinnar varðandi undanþágu Íslands og drög að ákvörðunum um upptöku reglugerðar ESB um matvælalöggjöf, fæðuöryggi og Matvælaöryggisstofnun Evrópu og löggjöf um opinbert eftirlit og um hollustuhætti við framleiðslu og dreifingu matvæla í EES-samninginn send formlega til framkvæmdastjórnarinnar.

**Febrúar 2007** – Framkvæmdastjórnin gerir athugasemdir við drögin að ákvörðunum en segist þurfa meiri tíma til að skoða drög að ákvörðun um undanþágu Íslands frá viðauka I.

**30. mars 2007** – EFTA ríkin senda endurskoðaðar ákvarðanir að upptöku matvælapakkans (fyrir utan ákvörðun um undanþágu frá viðauka I) til framkvæmdastjórnarinnar.

**4. júní 2007** – Fundur framkvæmdastjórnarinnar og Íslands þar sem fram kemur að tvö mál eru útistandandi varðandi drög að ákvörðun um endurskoðun á viðauka I, annars vegar undanþága frá fiskimjölsbanninu og hins vegar ákvæði varðandi útrýmingaráætlun fyrir riðuveiki. Ný drög að ákvörðun varðandi endurskoðun á undanþágu Íslands frá viðauka I send til framkvæmdastjórnarinnar í kjölfar fundarins þar sem gerðar eru minniháttar tæknilegar breytingar á texta varðandi útrýmingu á riðuveiki. Af hálfu framkvæmdastjórnarinnar kemur fram að ósk Íslands um undanþágu frá banni varðandi fiskimjöl verði tekið upp á hæsta stigi innan framkvæmdastjórnarinnar.

**27. júlí 2007** – Ný drög send til framkvæmdastjórnarinnar.

**22. október 2007** – Matvælapakkinn samþykktur af ráðherraráði ESB.

**26. október 2007** – Matvælapakkinn tekinn upp í EES-samninginn.

**2004**

**EEA Council – 27. april 2004**

**Intervention of Mr. MEYER on behalf of the European Commission:**

[...]As far as the European Food Safety Agency (EFSA) is concerned, much progress has also been achieved at a technical level since our last meeting. We hope that this progress may soon be translated into an agreed text, with only two questions remaining, where we need to find a solution.

**Intervention of Mr. Walsh, on behalf of the EEA – EFTA States:**

[...]An issue, that we have discussed at several meetings before, is the EEA - EFTA participation in new Agencies of the European Union. We have not yet reached a Decision on the European Food Safety Authority (EFSA). I hope that the EEA Joint Committee can sort out the remaining differences as soon as possible in order to finalise this issue. This concerns a vital element of the Internal Market: Food, feed and veterinary issues. [...]

**EEA Council – 14. desember 2004**

**Intervention of Mr. HAARDE, on behalf of the EEA-EFTA States:**

[...]The parties have been preparing the draft Decision for EEA - EFTA participation in the European Food Safety Authority (EFSA) for a long time. This is a complex but important issue. As an Icelandic representative I must express our surprise over the link that has been made directly between this issue and the derogation of Iceland in the veterinary field. Let me recall that this derogation was originally negotiated and agreed upon due to the specific circumstances in Iceland, which still prevail. [...]

**Intervention of Mr. V. MARZO, on behalf of the European Commission:**

[...]Firstly, we have been very satisfied with the progress achieved in our ongoing consultations on the incorporation of Regulation 178/2002 on general principles and requirements of food law and procedures in matters of food safety, the Regulation which also establishes the European Food Safety Authority (EFSA). I do, however,

wish to emphasise that the basis for an agreement on extending this Regulation to the European Economic Area must be a full acceptance of the Community's new comprehensive approach to food safety and food law, covering all elements of the food chain.[...]

**2005**

**EEA Council – 14. júní 2005**

**Intervention of Mr. Olli REHN on behalf of the European Commission:**

[...]We have also made much progress with respect to the “European Food Safety Authority”, (EFSA), and we appreciate the constructive efforts demonstrated by all sides. The particular challenge with EFSA is that this Agency is established by a Regulation, which introduces the concept of horizontal food law into the Community acquis. This is new both to the European Union and to the European Economic Area, and more legislation of this nature is certain to come. This means that it is in our common interest to examine carefully how we can best incorporate such horizontal acquis into the European Economic Area Agreement in a manner, which will also be valid in the future.[...]

**EEA Council – 21. nóvember 2005**

**Intervention of Ms. KIEBER – BECK, on behalf of the EEA – EFTA STATES:**

[...]As you know, in the context of this particular Agency, Iceland has agreed to enter into a review of its specific situation under Annex I of the European Economic Area Agreement, which the EEA - EFTA States hope will facilitate the incorporation of new Acts in this important area into the Agreement. For the good functioning of the Internal Market in this area, it is important that relevant parties show flexibility in order to facilitate trade. [...]

**Intervention of Mr. AVERY, on behalf of the European Commission:**

[...]We have also made progress towards securing EEA - EFTA participation in the “*European Food Safety Authority*”, EFSA. I welcome the particular efforts being made by Iceland with respect to veterinary matters. EFSA is an Agency established by a



Regulation which introduces the concept of horizontal food law into Community acquis. This is new both to the European Union and to the European Economic Area, but more legislation of this nature is certain to come. This means that it is in our common interest to examine carefully how we can best incorporate such horizontal acquis into the European Economic Area Agreement, in a manner that will also be valid for the future. [...]

**2006**

**EEA Council – 12. júní 2006**

**Intervention of Mr. KOVANDA on behalf of the European Commission:**

[...]Only EEA-EFTA participation in the “European Food Safety Authority (EFSA) remains outstanding. This is due to the particular framework that establishes this Agency (the concept of horizontal food law), which is new to both the European Union and the European Economic Area. In this context, we appreciate that Iceland has engaged in a major review of its position relating to its application of the veterinary acquis and I hope this means that we can soon agree on a model, which will be the basis for the incorporation of all the new general food law acts, including the Regulation that establishes the European Food Safety Authority.

**Intervention of Mr. GUNNARSSON, on behalf of the EEA- EFTA States:**

[...]Moreover, our participation in the European Food Safety Authority – EFSA – is about to be resolved. The process regarding European Food Safety Authority has taken some time, as the matter is complex, since the participation is linked to the adoption of a general food law establishing an integrated approach to food safety issues. It has caused some problems for Iceland, which has entered a review of its specific situation under Annex I of the European Economic Area Agreement with the European Commission. We expect results soon.

## **EEA Council 12. desember 2006**

### **Intervention of Mr. GAHR STORE, on behalf of the EEA- EFTA States:**

[...]I am pleased to say that we are close to finalising an agreement on the integration of the legislation establishing the European Food Safety Authority (EFSA) and of general principles of food law.

This means that we, after four years of negotiations, can finally formalise our participation in the Agency. The establishment of EFSA ensures a coherent and integrated "farm to fork" approach to food safety ensuring a high level of protection of human life and health, taking into account the protection of animal health and welfare, of plant health and of the environment. The legislation introduces principles of risk analysis, transparency and procedures for managing crisis situations.

**\*\*\*2004\*\*\***

**06 February 2004 (JC 109)**

**EEA EFTA participation in the new EU agencies**

Concerning EFSA, the EFTA Chairman stated that there had been positive contacts, and he hoped that the Commission would submit a revised decision text as soon as possible with a view to adoption of the Decision at the Joint Committee meeting in April. [...]

He agreed that EFSA seemed to be on track and that regarding the “Bilbao Agency”, talks between the budgetary experts of the EFTA Secretariat and DG Employment would hopefully result in progress being made.

**19 March 2004 (JC 110)**

**EEA EFTA participation in new EU Agencies**

[...]

On EFSA [European Food Safety Authority], he said that the colleagues from DG.Sanco had not yet been able to obtain the clearance of their new Director General on the new draft, but that close contacts would be maintained on this issue.

[...]

The EFTA Chairman replied that, concerning the Food Safety Authority, the EFTA side was awaiting reactions to the proposed adaptation text presented on 8 December last year. He appreciated that an informal meeting had taken place on 3 March 2004, but that it only concerned one aspect of the proposal (export to third countries), and that there was a need to cover the outstanding issues without delay.

**04 June 2004 (JC 112)**

**EEA EFTA participation in new EU agencies**

[...]Specifically with respect to the European Food Safety Authority, the EU Chairman said he was glad to learn that the EU comments to the draft Joint Committee Decision on EFSA had been well received, and he hoped that the Decision was now close to being finalised. With respect to EEA participation in European Aviation Safety Agency, the EU Chairman asked whether the EFTA side had any reactions to the compromise proposal, which had been presented in March?

The EFTA Chairman thanked the EU Chairman for the useful if informal information about forthcoming agencies. Concerning EFSA, he thanked the EU side for the proposals concerning the adaptation text for EFTA participation in EFSA, which were now under consideration by the EFTA states. Concerning EASA, he said that a response from the

EEA EFTA states on the Commission compromise proposal could be expected in the very near future.

**\*\*\*2005\*\*\***

**11 March 2005 (JC 118)**

### **EEA EFTA participation in the new EU Agencies**

On the question the **European Food Safety Authority**, the EU Chairman stated that he had been pleased to learn that a potentially significant step had been taken by the Icelandic Government, which had authorised an impact study on the consequences of adapting Iceland's legislation to Annex I Chapter 1 of the EEA Agreement concerning veterinary matters. He hoped that the initiative of the Icelandic government would prove to be instrumental in finding a solution, which could in the future also be used as a general model for the future incorporation of new horizontal food law acquis, and stressed that Commission services remained ready to enter into a dialogue with Iceland. Furthermore, he expressed his hope that a timetable could be established for finalising the remaining steps for concluding the process, while awaiting the outcome of the Icelandic impact assessment study.

