Folketingets Udvalg for Fødevarer, Landbrug og Fiskeri,
Christiansborg

København, den 6. februar 2007

Ved skrivelse af 24. januar 2007 har Udvalget udbedt sig min besvarelse af følgende spørgsmål, Ad FLF alm. del:

Spørgsmål 172:
Vil ministeren i forlængelse af besvarelsen af FLF alm.del - samrådsspm. AP om rådsmøde - landbrug og fiskeri den 29. og 30. januar 2007 oversende ministerens brev til kommissær Mariann Fischer Boel om krydsoverensstemmelse?

Svar:
./. Som bilag til dette svar vedlægges brevet til kommissær Mariann Fischer Boel af 19. januar 2007.

Jeg kan I øvrigt oplyse, at under eventuelt havde Danmark anmodet Kommissionen om en afklaring i forbindelse med gennemførelsen af reglerne om krydsoverensstemmelse i forhold til de nye regler fra 2007 om dyrevelfærd, hvor Kommissionen har givet udtryk for, at retningslinjerne for gennemførelsen er uklare. Danmark understregede, at man ikke satte spørgsmålstegn ved krydsoverensstemmelse som et grundlæggende princip, og at krydsoverensstemmelsesreglerne er og skal være en betingelse for at modtage landbrugsstøtte. Man ser frem til, at Kommissionen klarlægger, hvad minimumsstandarderne er, og hvorledes de skal anvendes i forhold til krydsoverensstemmelse. En lang række medlemsstater støttede Danmark og Sverige. Kommissionen erkendte, at reglerne om krydsoverensstemmelse er bureaukratiske, og den vil sammen med det tyske formandskab forsøge at forenkle regelværket. Kommissionen udarbejder en rapport om krydsoverensstemmelse, der forventes at være klar ved udgangen af marts 2007.

Hans Chr. Schmidt

/Rasmus Ørnberg Eriksen

Kommissær for Landbrug og Landdistriktsudvikling
Fru Mariann Fischer Boel
EU-Kommissionen
B-1049 Bruxelles
Belgien

Den 19. januar 2007
Sagsnr.: 2153

Kære Mariann

Krydsoverensstemmelse er et centralt element i den nuværende fælles landbrugspolitik. Det er samtidig også et element, hvis integration i landbrugspolitikken har vist sig at være problematisk. Dette gælder ikke alene i forhold til den praktiske iværksættelse, men systemet rejser også nogle principielle spørgsmål, hvor krydsoverensstemmelsessystemet er genstand for hård kritik. Som jeg også tidligere har givet udtryk for, ser jeg derfor frem til drøftelserne af krydsoverensstemmelse under det tyske formandskab. Jeg finder dog også behov for akut indgriben fra din side.

Jeg finder det yderst positivt, at du i et nyligt svar til Niels Busk, MEP, netop tager kritikken af krydsoverensstemmelse meget alvorligt og giver udtryk for en konstruktiv tilgang til problematikken. En problematik, der, som du påpeger, ikke mindst skyldes, at visse af reglerne omfattet af krydsoverensstemmelse ikke er klart nok formulerede. De lever således ikke op til kravet om, at de - udover at være målrettet mod landmændene og være kontrollerbare - skal være klare og entydigt formulerede, således at der ikke består usikkerhed med hensyn til de praktiske krav, som landmændene skal overholde.

Det er derfor glædeligt, at dit embedsværk prøver at klarlægge, hvad minimumsstandarderne er, og hvorledes de skal anvendes i forhold til krydsoverensstemmelse. Du oplyser, at dette arbejde er iværksat vedrørende dyrevelfærd. Jeg finder det uholdbart, hvis reglerne skulle håndhæves, før denne afklaring har fundet sted, da det er afgørende for at sikre ens implementering af krydsoverensstemmelsesreglerne i medlemsstaterne. Grundet sagens hastende karakter finder jeg behov for, at vi på det kommende rådsmøde drøfter dette.

For så vidt angår de krydsoverensstemmelseskrav, som har sit udspring i forordningerne, der udgør hygiejne-pakken, har Kommissionen allerede udarbejdet retningslinier. Der er dog fortsat en række af disse forordningsbaserede bestemmelser og dermed i medlemslandene umiddelbart gældende regler, som ikke forekommer præcise og entydige. Bestemmelserne er gengivet i bilaget til dette brev. Her er der også behov for en afklaring, som jeg beder dig iværksætte.

