sary alarm and any early or inappropriate termination of essential prescription drugs. Whenever the FDA does issue health communications to the public, it should solicit input from the target audience and ensure that such communications include appropriate context and explicit statements on the level of scientific evidence underlying each safety alert.

These recommendations should also be considered by global agencies prior to the implementation of similar communication strategies. As it stands, in the wake of the Vioxx controversy, the integrity and effectiveness of regulators across the globe (such as the UK’s MHRA) also came under serious scrutiny.26 Hitherto untested communication initiatives, such as AERS-signals postings to the public, have the potential to be similarly criticised. However, the EMEA’s current efforts to create a new database, the EudraVigilance database, as a single point for receiving and sharing reports reveal the beginning of an appropriate drive towards transparency.27 Further efforts towards making networks of European and national safety web portals and safety information available on the public web as a matter of routine (for publications of recommendations, opinions, and urgent safety announcements) should first take into consideration the implications of the public reception to the FDA’s AERS-signals initiative.

Food
This section aims at updating readers on the latest developments of risk-related aspects of food law at EU level, giving information on legislation and case law on various matters, such as food safety, new diseases, animal health and welfare and food labelling.

Providing Food Information to Consumers – Proposed Legislation under the Screening of the European Parliament
Giuseppe Luca Capodieci and Zeev Noga*

On 16 March 2010, the Members of the European Parliament (MEP) voted on the Commission’s Proposal for a Regulation on provision of food information to consumers. Some amendments to this proposal had been proposed in a report by the EP committee on environment, public health and food safety (COMENVII).

The committee report, presented by the German conservative Renate Sommer1, was approved after the MEPs had voted on almost 800 amendments. Many changes in the existing legislation were being requested, especially for new inclusions in the list of mandatory information requirements. This report aims to inform readers of the main outcomes, following the recent adoption of a report due for a first reading in the Parliament’s plenary session at the end of June2.

I. Brief background

The draft EU regulation intends to modernise, simplify, and clarify food labelling within the European Union by making it more relevant to the needs of EU consumers. It is widely accepted that clear labelling, including easy-to-use nutritional information, is essential for helping people to make informed decisions about what they choose to buy and eat. The current horizontal food labelling legislation, being a Directive3, allowed a certain degree of discretion at Member State level on how the non-mandatory information must be displayed on food labels (e.g. nutrition labelling, see afterwards). Therefore different “modi operandi” were developed during the last 10 years in different EU countries concerning information such as nutrition and origin. This is one of the main reasons why this proposal has, until today, undergone an extensive consultation process which involved not only the two institutions elected to participate in the codecision procedure, but also a con-
siderable number of European stakeholders organisations, directly and indirectly concerned, all over Europe. The COMENVI had debated the original proposal, adopted by the EU Commission on January 2008, throughout a period of about 18 months. In February 2009, the EP failed to have a comprehensive debate due to the large number of amendments tabled. Therefore the Rapporteur was effectively persuaded to halt the debates on the Regulation until the new Parliament was elected. The new European Parliament, which is now invested by new lawmaking powers, was elected in June last year, and again two shadow Rapporteurs, respectively from AGRI and IMCO committees, were appointed to issue two opinions on the Commission proposal.

II. EP voting outcomes per topic

The COMENVI report was approved with 52 votes in favour, 2 against and 5 abstentions. MEPs agreed on several points, and a short list of main topics is provided below with references to the current practices and proposed changes.

III. Nutrition information

Nutrition labelling on foods is regulated by Directive 90/496/EEC. At the moment, under EU legislation, nutrition labelling is optional, although it becomes compulsory if a nutrition or health claim is made in the labelling, presentation or advertising of a foodstuff, or if vitamins or minerals are voluntarily added to foods. As a consequence, there is a wide disparity in the extent of the availability of nutrition labelling between various Member States. This means that some EU consumers are given far less information than others.

Amendments by several MEPs submitted to make a “traffic light” pack-front colour coding system mandatory were rejected by the responsible committee. Therefore no colour-coded traffic light nutrition labels are to be imposed by EU law, but Member States should still be in a position to adopt or keep national rules.

MEPs agreed that key nutritional information, such as energy content, amounts of fat, saturated fat, carbohydrates, sugar, and salt, must be mandatory for all foodstuffs across the EU. But to this list they added proteins, fibre and natural and artificial trans-fats, the inclusion of which, under the Commission proposal, would have been voluntary.

All mandatory nutrition information must be given on the front of the pack. But due to the importance attributed to the energy content, MEPs added specific rules to guarantee its visibility. There was agreement on the fact that the regulation should lay down only general rules on how information should be displayed, but not prescribe any specific system. This would enable Member States to adopt or retain national labelling rules. Amendments to prevent them from promoting additional colour-coded traffic light nutrition labels at national schemes, provided these do not undermine the EU rules, were rejected.

IV. Mandatory country of origin labelling

According to the current legal framework, the general principles for the concept of “origin of food products” in the EU foresee that each declaration on origin should be voluntarily endorsed by the food business operators (FBOs), unless its omission would mislead consumers, in which case it should become mandatory.