Iceland stated that it had on previous occasions laid out its position on the Commission's view, that the derogation for Iceland contained in Chapter 1 of Annex I to the EEA Agreement needed to be reconsidered in the context of EFSA. Iceland had reiterated that the derogation was designed to protect some fundamental interests in the veterinary field and still felt that those fundamental interests needed to be protected. Iceland had, however, indicated its readiness to enter into a review as provided for in Annex I. In this context, Iceland had internally entered into a thorough examination of whether the specific circumstances under which the derogation was negotiated still prevail. Initial results had indicated that these circumstances, with regard to other than live animals, might to some extent have changed. Iceland was therefore assessing whether the interests upon which the derogation was based, could be sufficiently protected within the framework of Annex I to the EEA Agreement. In order to do so, it would be necessary to assess the impact of adapting Icelandic legislation to the acts pertaining to Annex I. Thus, the Icelandic government had agreed to carry out such an impact assessment. It was too early to give any indication of how long this would take, but Iceland was aware of the need to proceed as quickly as possible.

[...]

**29 April 2005 (JC 119)**

**EEA EFTA participation in the new EU Agencies**

Concerning the European Food Safety Authority (EFSA), the EU Chairman said that useful consultations had taken place with DG.SANCO in the Joint Veterinary Group, and it appeared that a revised draft Joint Committee Decision, leaving aside the question of the derogation for Iceland, would soon be ready for informal discussions with DG.SANCO.

Concerning the derogation for Iceland, he said that the EU side was looking forward to the conclusion of the on-going impact assessment study.

The EFTA Chairman replied that progress was being made. The Head of the Icelandic Delegation stated that the Icelandic experts were working hard on the impact assessment which was currently being undertaken with regard to Iceland's situation under Chapter 1 of Annex I. He said that Iceland was of the opinion that ways should be explored to continue with the current practice with regard to that particular part of the Agreement in order to maintain the homogeneity of the Agreement. This notwithstanding, studying the impact of changing Iceland's situation under Annex I of the Agreement was a time consuming task which required not only technical input but also political consideration at the highest level (for example translation of the acts involved would take 5 man years). He thought that the final outcome might to some extent depend on a cooperative spirit of the relevant Commission Services. He promised to keep the Commission informed of any developments.

The EU Chairman concluded that he hoped a rapid solution could be found for the food law and the Authority, as the two issues were linked.

**10 June 2005 (JC 120)**

**EEA EFTA participation in the new EU Agencies**

On the European Food Safety Authority (EFSA), the EU Chairman said that the informal revised draft decision on EFSA had been much appreciated, leaving aside the question of the derogation for Iceland.

Indications from DG SANCO were broadly positive and the efforts which had been invested in the revised draft were recognised. He added that there were perhaps one or two points where the EU experts would have comments to make, and they were being encouraged to do so as soon as possible.

The EFTA Chairman replied that it was an important issue for all concerned, and that the EFTA side would look into the different outstanding points.

With respect to the derogation for Iceland, the EU Chairman said that the EU side was looking forward to the conclusion of the on-going impact assessment study, and that he was satisfied that Iceland has indicated that a time-table would be presented in the near future.

The Icelandic delegate replied that work was actively advancing with regard to the Impact Assessment and good progress was being made, but that it would be a long and costly process. He added that it was practical task as well as a political one. A workshop had been organised with Norway on 13/14 June to learn from their experience, and it was foreseen that a timetable could be established shortly thereafter.

**30 September 2005 (JC 122)**

**EEA EFTA participation in the European Food Safety Authority**

The Icelandic Delegate informed the Joint Committee that the veterinary service in Iceland had dedicated considerable resources to the impact assessment in the country of taking over more of the veterinary acquis and was now close to concluding its work. The increasing risk inherent in change of status under Annex I could be dealt with through appropriate measures. A cost analysis would, however, be required before the task force charged with the assessment could present its final report to the government, hopefully in October. The Icelandic government would then be able to make a final decision on the matter. The Delegate concluded by saying that an absolute precondition for making any further steps regarding Annex I was that the good animal health status, which Iceland has been able to maintain by controlling all imports of animal products, would not be jeopardised.

The EU Chairman thanked the Icelandic Delegate for the update, and said that he was pleased that the technical part of the process had been completed so that the cost analysis could begin. He hoped the conclusions of the impact assessment would provide a good basis for proceeding with the incorporation of Regulation (EC) No 178/2002. He looked forward to hearing an update.

**21 October 2005 (JC 123)**

**EEA EFTA Participation in the European Food Safety Authority**

The Icelandic Delegate informed the Joint Committee that the Working Group had concluded its work on the impact assessment and that the conclusions had been sent to the Icelandic Government. The Working Group had recommended that negotiations be commenced with the Commission on the matter with the objective of adapting Icelandic legislation towards the one of the EU, excluding live animals. He said that the government would take a decision on the matter shortly.

The EU Chairman thanked the Icelandic Delegate for the briefing and the good progress.

**2 December 2005 (JC 124)**

## **EEA EFTA Participation in the European Food Safety Authority**

The Icelandic Delegate informed the Joint Committee that Icelandic representatives had met with DG Relex and presented ideas regarding the procedures for review on the participation in EFSA. The next step would be a meeting with DG SANCO in the second week of December.

The Commission expressed its hope that the establishment of a roadmap on the basis of the Icelandic mandate would soon be possible, thus paving the way for the adoption of the draft decision on Regulation 178/2002.

**\*\*\*2006\*\*\***

**28 April 2006 (JC 127)**

### **EEA EFTA participation in the European Food Safety Authority**

The EU Chairman said that following further negotiations with Iceland, a list of acts had been received relating to live animals, from which he believed Iceland still needed a derogation in Annex I Chapter I if Iceland wished to maintain its total ban on imports of live animals. Commission experts were currently examining this list, and would revert to Iceland with a reply in due course.

He said that it would be important to ensure that the derogations for Iceland, where maintained, be added as an adaptation to the individual acts, rather than a general derogation from Annex I Chapter I, which was currently under discussion in relation to the incorporation of general food law acts.

He hoped the bilateral talks with Iceland could be finalised rapidly, which would then allow the parties to proceed with the incorporation of Regulation 178/2002, which i.a. establishes the European Food Safety Authority, EFSA.

The Head of the Icelandic Delegation was equally encouraged and also hoped for reaching a mutually acceptable conclusion in the near future.

**2 June 2006 (JC 128)**

**EEA EFTA participation in the European Food Safety Authority**

The EU Chairman stated that following negotiations with Iceland, the Commission had now received an informal draft Joint Committee Decision on revising Annex 1 Chapter 1 to the effect that Iceland would as a general rule apply incorporated veterinary acquis while maintaining a derogation for certain individual acts concerning live animals. He added that EU experts were currently examining this draft, and a reply would be given to Iceland as soon as possible.

On that basis, he hoped that it would be possible to rapidly proceed with the incorporation of Regulation 178/2002, which i.a. establishes EFSA (the European Food Safety Authority).

The EEA EFTA Chairman stated his agreement and hoped it would be possible to finalise things in the very near future.

**7 July 2006 (JC 129)**

**EEA EFTA Participation in the European Food Safety Authority**

The Icelandic Delegate stated that Iceland was close to concluding outstanding issues with the Commission and had put forward an informal draft Joint Committee Decision. He hoped that this would be the final version and that the issue could soon be finalized.

The EU Chair hoped that the draft Decision on regulation 178/2002 could be formally transmitted after the holidays in parallel with several other draft Decisions incorporating other horizontal food law acts following the same model as the one found for regulation 178/2002 and that these Decisions could be adopted by the end of the year. He thanked Iceland for their constructive efforts.

**22 September 2006 (JC 130)**

**EEA EFTA Participation in the European Food Safety Authority**

The EEA EFTA Chair reported that at the last meeting of the Joint Veterinary Working Group on 7 September 2006, the Commission gave Iceland the possibility to reconsider its request to have a transitional period to transpose Regulation (EC) No 178/2002.



Iceland was considering this option and would report to the Secretariat, which would then update the draft EEA Joint Committee Decision. Following that, the draft Decision would be formally submitted to the Commission. The intention was that the EFSA Decision and the Review Decision for Iceland would be adopted at the same meeting. The Review Decision was submitted to the Commission on 4 July 2006. Iceland was still awaiting a formal reply.

The Icelandic Delegate said that there were still some issues that needed to be solved, namely the BSE tests and the application of the transitional period to the regulation on EFSA. He hoped to conclude the negotiations as soon as possible.

The EU Chair had also been encouraged by the meeting of the Veterinary Group and said that he also would like the two remaining issues to be solved as soon as possible.

## **Subcommittee I – sept. 2004**

### *4.2.2 Establishment of a European Food Safety Authority*

12. The Committee discussed EEA EFTA reactions to the Commissions comments to the draft Joint Committee Decision concerning the Regulation on food law and EFSA (178/2002). Those issues especially addressed were linked to the possibility of requesting scientific opinions from the EEA EFTA States and ESA, as well as a Norwegian proposal for an adaptation text for Article 12 concerning export to third countries. The Committee also considered a possible draft Declaration linked to this article. The Committee **agreed** to finalize a revised draft EEA Joint Committee Decision through written procedure for distribution to the Commission, preferably by 17 September.

13. At the **joint meeting**, the EFTA side informed the Commission that a revised draft Joint Committee Decision would be submitted as soon as possible after the meeting. The Commission undertook to provide reactions as soon as possible and noted the possibility for a meeting to clarify the issues. Concerning the finalization of the draft, the Commission recalled that the draft Decision had to be presented to the Council's EFTA group and necessary time should also be calculated for the translation of the Decision.

## **Okt.. 2004**

### *4.2.2 Establishment of a European Food Safety Authority*

14. The Committee noted that a revised draft EEA Joint Committee Decision was provided to the Commission on 11 October 2004. The Committee considered the timetable for finalizing the EEA Joint Committee Decision, and observed that the draft would take three months for translation and would also need to be presented to the Council.

15. At the **joint meeting**, the Commission confirmed receipt of a redrafted EEA Joint Committee Decision on 11 October 2004. The Commission was not in a position to provide any elaborated comments to the draft, but as an immediate reaction, expressed disappointment concerning EFTA's proposal with regard to requests for scientific opinions. The Commission would make every effort to provide written reactions to the draft before the next Joint Subcommittee I meeting on 16 November 2004.