Endelig vil jeg i nær fremtid vende tilbage med eventuelle yderligere områder omfattet af krydsoverensstemmelse, hvor vi finder behov for præciseringer og afklaring fra Kommissionens side.

Jeg er opmærksom på, at dine tjenestegrene er i færd med at udarbejde en rapport om krydsoverensstemmelse til drøftelse her i foråret. Jeg finder det positivt, at hensigten er, at denne rapport at gennemgå de forskellige nationale implementeringsmodeller, og at

rapporten vil indeholde konkrete forslag til at strømline og forenkle reglerne. Jeg er enig i, at det mest indlysende tiltag vil være at fremlægge klarere definitioner af de standarder og regler, der relaterer sig til krydsoverensstemmelse. Målet må være, at krydsoverensstemmelseskravene giver mening også ud fra et praktisk synspunkt.

Afslutningsvist vil jeg nævne nogle emner i relation til kontrol af krydsoverensstemmelse og sanktion.

For det første er der behov for at introducere en generel bagatelgrænse eller "de minimis regel", således at det bliver muligt at give en advarsel i de ikke-alvorlige tilfælde, hvor der er tale om førstegangsovertrædelser. Ved at give mulighed for dette bringes sanktionerne inden for krydsoverensstemmelse mere på linie med de, som allerede er kendt – også af landmændene – fra de bagvedliggende sektorielle regler.

For det andet opleves sanktionerne for overtrædelse af krydsoverensbestemmelserne ikke som ensartet, idet den beløbsmæssige sanktion i vidt omfang kan variere for samme overtrædelse. Den økonomiske konsekvens er således forskellig fra landmand til landmand.

For det tredie bør kontrollen som sådan evalueres. På nuværende tidspunkt skal det kompetente kontrolorgan i forbindelse med et kontrolbesøg, foretage en kontrol af *alle* de krav, som organet er ansvarlig for, jf. art. 44, stk. 1 i forordning 796/2004. Denne totale kontrol kan ikke være en hensigtsmæssig måde at udnytte ressourcerne på, hvis en eller flere af kravene slet ikke eller kun i meget få tilfælde resulterer i overtrædelser.

Derfor finder vi, at det generelt skal blive muligt at anvende samme kontrolmetode i forbindelse med krydsoverensstemmelse, som den der allerede anvendes i forbindelse med den underliggende sektorkontrol. Oftest vil der være tale om en risikobaseret (HACCP) kontrol af den enkelte bedrift. Særligt i forhold til kontrol af reglerne omfattet af hygiejnepakken, men også dyrevelfærd vil det være af stor betydning, at det i forhold til krydsoverensstemmelse bliver muligt at anvende en HACCP-baseret kontrol. Kun ved at åbne for denne mulighed gøres det muligt for medlemslandene også i relation til krydsoverensstemmelse at udnytte den hensigtsmæssige kontrol, som er anerkendt i de underliggende sektorielle regler.

Jeg kan endvidere forstå, at allerede på det tidspunkt, hvor krydsoverensstemmelse var på tegnebrættet, blev der fra flere sider udtrykt ønske om, at det skulle være muligt at foretage kontrollen som en "indikator"-kontrol af nogle udvalgte parametre, som hurtigt ville afspejle om en tilbundsgående kontrol var nødvendig. Jeg håber, ideerne om en sådan indikatorkontrol indgår i Kommissionens overvejelser. En indikatorkontrol vil ikke i sig selv løse de grundlæggende problemer med uklare krav, men vil dog i praksis løse den overvejende del af problemerne.

Jeg ser meget frem til Kommissionens rapport om krydsoverensstemmelse, særligt grundet den konstruktive linie, som du lægger for dagen i anerkendelse af de vage formuleringer og deraf manglende klarhed, der eksisterer i dag i forhold til krydsoverensstemmelse.

For at sikre et funktionsdygtigt system er jeg enig i, at det er nødvendigt med en drøftelse af krydsoverensstemmelsessystemet. Af hensyn til kontrollen bør vi allerede på det kommende rådsmøde drøfte en suspension af de nye og uklare krydsoverensstemmelseskrav for 2007, med henblik på at kravene gøres klare og entydige, inden de sættes i værk.

Det er uholdbart for alle parter at lade regler, som også Kommissionen finder uklare, indgå i krydsoverensstemmelsessystemet.