## **Nóv. 2004**

### *4.2.2 Establishment of a European Food Safety Authority*

11. The Secretariat gave a brief report from the meeting of the Working Group on Veterinary Matters on 12 November, where the Commission provided its preliminary comments to the revised draft EEA Joint Committee Decision submitted on 11 October 2004. It could be expected that the Commission would maintain the compromise texts with regard to scientific opinion, comment on the adaptation text proposed on the crisis unit from a technical

point of view, propose a solution for Article 11 and 12 following the information received at the Veterinary meeting and finally, comment on the application of the Regulation to Iceland.

12. At the **joint meeting**, the Commission (DG RELEX) apologised for the fact that it had not been possible to provide written comments prior to the meeting. However, the Commission's position had been indicated to the EEA EFTA States at the meeting of the Joint Working Group on Veterinary Matters on 12 November 2004.

13. The Commission was firm in its position as to the possibility of the EFTA States and the EFTA Surveillance Authority requesting scientific opinions from EFSA and maintained that it could only agree to the compromise text outlined in April 2004.

14. The Commission (DG SANCO) referred to the adoption of the White Paper on Food Safety five years ago, laying down a new strategy and action plan on food safety. The adoption of a general food law and the establishment of the European Food Safety Authority establish an integrated approach to food safety issues, examining the whole food chain from farm to fork. A piecemeal approach on food safety issues is no longer considered satisfactory.

15. Therefore, partial application of the food law would not be satisfactory, and partial participation in the work of EFSA would, in fact, be impossible. The time had come for Iceland to take over all *acquis* in this area and also to consider the working group structure under Joint Subcommittee I to create a framework where food safety issues could be discussed.

16. On this basis, the Commission (DG SANCO) found the incorporation of the Regulation in three places in the Agreement to be contradictory to the aim of the Regulation.

17. Furthermore, the EEA EFTA States were asked to reassess the need for adaptation text to Article 11 concerning imports, since the information received by Norway at the Joint Veterinary Working Group meeting had showed that Norway applied the same rules as the EU in this regard.

18. The Commission could agree to the adaptation text proposed to Article 12 on export. However, it proposed a declaration whereby Norway declares that if equivalence agreements are negotiated with any of the third countries which have negotiated such an agreement with the EU, then these agreements should be identical to those of the EU.

19. Finally, as regards the adaptation text proposed to Article 56 on the crisis unit, the Commission understood that the purpose of the text was to clarify that no parallel unit should be set up on the EFTA side by the EFTA Surveillance Authority. However, the Commission did not find it necessary with an adaptation text and proposed to clarify the situation in a declaration.

20. The Commission (DG RELEX) concluded that this indeed represented the Commission's firm position with respect to the outstanding issues concerning the incorporation of Regulation 178/2002, reiterating in particular the issue related to scientific opinions and the objective of avoiding a piecemeal approach to food safety legislation. In addition, he stressed that it was also important for the Community to carry out a review of the situation for Iceland, as foreseen in the Introductory Part of Chapter I of Annex I, where Iceland would consider taking over all legislation in this area.

21. After the joint meeting, the Committee held a **short debriefing**. The Committee agreed to reconsider the position and to find a solution that would meet the Commission's concerns. The Secretariat would present a proposal for a solution with regard to the crisis unit, Articles 11 and 12, and the proposals for declarations. The Icelandic Delegation undertook to consider its position on scientific opinions in light of the Commission's position and to carefully consider the state of affairs concerning application to Iceland. It was agreed that comments to the proposed solution would be submitted to the Secretariat by 1 December 2004.

#### **Jan. 2005**

##### *4.2.2 Establishment of a European Food Safety Authority*

12. Following the last meeting of Joint Subcommittee I, the Secretariat presented a proposal on how to solve the outstanding issues by taking into account the comments received from the Commission. Liechtenstein and Norway approved the proposal.

13. The Icelandic Delegate informed the Committee that the proposals concerning Articles 11 and 12 on export and imports, and Article 56 concerning crisis unit, could be accepted. However, more time was needed to consider the position with regard to scientific opinions and the issue of application of the Regulation to Iceland. In light of the remarks received from the Commission at the last meeting of Joint Subcommittee I, Iceland had started an internal process including re-assessment of the preconditions for Iceland under Chapter I of Annex I. This would be a time-consuming task and it would, therefore, be difficult to set a timetable. Depending on the outcome of this internal process, Iceland would decide how to respond to the Commission's remarks.

14. At the **joint meeting**, the Secretariat informed the Commission that, following the substantial discussions that had taken place at the last meeting, many of the outstanding points had been cleared on the EFTA side. A revised draft Joint Committee Decision could only be submitted when all of the remaining issues had been cleared, including the question of a derogation for Iceland. The Icelandic Delegate stressed that the background for the derogation with respect to veterinary issues had not changed, and Iceland was, therefore, not willing to deviate from this in the context of general food law legislation. Iceland was, however, still examining the Commission's position. The Commission referred to the arguments previously presented and encouraged Iceland to work with DG SANCO to establish a way forward.

#### **Mars 2005**

##### *4.2.2 Establishment of a European Food Safety Authority*

11. The Icelandic Delegate informed the Committee of the ongoing work in Iceland regarding its position under Chapter I of Annex I. Preliminary examination indicated that circumstances on which the derogation is based, might have changed. However, as far as live animals were concerned, the situation had not changed. The Icelandic Government was currently considering whether to take the examination any further in order to assess whether the interests that the derogation was based upon can be given sufficient protection within the framework of Annex I to the EEA Agreement. The Icelandic Delegate asked the Secretariat for further assistance in this process. The Chair invited Iceland to ask for any assistance it

needed and suggested that a follow-up meeting be held after the meeting between Iceland and Norway on 7 - 9 February in Oslo.

12. At the **joint meeting**, the Head of the EEA EFTA Delegation recalled that there were still some issues outstanding and stated that it would be useful to establish a timetable for the next steps leading to an agreement on a draft Joint Committee Decision. The Icelandic Delegate recalled that the Commission's objections to the implementation of EC food safety legislation throughout the EEA were considered to affect the derogation that Iceland has had from acts pertaining to Annex I. This derogation had been designed to protect some fundamental interests in the veterinary field that Iceland was unable to deviate from without a proper examination of its impact on these interests. In order to react constructively to the Commission's objections, Iceland had therefore embarked on an examination to determine whether the specific circumstances under which the derogation had been negotiated still prevailed. Initial results of this examination gave reason to continue and further assess whether the interests that the derogation was based upon with regard to products other than live animals can be given sufficient protection within the framework of Annex I. To this end, Iceland informed the Committee that this very day, the Icelandic Government had decided to launch an impact assessment study on adapting Icelandic legislation to Annex I Chapter I. Both the Chair and the Head of the EEA EFTA Delegation welcomed this initiative by the Icelandic Government. On that basis, it should be possible to establish the suggested timetable. As for the particular situation of Iceland, a model should be found which could be used in the future when incorporating new horizontal food law acquis.

## **April 2005**

### *4.2.2 Establishment of a European Food Safety Authority*

12. The Icelandic Delegate informed the Committee of the ongoing work in Iceland regarding its position under Chapter I of Annex I. The Icelandic Government had decided to launch an impact assessment to examine whether the specific circumstances under which the derogation had been negotiated still prevail. An inter-governmental Task Force, chaired by the Ministry of Foreign Affairs, had been established to carry out the assessment. The Task Force is in the process of defining the acquis to be assessed and will, thereafter, measure the Community acquis against the Icelandic legislation. As soon as the impact assessment has been carried out, it will be up to the Icelandic Government to decide on the outcome. It was not possible at this early stage to indicate when the assessment would be completed or to set a timetable. The Icelandic Delegate also stated that Iceland had not yet met with DG SANCO to discuss the matter.

13. The Secretariat informed the Committee that the Commission (DG SANCO) had been informed of the status of the integration of Regulation (EC) No 178/2002 and of the Icelandic impact assessment at the Joint Working Group on Veterinary Matters on 6 April. The Commission had appreciated the information and looked forward to the outcome of the assessment. The Commission, however, requested a revised draft decision reflecting the changes regarding the crisis unit, import and export, in order to have some progress on these issues while Iceland was carrying out its assessment.

14. The Committee agreed to revise the draft EEA Joint Committee Decision with regard to the crisis unit, import and export and to distribute the compromised text concerning scientific opinions once more for comments by the Delegations. The Committee would then also consider whether it would be possible to agree on this issue. The revised draft would then be informally submitted to DG SANCO for comments.

15. At the **joint meeting**, the EFTA side informed the Commission that useful and constructive consultations had taken place with DG SANCO and the Joint Veterinary Working Group. A revised draft is being prepared and will be presented informally to DG SANCO, omitting the question of the derogation for Iceland. On this matter, the impact assessment was on-going in Iceland, but the conclusion could still take some time.

16. The EFTA side therefore inquired if it would be possible to take the draft decision forward before everything was finalised in relation to the specific situation of Iceland. The Commission stated that once the result of Iceland's impact assessment study was known, and depending on the operational conclusions, it might be possible to agree on an expedient way of finalising the decision

**Mai 2005**

#### *4.2.2 Establishment of a European Food Safety Authority*

10. The Secretariat informed the Committee that a revised draft EEA Joint Committee Decision, reflecting the Commission's remarks of 16 November 2005, had been approved and submitted informally to DG SANCO on 23 May. This concerned the provisions on import, export, crisis unit and scientific opinions. The intention would be to ensure progress on these issues while Iceland was carrying out its assessment.

11. The Icelandic Delegate informed the Committee of the ongoing work in Iceland. An initial assessment was carried out by the Chief Veterinary Officer and his team and an initial report delivered. The Icelandic Delegate also indicated that Iceland welcomed the proposal from Norway to organise a meeting on 14 and 15 June in Iceland as follow-up to the meeting held in Oslo in February. It will consist of a general session, focusing on Norway's experience with incorporating the *acquis* in Chapter I of Annex I, the negotiations at the time and the need for counter measures. A more specific session will focus on certain legislative acts of particular concern to Iceland. Norway welcomed the initiative and confirmed that the experts were preparing for the seminar.

12. At the **joint meeting**, the EFTA side informed the Commission that the impact assessment was ongoing in Iceland, and that it should soon be possible to provide a timetable for its conclusion. Pending its outcome, the EFTA side would revert to the question of whether a Joint Committee Decision could be adopted before the issues are finalised in relation to Iceland and Annex I Chapter I.

13. The Commission thanked the EFTA side for the revised draft EEA Joint Committee Decision and was looking forward to the follow-up with DG SANCO. The Commission reiterated that once the result of Iceland's impact assessment study was known, and depending on the operational conclusions that would be drawn from the study, it might be possible to agree on an expedient way of finalising the decision.

## **Júni 2005**

### *4.2.2 Establishment of a European Food Safety Authority*

10. The Secretariat informed the Committee that it had received a reply from DG SANCO to the revised draft EEA Joint Committee Decision informally submitted on 23 May. DG SANCO agreed to the adaptation texts as outlined in the draft decision, but indicated some concern in relation to the implementation and application of safeguard measure in Liechtenstein and Iceland, due to the fact that these EEA EFTA States have not taken over all *acquis* in the food and feed area. The Secretariat would follow up the matter in order to clarify whether further discussions or information would be needed.

11. The Icelandic Delegate expressed his gratitude to Norway for the preparation of the seminar that took place on 13 and 14 June 2005 in Reykjavik. Norway had shared its experience in taking over the *acquis* under Annex I and in establishing preventive measures. It had also been interesting to hear about the holistic approach taken in relation to food safety issues in order to implement one food safety policy.

12. Furthermore, the Icelandic Delegate informed the Committee about a symposium on food safety organised by the Chief Veterinary Officer in Iceland on 15 June 2005. The event was targeted towards the stakeholders and other interested parties in order to raise awareness of the new holistic approach taken by the Community in respect to food safety.

13. Finally, the Icelandic Delegate informed the Committee about the state of affairs regarding the impact assessment. The Chief Veterinary Officer had delivered his assessment of the impact of taking on more veterinary *acquis* from a scientific point of view, and the task force will now evaluate the costs of the regulatory reforms and countermeasures needed. No conclusion to this work is to be expected before September 2005, due to the summer recess.

14. At the **joint meeting**, the Commission informed that the informal revised draft had been cleared with DG SANCO, also informally, albeit with a few questions on the veterinary side that could require clarification, and naturally putting aside the question of Iceland concerning Annex I, Chapter I, which had to await the result of the on-going impact assessment study in Iceland.

15. On the question of Iceland and Annex I, Chapter I, the Icelandic Delegate informed the Committee that the impact assessment was on-going and that no conclusion to this work is expected before September 2005, due to the summer recess.

## **September 2005**

### *4.2.2 Establishment of a European Food Safety Authority*

14. As outlined at the last meeting of the Committee, the Secretariat recalled that DG SANCO had informally agreed to the adaptation texts as outlined in the draft decision, but indicated some concern in relation to the implementation and application of the safeguard measure in Liechtenstein and Iceland. This is due to the fact that these EEA EFTA States have not taken over all *acquis* in the food and feed area. The Secretariat would follow up the matter in order to provide the necessary information.

15. The Icelandic Delegate informed the Committee about the status of the impact assessment. The veterinary service in Iceland had lately dedicated a lot of resources to the assessment and was now close to concluding its work. It had found that the risk to the animal and public health situation in Iceland could be remedied with the appropriate compensatory measures. A cost analysis of the compensatory measures is required before the Task Force presents its final report to the Government, hopefully in October.

16. At the **joint meeting**, the Chairman informed the Commission that Iceland will soon conclude its impact assessment of taking over more of the *acquis* in Annex I, Chapter I on veterinary issues. It was envisaged that the Government could take a decision before November. The EEA EFTA side would also look into the questions raised by the Commission concerning safeguard measures. The Commission thanked him for the information and expressed the Commission's appreciation of the efforts made by Iceland. He further reiterated that once Iceland had concluded on this issue, the Commission would be willing to look into the possibility of finding a solution that could ensure the adoption of the Joint Committee Decision.

## **Október 2005**

### *4.2.2 Establishment of a European Food Safety Authority*

12. The Icelandic Delegate informed the Committee about the status of the impact assessment.

The Task Force had completed its report, in which it had concluded that the animal health situation in Iceland should not be damaged if the appropriate compensatory measures were introduced. When the Government had taken a decision, the EFSA issue would hopefully also move forward. Finally, the Icelandic Delegate informed the Committee that there would be an informal meeting with the Commission following the Joint meeting in the afternoon, during which the Commission would be informed in detail of the current state of affairs. The Committee welcomed the positive development and was looking forward to continuing the work on ensuring the smooth incorporation of the Regulation.

13. At the **joint meeting**, the Chairman informed the Commission that the Task Force in Iceland had concluded its impact assessment of taking over more of the *acquis* in Annex I, Chapter I on veterinary issues, including a cost analysis. Its report would be presented to the responsible ministers and subsequently to the government as soon as possible. The Commission thanked him for this information and expressed its appreciation of the efforts made by Iceland. The Commission further reiterated that once Iceland had concluded on this issue, the Commission would be willing to look into the possibility of finding a solution that could ensure the adoption of the Joint Committee Decision.



**Nóv. 2005**

#### *4.2.2 Establishment of a European Food Safety Authority*

9. The Icelandic Delegate informed the Committee that the Icelandic Government adopted the report presented by the Task Force, which concluded that the animal health situation in Iceland should not be damaged by expanding the scope of Annex I, Chapter I for Iceland, if the appropriate compensatory measures were introduced. A bilateral meeting would be held with DG RELEX on 22 November and Iceland hoped to have further information on how to proceed after this meeting.

10. The Liechtenstein Delegate informed the Committee that Liechtenstein had not yet been able to prepare information on the application of safeguard measures, but that it would be ready to do so if the Commission requested it.

11. The Committee welcomed the positive development and looked forward to continuing to ensure the smooth incorporation of the Regulation. The Chairman, speaking as a Norwegian Delegate, did, however, underline the importance of making progress regarding the incorporation of the Regulation establishing EFSA during the next few months in order to ensure incorporation of the Regulation into the Agreement before the cut-off date for the 2006 budget in July 2006. He also underlined the importance of ensuring harmonised rules in this area and hoped that the Icelandic position would be sufficient as a basis for finalising the draft EEA Joint Committee Decision on EFSA. The draft will have to take into account the consultations between Iceland and the Commission on Annex I.

12. At the **joint meeting**, the Chairman informed the Commission that the Icelandic Government had decided that Iceland would be willing to begin negotiations aimed at reviewing the derogation that it has in Annex I, Chapter I on veterinary issues, with the exception of live animals. The Head of the EU Delegation thanked him for this information and expressed the Commission's appreciation of the efforts made by Iceland. The follow-up should now be ensured with the competent Commission services. Furthermore, he reiterated that once a solution had been found on ways to proceed with Iceland, the Commission would be willing to look into the possibility of ensuring the adoption of the Joint Committee Decision.

**Jan 2006**

#### *4.2.2 New food law and establishment of a European Food Safety Authority*

9. The Secretariat informed the Committee of the results of the last meeting of the Joint Working Group on Veterinary Matters on 14 December 2005. The Commission then suggested a solution whereby the acts concerning EFSA, hygiene, official food and feed control and animal by-products, would be incorporated into the Agreement with application

only to Norway and with a transitional period of one year for Iceland, during which the discussions would be finalised. Iceland would during this transitional period apply the current legislation.

10. The Icelandic Delegation informed the Committee that, although the Commission's suggestion was constructive, Iceland would like to concentrate its resources on the review of Chapter I of Annex I (veterinary issues) with a view to completing this process as soon as possible. The aim was to assess the relevant acquis by 26 January in order to identify acquis which needed further clarifications by the Commission. It should be possible to complete this process by early spring. If Iceland could keep to this timetable, this would not delay the process of finalising the EEA Joint Committee Decisions. A meeting with the Commission on a technical level was being planned for the beginning of February. After this meeting Iceland would be in a better position to evaluate whether or not this timetable would be feasible. The Committee noted the timetable presented by the Icelandic Delegation and agreed to continue to give high priority to the matter.

11. At the **joint meeting**, the Commission informed about their positive contacts with Iceland on the necessary process for Iceland taking over the veterinary acquis, and that this had also been discussed in the veterinary group. There would be a Commission-Iceland expert meeting later this month with the aim to begin the negotiations. The idea would be to finalize these negotiations quickly, i.e. in a few months, and then proceed with the incorporation of Regulation 178/2002.

12. The EFTA side took note of this information. However, the Head of the EFTA Delegation, speaking as a Norwegian Delegate, expressed his concern that this would further delay the incorporation of Regulation 178/2002 and might jeopardise the EEA EFTA participation in EFSA. The Chairman understood these concerns, but stressed that it would be in the interest of everybody, also in view of other up-coming horizontal food-law acquis, to have Iceland's position in Annex I Chapter I settled quickly, once and for all. It was agreed to await the outcome of the first expert meeting between the Commission and Iceland, and revert to the question at the next meeting.

## **Febrúar 2006**

### *4.2.2 General food law and the European Food Safety Authority (EFSA)*

15. The Icelandic Delegate informed the Committee that Iceland had its first negotiation meeting with the Commission on 20 February, with participants from DG RELEX, SANCO, the Icelandic Ministry of Foreign Affairs and Ministry of Agriculture. The issues on the agenda were both of technical and political nature. Good progress was made and the next meeting was scheduled for 3 or 6 March, during which the intention is to examine the technical details of some of the issues. The Icelandic Delegate underlined that the negotiations concerned the acquis currently contained in Chapter I of Annex I, and not the outstanding issues such as the general food law/EFSA, animal by-products, and hygiene and control. These issues should fall into place once the negotiations have been finalised and the conditions agreed. Furthermore, they did not involve any discussion on the restructuring of the Chapters in Annex I. The aim is conclude the negotiations by March/April.