Med venlig hilsen

Hans Chr. Schmidt

ANNEX

Remark: Text is marked with bold, where Denmark finds the text and hence the rule unclear.

List of hygiene obligations which are relevant to cross compliance for the farmer

Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs (OJ L 139, 30.4.2004).
Extract from Article 4 (1) in connection with part A of Annex I as further specificed below
II. Hygiene provisions 4. Food business operators rearing, harvesting animals or producing primary products of animal origin are to take **adequate measures, as appropriate:** (g) to store and handle waste and hazardous substances so as to prevent contamination; (h) to prevent the introduction and spread of contagious diseases transmissible to humans through food, including by taking **precautionary measures** when introducing new animals and reporting suspected outbreaks of such diseases to the competent authority; (j) to use feed additives and veterinary medicinal products correctly, as required by the relevant legislation.
5. Food business operators producing or harvesting plant products are to take **adequate measures, as appropriate:** (f) to store and handle wastes and hazardous substances so as to prevent contamination; (h) to use plant protection products and biocides correctly, as required by the relevant legislation.
6. Food business operators are to take **appropriate remedial action** when informed of problems identified during official controls.
III. Record-keeping 8. Food business operators rearing animals or producing primary products of animal origin are, in particular, to keep records on: (a) the nature and origin of feed fed to the animals[1]; (b) veterinary medicinal products or other treatments administered to the animals, dates of administration and withdrawal periods; (d) the results of any analyses carried out on samples taken from animals or other samples taken for diagnostic purposes, that have importance for human health; (e) any relevant reports on checks carried out on animals or products of animal origin. 9. Food business operators producing or harvesting plant products are, in particular, to keep records on:(a) any use of plant protection products and biocides; (c) the results of any relevant analyses carried out on samples taken from plants or other samples that have importance to human health.

[1] The Commission services' view is that farmers shall record the nature of the production on their farm and the total farm area where such feed is produced without having to make reference to the quantities or to the relevant parcel identification. Feed quantities arriving at or leaving the farm shall be recorded separately.

European Parliament and Council Regulation (EC) No 853/2004 of 29 April 2004 laying down specific hygiene rules for food of animal origin

Extracts from Article 3 (1) in connection with Annex III as further specified below:

Annex III Section IX: CHAPTER I: RAW MILK -
I. HEALTH REQUIREMENTS FOR RAW MILK PRODUCTION

1. Raw milk must come from animals:

(b) that are in **a good general state of health**, present no sign of disease that might result in the contamination of milk and, in particular, are not suffering from any infection of the genital tract with discharge, enteritis with diarrhoea and fever, or a recognisable inflammation of the udder;

(c) that do not have any udder wound likely to affect the milk;

(d) to which no unauthorised substances or products have been administered and that have not undergone illegal treatment within the meaning of Directive 96/23/EC;

and
(e) in respect of which, where authorised products or substances have been administered, the withdrawal periods prescribed for these products or substances have been observed.

2. (a) In particular, as regards brucellosis, raw milk must come from: " (i) cows or buffaloes belonging to a herd which, within the meaning of Directive 64/432/EEC(2), is free or officially free of brucellosis;

(ii) sheep or goats belonging to a holding officially free or free of brucellosis within the meaning of Directive 91/68/EEC(3);

or

(iii) females of other species belonging, for species susceptible to brucellosis, to herds regularly checked for that disease under a control plan that the competent authority has approved.

(b) As regards tuberculosis, raw milk must come from:

(i) cows or buffaloes belonging to a herd which, within the meaning of Directive 64/432/EEC, is officially free of tuberculosis;

or

(ii) females of other species belonging, for species susceptible to tuberculosis, to herds regularly checked for this disease under a control plan that the competent authority has approved.

(c) If goats are kept together with cows, such goats must be inspected and tested for tuberculosis.

3. However, raw milk from animals that do not meet the requirements of point 2 may be used with the authorisation of the competent authority:

(a) in the case of cows or buffaloes that do not show a positive reaction to tests for tuberculosis or brucellosis, nor any symptoms of these diseases, after having undergone a heat

treatment such as to show a negative reaction to the phosphatase test;

(b) in the case of sheep or goats that do not show a positive reaction to tests for brucellosis, or which have been vaccinated against brucellosis as part of an approved eradication programme, and which do not show any symptom of that disease, either:

(i) for the manufacture of cheese with a maturation period of at least two months;

or

(ii) after having undergone heat treatment such as to show a negative reaction to the phosphatase test;

and

(c) in the case of females of other species that do not show a positive reaction to tests for tuberculosis or brucellosis, nor any symptoms of these diseases, but belong to a herd where brucellosis or tuberculosis has been detected after the checks referred to in point 2(a)(iii) or 2(b)(ii), if treated to ensure its safety.