16. The Chairman, speaking as a Norwegian Delegate, underlined once more the importance of having the EEA JCD on EFSA adopted before the summer recess in order to be able to contribute to the EFSA budget.

17. At the **joint meeting**, the Commission reported that the bilateral meeting with Iceland reviewing the scope of Annex I, Chapter I on 20 February had been very good and good substantial progress had been made. This remained a complex matter, but everybody was committed to reaching a rapid solution, which would in turn allow for the finalization of the draft Decision on the food law Regulation. Iceland would now submit a list of questions to DG SANCO, and an expert group meeting would be organised in about two weeks' time, and a new informal meeting was planned on 20 March.

18. The EFTA side welcomed the progress made. The Chairman, speaking as Head of the Norwegian Delegation, reiterated his concern about the delay in the adoption of the draft Decision on Regulation (EC) No 178/2002, but shared the Chair's hope that the Commission and Iceland could rapidly solve the issue of Annex I chapter 1.

## **April 2006**

### *4.2.2 General food law and the European Food Safety Authority (EFSA)*

18. The Icelandic Delegate informed the Committee that the second negotiation meeting with the Commission was taking place in parallel with the current Subcommittee I meeting. A draft EEA Joint Committee Decision had been prepared for input to the meeting. The Chair, speaking as a Norwegian Delegate, reiterated the need for quick conclusions to the negotiations. It was agreed to await the outcome of Iceland's meeting with the Commission and revert to the issue at the next meeting

19. At the **joint meeting**, the Commission informed the Committee that a meeting had taken place with Iceland the same morning on the Annex I Chapter I issue. Certain questions had been clarified and some progress had been made, but there were still some outstanding issues that had to be settled, notably with respect to trade in live animals. Experts would continue to work rapidly on this over the coming weeks. The EFTA side noted the information.

## **Mai 2006**

### *4.2.2 General food law and the European Food Safety Authority (EFSA)*

17. The Icelandic Delegate informed the Committee that the last negotiation meeting between Iceland and the Commission took place on 4 April and now Iceland was waiting for an answer from the Commission regarding the scope of the review. It was hoped that another meeting could take place soon.

18. At the **joint meeting**, the Commission informed the Committee that the Commission and Iceland had made substantial progress and should be able to reach an agreement on the revision of Iceland's situation in relation to Annex I Chapter I in the very near future, hoping

that this would allow for a rapid finalisation of the incorporation of Regulation 178/2002 and the EEA EFTA States participation in EFSA.

19. The EEA EFTA Chairman took note of this information and expressed his hope that this optimistic assessment would materialise and that the EFTA participation in EFSA could finally become a reality at least as of 1 January 2007.

## **Júni 2006**

### *4.2.2 General food law and the European Food Safety Authority (EFSA)*

17. The Icelandic Delegate informed the Committee that an informal revised draft EEA Joint Committee Decision had been sent to the Commission since the last meeting of the Committee, and the Commission had provided preliminary comments to it. Iceland was now considering the comments and the next steps, and would aim at concluding the issue as soon as possible.

18. At the **joint meeting**, the Commission stated that the Commission and Iceland were now very close to finalising an agreement on the revision of Annex I Chapter I. It was expected that the draft Joint Committee Decisions on Regulation 178/2002 and other relevant food law acts could be processed in parallel. There was every reason to believe that the necessary procedures for the adoption of these decisions, i.a. allowing for EEA EFTA participation in EFSA, could be finalised by the end of the year.

19. The EFTA side welcomed the progress. They did, however, draw the Committee's attention to the fact that following the adoption of these Decisions by the Joint Committee, the EEA EFTA States would have constitutional requirements, which would have to be fulfilled before the Decisions could enter into force.

## **September 2006**

### *4.2.2 General food law and the European Food Safety Authority (EFSA)*

19. The Secretariat reported on the meeting of the Joint Veterinary Working Group on 7 September, during which the draft EEA Joint Committee Decision incorporating Regulation (EC) No 178/2002 was discussed. Firstly, the Commission did not agree with the transition arrangements suggested by Iceland and asked the Icelandic Delegation to reconsider their request. Secondly, they requested further information from Liechtenstein regarding their intentions to apply the Regulation considering their derogation from Chapter I of Annex I. Delegations are currently looking into these issues in order to resolve them as soon as possible.

20. Regarding the review of Chapter I of Annex I, Iceland was awaiting a formal reply from the Commission to the draft Decision that was submitted at the beginning of July.

21. At the **joint meeting**, the Commission stated that the Commission and Iceland were now very close to finalising an agreement on the revision of Annex I Chapter I. Following

discussion by the Joint Veterinary Working Group on 7 September 2006, two issues remained to be settled, i.e. the transitional period for Regulation (EC) No 178/2002 and the request for derogation from the fishmeal ban. There was reason to believe that these issues could be settled within the next few weeks.

## **Október 2006**

### *4.2.2 General food law and the European Food Safety Authority (EFSA)*

17. The Icelandic Delegation informed the Committee that they were still considering the Commission proposal for transitional arrangements for the EFTA Decision, and the economic consequences concerning the most recent amendments to the TSE Regulation and their implications. Regarding the review of Chapter I of Annex I, Iceland was awaiting a formal reply from the Commission to the draft Decision that was submitted at the beginning of July.

18. At the **joint meeting**, the Commission stated that he hoped the remaining issues related to the review of Chapter I of Annex I and the EFSA Decision could be solved rapidly, and that the two draft decisions could then be formally submitted together to the Commission as soon as possible. In order to finalise this long process, he indicated that the Commission could potentially be flexible with regard to Iceland's request for a derogation concerning the fishmeal ban, if in return Iceland would review its position on the other few outstanding issues. The Commission underlined the importance of concluding these issues rapidly in order to avoid new issues emerging that would delay the finalisation of both the review and the incorporation of the EFSA Decision.

## **Nóvember 2006**

### *3.2.2 General food law and the European Food Safety Authority (EFSA)*

17. The Icelandic Delegation informed the Committee that the Commission has indicated that, at this stage, it would be appropriate that the draft EEA Joint Committee Decision reviewing Chapter I of Annex I be formally submitted to them in order to finalise this matter. It could therefore be expected that the Commission would ask for the relevant draft decisions to be formally submitted.

18. At the **joint meeting**, the Commission stated that, on the basis of the information that was presented at the last meeting of the EEA Joint Committee, it is appropriate to formally transmit the draft decisions concerning the review for Iceland, EFSA, the hygiene and control package and the package on animal by-products together as soon as possible. The Commission would then launch the inter-service consultations with a view to speeding up the process. Council procedures, taking three to four months, would then have to be expected for the Decisions with substantial adaptation texts.

## **Janúar 2007**

### *4.2.2 General food law and the European Food Safety Authority (EFSA)*

30. The Committee noted that the draft EEA Joint Committee Decision reviewing Chapter I of Annex I for Iceland, and the Decision incorporating the Regulation establishing general

principles of food law and EFSA, were submitted to the Commission on 18 December 2006. The draft Decisions are currently undergoing inter-service consultation in the Commission and will thereafter be presented to the Council before they can be adopted by the EEA Joint Committee.

31. At the **joint meeting**, the Commission thanked the EEA EFTA side for submitting the draft Joint Committee Decisions on the comprehensive “food law package”, which the Commission had received and sent into inter-service consultation before Christmas, in the form that had previously been agreed. Any comments by DG SANCO would be transmitted to the EFTA Secretariat as soon as possible.

## **Mars 2007**

### *4.2.2 General food law and the European Food Safety Authority (EFSA)*

20. The Committee noted that the inter-service consultations in the Commission have been completed except for the decision reviewing Chapter I of Annex I, and the EEA EFTA Member States have received the Commission’s remarks to the draft EEA JCD on EFSA (as well as the hygiene package and the animal by-products package). The Secretariat informed the Committee that the comments were sent to Subcommittee I for consideration on 27 February with the deadline on 16 March 2007, and that the aim is to finalise the consultations on the EFTA side by then. When the EEA EFTA Member States and the Commission have agreed on a final text, it will be presented to the EU Council before it is adopted by the EEA Joint Committee

21. At the **joint meeting**, the Chairman referred to the comments which the Commission had transmitted to the EFTA side on four of the five draft Decisions in the food law package, including the one on Regulation 178/2002. He furthermore expressed his regrets that, unfortunately, the Commission was still not in a position to react to the fifth draft decision, i.e. the revision of Annex I Chapter 1 for Iceland. He assured the Committee that he would do his utmost to remedy this situation in recognition of the urgency of having the package adopted after all the hard work that had been put into this over the past years. The EEA EFTA Chairman also regretted the lack of progress and appreciated that the Commission would follow up as soon as possible, i.a. to ensure that the EFSA budget line was maintained for 2006.

## **April 2007**

### *4.2.2 General food law and the European Food Safety Authority (EFSA)*

21. The Committee noted that revised draft EEA Joint Committee Decisions on EFSA, as well as the hygiene package and the animal by-products package, were re-submitted to the Commission on 30 March 2007. Hopefully this will speed up the internal consultations on the EEA JCD reviewing Chapter 1 of Annex I for Iceland.

22. At the **joint meeting**, the Chair indicated that, subject to final confirmation, the revised draft Decisions on the food law regulation, the hygiene package and animal by-products appeared to have taken the various comments from the Commission on board. As for the last element of the “food law package”, i.e. the revision decision for Iceland, some

questions remained to be discussed, and a meeting to that end had been organized between the Commission services and Iceland the following week. The Head of the EEA EFTA Delegation expressed his hope that these consultations would result in rapid progress.

## **5. Júní 2007**

### *3.2.2 General food law and the European Food Safety Authority (EFSA)*

14. The Icelandic Delegation informed the Committee that there were two outstanding issues on the consultations with the Commission on the EEA JCD reviewing Chapter 1 of Annex I for Iceland: scrapie and fishmeal. Consultations on scrapie were close to an end while the discussion on fishmeal seemed to be more problematic.

15. At the **joint meeting**, the Chairman informed the Committee that the last outstanding question in the entire food law package, i.e. the issue of feeding fishmeal to ruminants in Iceland, was now being raised at the highest political level with the objective to come to a rapid conclusion of this issue. The question concerning control of scrapie was being examined at expert level. Once agreement had been reached on all elements of the food law package, the Commission would be willing to look into the different procedures for formalising this agreement, where some elements of the package could possibly be processed more quickly than others.

16. Both sides agreed that all elements of the package, including the Joint Committee Decision on Regulation 178/2002, should be adopted in time to enter into force by 1 January 2008.

## **26. júní 2007**

### *3.2.2 General food law and the European Food Safety Authority (EFSA)*

22. The Icelandic Delegation informed the Committee that a revised draft EEA Joint Committee Decision reviewing Chapter I of Annex I for Iceland was submitted to the Commission (DG SANCO) following the meeting between the Commission and Iceland on 4 June 2007. Minor technical amendments were made to the adaptation text concerning eradication of scrapie in small ruminants.

23. At the **joint meeting**, the Chairman reiterated that the last outstanding question in the entire food law package, i.e. the issue of feeding fishmeal to ruminants in Iceland, had been raised at the highest political level with the objective to come to a rapid conclusion of this issue. As for the endorsement of the technical adjustment concerning control of scrapie, a reaction from the Commission experts was still outstanding.

24. Both sides agreed that all elements of the package, including the Joint Committee Decision on Regulation 178/2002 should be adopted in time to enter into force by 1 January 2008.

## **September 2007**

### *4.2.2 General food law and the European Food Safety Authority (EFSA)*

26. The Secretariat informed the Committee that Iceland and the Commission had reached agreement regarding the review of Chapter I of Annex I for Iceland, and that a revised draft EEA Joint Committee Decision was submitted to the Commission (DG RELEX) on 27 July 2007. This had enabled the Commission to conclude on the “food law package” and send it to the Council.

27. At the **joint meeting**, the Commission informed the Committee that the draft EEA Joint Committee Decisions regarding general food law and EFSA, the hygiene and control regulations, the animal by-products regulations and the review of Chapter I of Annex I for Iceland had been submitted to the Council, who has scheduled to conclude on the matter in October. The Committee noted that the draft EEA Joint Committee Decisions would likely be adopted in the meeting of the EEA Joint Committee on 26 October.

## **Október 2007**

### *4.2.2 General food law and the European Food Safety Authority (EFSA)*

19. The Committee noted that the “food law package” is on the Long List for the EEA Joint Committee meeting on 26 October. The Secretariat indicated that the Council is expected to adopt the package on 22 October.

20. At the **joint meeting**, the Commission informed the Committee that they most likely will be ready to adopt the draft EEA Joint Committee Decisions included in the “food law package” at the meeting of the EEA Joint Committee on 26 October.



### **III INTEGRATION OF REGULATION (EC) NO 1774/2002 ON ANIMAL BY-PRODUCTS**

3. A revised draft EEA Joint Committee Decision together with two fact sheets explaining the adaptations needed had been submitted to the Commission prior to the meeting. Norway needed a transitional period for the use of former foodstuffs in swill and a transitional period for the heat treatment of manure, which has been granted Belgium, France, Netherlands and Finland<sup>1</sup>.
4. As for the request for **transitional measures for the heat treatment of manure**, the Commission could accept this request, since the same derogations had already been granted to several Member States. The Commission would, however, consult internally before giving its final consent.
5. Norway explained that the request concerning the use of former foodstuffs in swill is similar nature to the transitional period already granted to Germany and Austria regarding the feeding of pigs with category 3 catering waste<sup>2</sup>. This transitional period concerns the use of category 3 catering waste in feed for pigs and the intra-species recycling ban on the feeding of swill to pigs, while the Norwegian request concerns former foodstuffs, which in Article 6 (1), (f) are described as being different from catering waste.
6. Most former foodstuff-fractions are, by definition, not covered by the Regulation, as they do not contain animal by-products. Since there is a risk of former foodstuffs containing animal by-products, there is no guarantee that animals are not feed with animals protein derived from body parts of animals of the same species. Norway would, therefore, ask for a temporary derogation from the intra species recycling ban. The other requirements of the Regulation would still apply.
7. Generally, the Commission found the Norwegian adaptation text to be too general and unconditional. The Commission would consult the relevant expert within its services and revert with further comments as soon as possible.
8. Regarding the application of the Regulation to Iceland, the Commission found it to be difficult, if not impossible, to distinguish products to be covered by the Regulation from products not to be covered, due to the horizontal approach taken in the Regulation with the introduction of three categories of animal by-products. Iceland would, therefore, eventually have to decide whether to take over the Regulation as a whole or whether not to take it over.
9. Iceland took note of the Commission's remarks and referred to the minutes of a meeting of the Joint Working Group on 14 November 2000 which indicated that any review

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<sup>1</sup> Commission Decision 2003/329/EC of 12 May 2003 on transitional measures under Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards the heat treatment process for manure (OJ L 117, 13.5.2003, p. 51).

<sup>2</sup> Commission Decision 2003/328/EC of 12 May 2003 on transitional measures under Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards the use of category 3 catering waste in feed for pigs and the intra-species recycling ban on the feeding of swill to pigs (OJ L 117, 13.5.2004, p. 46).

with regards to the situation of Iceland in relation to Chapter I of Annex I would have to be initiated formally by the Commission as agreed. Iceland would, in the meantime, seek to clarify which products that would be covered, together with the Secretariat.

10. Furthermore, the Commission enquired as to which legislation was applicable to the production of fishmeal. Iceland indicated that fishmeal was produced in accordance with the requirements of Directive 90/667/EC on animal waste. Legally, Directive 90/667/EC would remain in force for the EEA EFTA States until Regulation (EC) No 1774/2002 is incorporated into the EEA Agreement. Until then, the EEA EFTA States would not be legally obliged to implement the Regulation. The Commission expressed concern in this regard, since the Directive had been replaced by the new Regulation and was therefore no longer applied by the Member States. It was not acceptable that two sets of legislation should apply at the same time. The Commission would, therefore, consider raising the issue at a meeting of the Standing Committee on the Food Chain and Animals Health (SCOFCAH) to ensure that the Member States are informed of the situation. To this end Iceland would provide the Commission with written information about the production of fishmeal.

[...]

## **V INTEGRATION OF REGULATION (EC) NO 178/2002 ON FOOD LAW AND EFSA**

18. The Secretariat recalled that a revised draft EEA Joint Committee Decision was submitted to the Commission on 11 October 2004. The different aspects of the draft decision would be discussed with the Commission in the context of Joint Subcommittee I on 16 November 2004.

19. The Commission had the following remarks to the adaptation proposed in the revised draft decision:

20. Under the item '**Integrated approach**' the Commission could not see why it would be necessary to insert the Regulation in three different places in the EEA Agreement. The Secretariat explained that this was one of the techniques used when legislative acts affected several areas under the Agreement. Since the Regulation concerned the whole food chain, i.e. the veterinary field (Chapter I of Annex I), feedingstuffs (Chapter II of Annex I) and foodstuffs (Chapter XII of Annex II), it was suggested, for transparency purposes, to be integrated in all the areas concerned.

21. The adoption of a general food law and the establishment of the European Food Safety Authority establish an integrated approach to food safety issues looking at the whole food chain from farm to fork. The Commission could, therefore, not understand how Iceland could implement and apply only parts of the Regulation. This would especially be the case for composite products containing products of both animal and non-animal origin, such as pizzas and bakeries. How could Iceland ensure implementation and application of the provision in Article 18 on traceability if it would not apply the same requirements to all components of a food?

22. Furthermore, the Commission could not see how Iceland could participate in only parts of the work of EFSA.

23. Iceland recalled the Icelandic position that any discussions on deviating from the current derogations under Chapter I of Annex I, to ensure full application of the Regulation to Iceland, would have to be continued bilaterally at a higher level. Iceland referred to the minutes of a meeting of the Joint Working Group on 14 November 2000 where Iceland welcomed further discussions on this matter, but requested a formal response from the Commission services reflecting their views and the need for a review<sup>3</sup>.

24. As for the proposal on **scientific opinion**, the Commission was disappointed by the position taken by the EEA EFTA States. It still considered the compromised text to be a good one and would maintain its position on this point. The EEA EFTA States took note of the Commission's views.

25. Prior to the meeting, the Commission had received information on trade relations with third countries as agreed in an informal meeting between the Commission and Norway in July 2004 in relation to the application of **Article 12 on export to third countries**.

26. The Commission was interested to know how consignments from third countries under an equivalence agreement with the EU are handled at the border of the EEA EFTA States. Are e.g. import certificates agreed under the New Zealand Agreement recognised by the EEA EFTA States?

27. Norway presented a copy of a New Zealand certificate obtained from one of the Norwegian border inspection posts. The certificate seemed to be identical to the one used in relation to the EU-New Zealand equivalence agreement, except for not containing a reference to EU legislation.

28. The Commission enquired about the intentions of the EEA EFTA States in terms of Article 12(2). As far as the Commission could see, two options were possible: that Article 12(2) would apply to the EEA EFTA States or, if that was not the case, a declaration stating that any equivalence agreements negotiated with third countries which have an equivalence agreement with the EU, should be parallel and with the same content as those negotiated by the EU.

29. Furthermore, the Commission did not find it necessary to adapt **Article 11 on imports**, since the EEA EFTA States had proved that they in fact accepted certificates etc. from third countries having agreements with the EU.

30. Finally, the Commission provided some preliminary comments on the adaptation text on **crisis unit**. The Commission did not consider there to be a need for an adaptation text to Article 56 on the crisis unit. The Commission did, however, agree that it was necessary to ensure good cooperation in a crisis situation.

31. The EEA EFTA States took note of preliminary comments and agreed to examine them in preparation for the meeting that would take place on 16 November 2004.