4. Raw milk from any animal not complying with the requirements of points 1 to 3 - in particular, any animal showing individually a positive reaction to the prophylactic tests vis-à-vis tuberculosis or brucellosis as laid down in Directive 64/432/EEC and Directive 91/68/EEC - must not be used for human consumption.

5. The isolation of animals that are infected, or suspected of being infected, with any of the diseases referred to in point 1 or 2 must be effective to avoid any adverse effect on other animals' milk.

II. HYGIENE ON MILK PRODUCTION HOLDINGS

A. Requirements for premises and equipment

1. Milking equipment, and premises where milk is stored, handled or cooled must be located and constructed so **as to limit the risk** of contamination of milk.

2. Premises for the storage of milk must be protected against vermin, have **adequate separation** from premises where animals are housed and, where necessary to meet the requirements laid down in Part B, have **suitable** refrigeration equipment.

3. Surfaces of equipment that are intended to come into contact with milk (utensils, containers, tanks , etc. intended for milking, collection or transport) must be easy to clean and, **where necessary**, disinfect and be maintained in a sound condition. This requires the use of smooth, washable and non-toxic materials.

4. After use, such surfaces must be cleaned and, **where necessary**, disinfected. After each journey, or after each series of journeys when the period of time between unloading and the following loading is very short, but in all cases at least once a day, containers and tanks used for the transport of raw milk must be cleaned and disinfected in an **appropriate manner** before re-use.

B. Hygiene during milking, collection and transport

1. Milking must be carried out hygienically, ensuring in particular:

(a) that, before milking starts, the teats, udder and adjacent parts **are clean**;

(d) the identification of animals undergoing medical treatment likely to transfer residues to the milk, and that milk obtained from such animals before the end of the prescribed withdrawal

period is not used for human consumption; 2. Immediately after milking, milk must be held in a clean place designed and equipped to avoid contamination. It must be cooled immediately to not more than 8 °C in the case of daily collection, or not more than 6 °C if collection is not daily. … 4. Food business operators need not comply with the temperature requirements laid down in point~~s~~ 2 ~~and 3~~ if the milk meets the criteria provided for in Part III and either: (a) the milk is processed within two hours of milking; or (b) a higher temperature is necessary for technological reasons related to the manufacture of certain dairy products and the competent authority so authorises.
ANNEX III SECTION X: EGGS AND EGG PRODUCTS
CHAPTER I: EGGS 1. At the producer's premises, ~~and until sale to the consumer,~~ eggs must be kept clean, dry, free of extraneous odour, effectively protected from shocks and out of direct sunshine.

European Parliament and Council Regulation (EC) No 183/2005 of 12 January 2005 laying down requirements for feed Hygiene

Extract from Article 5 (1) in connection with annex I as further specified below

ANNEX I PRIMARY PRODUCTION - PART A

I. Hygiene provisions

4. Where **appropriate**, feed business operators shall take **adequate measures**, **in particular:**

(e) to store and handle wastes and hazardous substances, separately and securely, so as to prevent hazardous contamination;

(g) to take account of the results of any relevant analyses carried out on samples taken from primary products or other samples relevant to feed safety.

II. Record-keeping

2. Feed business operators must, in particular, keep records on:

(a) any use of plant protection products and biocides

(b) use of genetically modified seeds;

(e) the source and quantity of each input of feed and the destination and quantity for each output of feed.

Article 5 (5) in connection with annex III as further specified below

ANNEX III GOOD ANIMAL FEEDING PRACTICE – FEEDING

1. Storage

Feed shall be stored separately from chemicals and other products prohibited for animal feed.

Medicated feed and non-medicated feed intended for different categories or species of animals shall be stored such as to reduce the risk of feeding to non-target animals.

2. Distribution

Non-medicated feeds shall be handled separately from medicated feeds to prevent contamination

Article 5(6)

Feed business operators and farmers shall only source and use feed from establishments which are registered and/or approved in accordance with Regulation (EC) No 183/2005