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<sup>3</sup> Following the meeting of the Working Group the Commission asked Iceland to provide it with a document explaining how Iceland could implement and apply the Regulation only to products within the fisheries sector.

**III STATUS REGARDING THE INTEGRATION OF REGULATION (EC) NO 178/2002 ESTABLISHING GENERAL PRINCIPLES OF FOOD LAW AND THE EUROPEAN FOOD SAFETY AUTHORITY (EFSA)**

3. The Secretariat gave a brief update on recent developments concerning the integration into the Agreement of Regulation (EC) No 178/2000 on general food law.
4. The EEA EFTA States received the Commission's position on the draft EEA Joint Committee Decision at the meetings of the Joint Veterinary Working Group on Veterinary Matters on 12 November and the Joint Subcommittee I on 16 November 2004. The EEA EFTA States were reconsidering their proposal for adaptation texts with regard to scientific opinions, the crisis unit and with regard to import and export. They could agree to the Commission's position concerning the crisis unit and with regard to export and import, but needed more time to consider the text concerning the request for scientific opinions.
5. Regarding the application of the Regulation to Iceland and the Icelandic derogation under Chapter I of Annex I to the Agreement, the Icelandic Delegation informed the Working Group that the Icelandic Government had decided to launch an impact assessment to examine whether the specific circumstances under which the derogation had been negotiated, still prevail. The derogation had been designed to protect some fundamental interests in the veterinary field from which Iceland was unable to deviate without a thorough examination of its impact on these interests. The mandate from the Government would not cover live animals.
6. An intergovernmental task force has been established to carry out the assessment. The task force is in the process of defining the *acquis* to be assessed and will thereafter measure the Community *acquis* against Icelandic legislation. As soon as the impact assessment has been carried out, it will be up to the cabinet of ministers to decide on the outcome. It was not possible at this early stage to indicate when the assessment would be completed or to set a timetable. The Icelandic Delegate also said that the task force had the mandate to contact the Commission for information gathering purposes, but that it not yet had found it necessary to contact DG SANCO on the matter.
7. The Norwegian Delegation raised several concerns in this regards, in particular, concerning the consequences it would have on the integration of other important pieces of legislation such as the hygiene package, the official food and feed control, etc. Norway has had experience with these processes in the past with the revision of Annex I and knows how time-consuming the processes leading up to negotiations could be.
8. Subcommittee I have decided to await the outcome of the assessment before presenting a revised proposal to the Commission. The Secretariat informed the Working Group that until more is known about the outcome in Iceland, it would be difficult to discuss how to handle legislation that is in the process of being integrated into the Agreement. When the assessment has been completed and the Icelandic Government has made a decision, it would be easier to discuss possible ways forward with the Commission. The Commission had earlier indicated that *acquis* could be integrated in the Agreement without awaiting the conclusion of negotiations with Iceland.

9. As a follow-up to the meeting held in Oslo, February 2005, the Norwegian Delegation once again offered its assistance.. The Icelandic Delegation appreciated the offer and would call for Norway's assistance when necessary.
10. The Working Group agreed to inform the Commission of the current status regarding the outstanding issues under Regulation (EC) No 178/2002 and of the state of affairs with regard to the impact assessment launched in Iceland.

#### **Joint veterinary working group 6. april 2005**

### **III STATUS REGARDING THE INTEGRATION OF REGULATION (EC) NO 178/2002 ESTABLISHING GENERAL PRINCIPLES OF FOOD LAW AND THE EUROPEAN FOOD SAFETY AUTHORITY (EFSA)**

3. The Secretariat informed the Commission about the state of affairs regarding the **outstanding issues** that concerns requests for scientific opinions, the crisis unit, imports and exports, after receiving the Commissions remarks to the revised draft EEA Joint Committee Decisions of 11 October 2004.
4. As far as the Commission's remarks concerning the crisis unit (Article 56), imports (Article 11) and exports (Article 12) were concerned the EEA EFTA States were confident that a solution could be found. The EEA EFTA States could agree with the Commission to delete the adaptation text to Article 56 on crisis unit from the draft decisions, but would consider adding the adaptation text to Commission Decision 2004/478/EC concerning the general plan for crisis management.
5. The situation regarding imports and exports should also be clarified. The EEA EFTA States agreed to delete the adaptation text to Article 11 on imports. A solution had already been found for Article 12 on exports where an adaptation text replacing the text of Article 12, together with a declaration, had been agreed upon. The Commission had also been consulted on a Norwegian declaration concerning equivalence agreements, which could be considered agreed.
6. As far as the possibility to request scientific opinions where concerned the EEA EFTA States were still considering the Commissions remarks.
7. Finally, regarding **the application of the Regulation to Iceland**, Iceland informed the Working Group that the Icelandic Government had decided to launch an impact assessment to examine whether the specific circumstances, under which the derogation had been negotiated, still prevail. The derogation had been designed to protect some fundamental interests in the veterinary field that Iceland was unable to deviate from without a proper examination of its impact on theses interests. The mandate from the Government would not cover live animals.
8. An intergovernmental task force had been established to carry out the assessment. The task force is currently in the process of defining the acquis to be assessed and will thereafter measure the Community acquis against the Icelandic legislation. Iceland confirmed that the assessment would cover relevant veterinary acquis integrated in Chapter I of Annex I or in the

process of being integrated into the Agreement, such as the hygiene package etc. The assessment was expected to take a few weeks.

9. The Commission thanked Iceland for the information, which clarified previously incorrect information. The Commission would appreciate receiving a revised draft decision on the outstanding issues. The Commission hope that the Icelandic assessment would facilitate future work on upcoming legislation such as the hygiene package. The Commission underlined that it would be difficulty to accept an outcome that would be against the principles of the food law.

#### **Working group on veterinary matters 21. nóvember 2005**

### **III STATUS REGARDING THE INTEGRATION OF REGULATION (EC) NO 178/2002 ESTABLISHING GENERAL PRINCIPLES OF FOOD LAW AND THE EUROPEAN FOOD SAFETY AUTHORITY (EFSA)**

3. The Secretariat gave a brief update on recent developments concerning the integration into the Agreement of Regulation (EC) No 178/2000 on general food law.

4. After having agreed with the Commission to try to settle outstanding issues pending the outcome of the Icelandic impact assessment, a draft EEA Joint Committee Decision had been informally submitted to DG SANCO in May 2005. The Commission had responded positively to the draft Decision and also had a few questions related to Liechtenstein's application of safeguard measures.

5. The Icelandic Delegation informed the Working Group that the inter-governmental task force that had been established to carry out an assessment of the impact on Iceland of taking over more of the veterinary acquis, had concluded its work. On 21 October 2005 the Icelandic Government decided to start negotiations with the Commission in order to expand the scope of Annex I, Chapter I to the Agreement, not including live animals. To this end, senior officials of the Ministry of Foreign Affairs would meet informally with DG RELEX on 22 November 2005 to discuss ways to proceed with the matter.

6. The Icelandic Delegation informed the Working Group of the issues being addressed by the task force in its report:

- Due to its BSE status, Iceland would ask for derogation from Regulation (EC) No 999/2001 on TSEs.
- Iceland would consider taking over Regulation (EV) No 1774/2002 on animal by-products provided that it would be possible to derogate from parts of the TSE Regulation.
- Iceland would ask for additional guarantees for salmonella, similar to those obtained by Finland, Sweden and Norway.
- Iceland would consider taking over the animal welfare legislation.
- Iceland would consider taking over most of the legislation concerning live animals, except for the legislation concerning trade within the EEA and imports from third countries.

7. The Norwegian Delegation welcomed the positive development and looked forward to the outcome of the meeting with the Commission. The Norwegian Delegation fully

understood that Iceland considered this a bilateral matter, but reminded Iceland of the importance of being fully informed about the developments since this issue also had implications for Norway. Finally, Norway offered its assistance to Iceland to prepare for the negotiations with the Commission.

8. The Working Group continued discussing the possible consequences of the continued incorporation of veterinary acquis. The Norwegian Delegation asked whether Iceland had considered how to ensure continued incorporation of acquis independent of and in parallel with the foreseen negotiations. They also asked whether Iceland had considered the possibility of incorporating the legislation, i.e. the hygiene and control package:

- with application *only* for Norway until the negotiations for Iceland are finalised; or
- with application to Iceland for all products before the finalisation of the negotiations.

9. The Icelandic Delegation responded that several options were being considered, but that these would have to be discussed with the Commission.

10. The Working Group agreed to await the outcome of the initial bilateral contacts with the Commission. The Icelandic Delegation agreed to keep the Working Group updated on any developments on this issue.

#### **Working group meeting – 13-14 desember 2005**

### **III ICELAND AND ANNEX I, CHAPTER I VETERINARY ISSUES**

3. The Icelandic Delegate informed the Working Group about the recent developments in the review of Annex I, Chapter I.

4. After having received the mandate from the Government to re-negotiate Chapter I of Annex I with the view to extending the scope of the Agreement to include products of animal origin, informal meetings have taken place with DG RELEX and DG SANCO, to inform about the decision taken and to discuss how to carry out the negotiations. There will be a negotiating group, composed of a representative from the External Trade Department in Iceland and Mr Brinkman from DG RELEX, as well as a technical group composed of experts from the relevant authorities from Iceland and from DG SANCO. The aim is to start the initial technical discussions at the end of January or the beginning of February in either Brussels or Reykjavik.

5. The Norwegian Delegation appreciated the update provided by Iceland and offered, once more, their assistance in the process.

### **IV INTEGRATION OF REGULATION (EC) NO 178/2002 ESTABLISHING GENERAL PRINCIPLES OF FOOD LAW AND THE EUROPEAN FOOD SAFETY AUTHORITY (EFSA)**

6. The Secretariat gave a brief update of the recent developments concerning the integration into the Agreement of Regulation (EC) No 178/2000 on general food law. The Commission had asked for the item to be put on the agenda with a view to discussing ways to

ensure the incorporation of the Regulation as soon as possible now that Iceland had decided to re-negotiate Chapter I of Annex I.

7. The Commission indicated that a solution whereby act(s) are incorporated into the Agreement with application only for Norway, with a one year transitional period by which it is foreseen that Iceland will complete the negotiations. The Commission also wanted to review Annex I, during the same period of one year, in order to bring the chapters of Annex I in line with the chapters of the Community acquis currently applied.

8. The Icelandic Delegate stated that they did not have a mandate to decide on a solution with the Commission at the meeting on 14 December, but that the purpose of the meeting was to gather information and to obtain clarification from the Commission. Iceland would also have to receive certain guarantees that trade in fish would not suffer from such a solution.

9. The Norwegian Delegation was positive to the proposal and to the fact that the Commission aimed at ensuring incorporation as soon as possible.

10. The Working Group agreed to listen to the Commission's presentation of their proposal and to seek the necessary clarification from the Commission on aspects of the proposal related to the acts which would be affected by the proposal, the consequences on trade in fish, as well as the possible consequences of not finalising the negotiations within the transitional period indicated.

#### **Joint working group on veterinary matters – 15. des. 2005**

### **III ICELAND AND ANNEX I, CHAPTER I VETERINARY ISSUES**

3. The Icelandic Delegate informed the Commission that, at the beginning of November, the Icelandic Authorities had received the mandate to re-negotiate Chapter I of Annex I to include products on animal origin, but still keep live animals outside the Agreement.

4. After having received the mandate from the Government, Iceland had met informally with DG RELEX and DG SANCO to report on the decision and to discuss ways to proceed on the matter. It was agreed to set up a negotiating team, lead by DG RELEX, and a technical team, lead by the Ministry of Foreign Affairs in Iceland, composed of experts from the relevant Authorities from Iceland and DG SANCO.

5. The Icelandic Delegate informed the Commission that the experts had started examining the relevant acquis in order to identify issues that would require further discussion. Iceland aimed at holding the first meeting of the technical team late January or early February 2006.

6. The Commission representative confirmed the contacts that had taken place and was looking forward to starting the work. He underlined that the preparation of a list of questions to be discussed is crucial for the future work.



#### **IV INTEGRATION OF REGULATION (EC) NO 178/2002 ESTABLISHING GENERAL PRINCIPLES OF FOOD LAW AND THE EUROPEAN FOOD SAFETY AUTHORITY (EFSA)**

7. Considering that Iceland had decided to review Chapter I of Annex I, the Commission representative suggested that the two issues be separated, i.e. the ongoing incorporation of new acquis and the review of Chapter I of Annex I for Iceland, in order to ensure incorporation of the food law Regulation and the hygiene package as soon as possible.

8. The Commission representative suggested incorporating the Regulations to apply only to Norway and to freeze the situation for Iceland for the period needed to review Chapter I of Annex I, i.e., for one year. During this period, Iceland would apply the current legislation. This situation could cause some practical and political problems in trade, therefore, the Commission underlined the importance of freezing the situation for as short a time as possible and to complete the review within this time. One year was considered sufficient to carry out the review.

9. The discussion on the incorporation of the food law Regulation and the hygiene package have revealed a need to restructure the chapters in Annex I in order to bring them in line with the chapters of the Community acquis in this area, which takes into account the horizontal approach of the new legislation. The Commission wanted a revision of Annex I to also take place within one year. A revision of Annex I would prevent acts from being incorporated in several places.

10. The Norwegian Delegate was positive to the Commission's proposal to incorporate the legislation concerned into the Agreement as soon as possible.

11. The Icelandic Delegate thanked the Commission for their constructive approach, but needed some clarification. Did the Commission mean that the Regulations would not apply at all, or would they apply to food of non animal origin and to feedstuffs, i.e. for the areas where Iceland has taken over the acquis without any derogations, and what if the review was not completed during the period specified?

12. The Commission representative confirmed that the solution suggested would mean that the Regulations would not apply to Iceland at all, since it would be impossible to apply horizontal legislation to parts of the food chain only. This approach had also been communicated in discussions on the integration of the food law Regulation in 2004, but would now also apply to the hygiene package. However, as far as the food law Regulation was concerned, the Commission reiterated that, in previous discussions, Iceland had been given the option to take over the whole food law Regulation without any derogations. This option was still open.

13. Regarding the transitional period, the Commission suggested one year because they were confident that the review could be finalised during this period. A longer transitional period during which Iceland would apply the current legislation, would pose a greater risk to trade in fish and fishmeal with Member States, as well as to exports to third countries. This could surely not be in Iceland's interest. If Iceland should experience any problems with their trade with Member States or with their exports of fish or fishmeal to third countries during this period, the Commission would do its utmost to defend Iceland.

14. The Norwegian Delegation explained that they would be in a similar situation after 1 January 2006 until the hygiene package had been incorporated into the Agreement, and presumed that the Commission would take the same approach if Norway, due to the delayed incorporation, experienced similar problems.

15. The Commission also underlined that Liechtenstein could not expect to be able to apply only parts of the food law Regulation and the hygiene package. Another solution, maybe a similar one, would also have to be found for Liechtenstein.

16. The Working Group agreed that Iceland and Norway would consider the Commission's suggestion and asked the Secretariat to start examining ways to implement the solution.

#### **EFTA working group on veterinar group – 7. sept. 2006**

### **III REVIEW OF CHAPTER I OF ANNEX I - VETERINARY ISSUES – FOR ICELAND**

3. The Icelandic Delegate informed the Working Group that Iceland submitted its most recent position to the Commission on 4 July. Iceland considered the formal negotiation as finalized, although it was still awaiting a formal repose from the Commission. The aim of the meeting of the Joint Group would be to obtain the Commission's comments to the proposed text to follow these up bilaterally.

### **IV INTEGRATION OF REGULATION (EC) NO 178/2002 ESTABLISHING GENERAL PRINCIPLES OF FOOD LAW AND THE EUROPEAN FOOD SAFETY AUTHORITY (EFSA)**

4. The Secretariat gave a brief update of the recent developments concerning the integration into the Agreement of Regulation (EC) No 178/2000 on general food law and EFSA. Following the last meeting of the Working Group, the only issue which remained to be solved was the application of the Regulation to Iceland. Since then, Iceland and the Commission had been negotiating a revised Chapter I of Annex I for Iceland, whereby the latter will take over Community legislation concerning products of animal origin, although with a transitional period.

5. With the review of Chapter I of Annex I, it is now possible to clarify this outstanding issue. Iceland has however, proposed a solution by which the Regulation will be applied with a transitional period for the "new areas", while the Regulation will apply to the areas already harmonised once the Decision enters into force, without a transitional period.

6. The Working Group agreed to request the Commission's comments to the proposed transitional arrangements for Iceland.

#### **Joint Working group on veterinary matters – 7. sept. 2006**

### **III REVIEW OF CHAPTER I OF ANNEX I - VETERINARY ISSUES – FOR ICELAND**

3. The Icelandic Delegation informed the meeting that Iceland submitted its proposal for a draft EEA Joint Committee Decision reviewing Chapter I of Annex I to the Commission on 4 July 2006 and that it had not yet received a formal response.

4. The Commission confirmed its agreement on the methodology followed by the text submitted by Iceland. However certain issues need further discussions:

- The impact of the transition period on the draft EEA JCD incorporating the food law and EFSA Regulation (see Part IV)
- The identification and registration of animals (see Part VII)
- The functioning of the ADNS in Iceland (see Part VIII)
- Testing of sheep and goats under the TSE Regulation (see Part IX)

5. The Group agreed to discuss the issues under the respective points on the agenda.

#### **IV INTEGRATION OF REGULATION (EC) NO 178/2002 ESTABLISHING GENERAL PRINCIPLES OF FOOD LAW AND THE EUROPEAN FOOD SAFETY AUTHORITY (EFSA)**

6. The Secretariat presented the amendments to the draft EEA JCD to the Group. The methodology agreed between **Iceland** and the Commission for the review of Chapter I of Annex I was the same as that applied to the draft EEA Joint Committee Decision incorporating Regulation (EC) No 178/2002. The consequences would be that the Regulation would apply with a transitional period for the “new areas”, while the Regulation will apply to the areas already harmonised, once the Decision enters into force.

7. The Commission wanted to know what practical consequences this transitional arrangement would have on the participation to EFSA and its financial contribution to EFSA, the status as observer in the regulatory Committee, in relation to crisis coordination, etc. The Commission found the proposed solution to be too complex, unpredictable and difficult to apply in practice, and reiterated their previous indications as to the difficulty of applying a piecemeal approach as far as food safety principles and participation in the work of EFSA were concerned. Therefore, the Commission suggested a simpler and clearer solution by which there would either be a transitional period or there would be none. When the Decision enters into force, the Regulation would then apply to all food and feed covered by the Regulation, with or without a transitional period. The Commission requested the Icelandic position on Iceland on this subject.

8. The Group took note of the Commission’s comments and agreed to consider the proposal.

9. The Commission asked whether **Liechtenstein** intended to apply the Regulation, considering their derogation from Chapter I of Annex I to the Agreement. The Secretariat informed the Commission of the ongoing talks between the Commission, Switzerland and Liechtenstein on extending the EU-Swiss bilateral Agreement on Agriculture to Liechtenstein, and introducing derogations from the relevant areas in the EEA Agreement. Liechtenstein would then be exempted, not only with regards to the veterinary field, but also from

feedingstuffs, seeds, foodstuffs and other fields. The Commission noted the information, but asked for further details from Liechtenstein to clarify the matter.

10. The Commission recalled the previous discussions related to Article 12 on the export of food and feed from the Community. In light of the ongoing discussions between the Russian and Norwegian Authorities, and the Commission, related to the problems with veterinary transit certificates, the Commission indicated that Norway might want to reconsider the need for a declaration on export.

11. The Commission underlined the possible problems in discussion with third countries. The Commission has had to explained that Norway applies the same rules that the Members States. However for exports to third countries a special situation has to be noted. In light of this situation, the Commission asked about the legal status of the declaration and whether its sole intention was to clarify the scope of the EEA Agreement between the contracting Parties, or whether in fact it could be shared with third countries in a similar situation.

12. The Group noted the Commission's views and agreed to consider them.