Many MEPs expressed their wish for a compulsory country of origin labelling (COOL) to be stated for meat, poultry, dairy products, fresh fruit and vegetables, and other single-ingredient products as well as for meat, poultry and fish when used as an ingredient in processed food. It appears that such a “new” requirement, without an apposite preliminary impact assessment, would lead to re-nationalisation of food market per Member State to the detriment of a smooth functioning on the EU internal market. Other possible consequences denounced by several stakeholders alongside the EU food industry concerned the expected major burden that would be placed on the industry. The requirement is seen as
a practice requiring the food operators to constantly adapt printing practices for food labels, leading to higher costs and an associated rise in packaging waste. At some stage in EP debates, the situation has been quoted as sensitive to and especially hitting Small and Medium-sized Enterprises (SMEs).

Looking at the international arena, it is worth reminding that at its meeting on 19 November 2009, the World Trade Organization’s (WTO) Dispute Settlement Body (DSB) established a single panel to examine complaints by Canada (DS384) and Mexico (DS386) on the US country of origin labelling (COOL). The former two countries argue that COOL is making both their beef and pork less competitive because of the additional requirements and costs. Pursuant to Canada’s and Mexico’s second requests at the recent meeting, the DSB agreed to establish a single panel with standard terms of reference to examine both complaints\textsuperscript{8}. Apparently, Canada and Mexico are hoping that the agency will rule against an American decision not to consider Mexican and Canadian calves raised and slaughtered in the United States as being cattle of American origin\textsuperscript{9}. WTO dispute panels typically take about nine months to go through their process and issue a report.

V. Meat produced according to religious practices

A new proposal to label meat produced according to religious practices was adopted: \textit{Meat and meat products derived from animals that have not been stunned prior to slaughter, i.e. have been ritually slaughtered\textsuperscript{10}}, in order to inform the EU consumers that certain meat in the general market is derived from animals which have not been stunned. This kind of labelling, according to the Environment Committee, will inform consumers who do not wish to buy meat derived from those animals and will enable them to make an informed choice in accordance with their ethical concerns.

This proposal was already raised by the Agriculture Committee of the EP (COMAGRI) and discussed in the framework of the Regulation on the “protection of animals at time of killing”\textsuperscript{11} during 2009. On that occasion the Agriculture Committee organised a public hearing on the matter with the participation of some representatives of the religious communities of the EU. Following a broad dialogue, the EP voted against the proposal for a compulsory label for meats produced according to religious practices. As a result, in the Regulation, derogation was allowed in case of animals whose meats are intended to feed certain religious communities. It was deemed appropriate to allow slaughtering without prior stunning, granted that the slaughter takes place in a slaughterhouse\textsuperscript{12}.

The Jewish and Muslim communities of the EU are once again worried about such a compulsory labelling that, as expressed in the recent past, could be perceived as a negative message targeting them as group who simply does not comply with the conventional rules. While the deep reasons of that non-compliance are intimately connected with religious belief, would not be evident for everyone, a similar labelling practice might also lead to substantial campaigns in order to boycott meat and meat products derived from religious practices, and in doing so feeding discrimination and stigmatisation of Jews and Muslims communities in Europe by some organisations, especially extremists of various kinds.\textsuperscript{13}

According to the available information, the religious communities urge the EP to enlarge the dialogue and the reasoning as it was done in recent past, so that labelling should also take into consideration other information regarding all the slaughter practices and not only part of them, in order to

\textsuperscript{8} Argentina, Australia, Canada, China, Colombia, India, Japan, Korea, Mexico, Peru and New Zealand reserved their third party rights to participate in the panel’s proceedings.

\textsuperscript{9} The Food, Conservation and Energy Act of 2008, also known as the Farm Bill, includes the COOL requirements as a mandate at the retail level for beef, lamb, pork, chicken, goat, perishable agricultural commodities and certain nuts. The statute has four categories for origin of meat: 1) Exclusive U.S. origin; 2) Multi-ple countries of origin; 3) Animals for immediate slaughter and 4) Exclusively foreign origin. The U.S. Department of Agriculture published a final interim rule to implement COOL on 1 August 2008. Canada first asked for WTO dispute settlement on 17 December 2008. USDA’s final rule became effective on 16 March 2009.


\textsuperscript{13} DIALREL project: Religious slaughter, improving knowledge and expertise through dialogue and debate on issues of welfare, legislation and socio-economic aspects, <www.dialrel.eu>.
develop a proportionate legal framework by providing all the consumers with proportional information while adopting a holistic approach.

Due to the size of that proposal for a Regulation and the considerable amount of points debated, a selection of main items is proposed below:

Legibility
The committee recommended replacing the Commission's proposed requirement that all information be given in a minimum font size of 3 mm with a stipulation that information be given in such a way as to ensure clear legibility. It asked the Commission to draw up guidelines to ensure this legibility.

Nano materials
MEPs demand that products containing nano-materials be clearly labelled as such, using the epithet "nano" in the ingredient list.

No nutritional declaration for alcoholic beverages
MEPs voted to exclude alcoholic beverages from the mandatory nutritional declaration requirement.

Content of the nutrition declaration
MEPs agree with the Commission that information on the energy and nutrients should be given in relation to 100g or per 100 ml and possibly also per portion. They also favour making comparisons with the reference intake for energy and certain nutrients, but want to make clear that these reference intakes are, for example, the "average daily requirement of a middle-aged woman and that the personal daily requirement of the consumer may differ".

Nutrient profiles deleted
While the EU commission services are still in the process of looking at implementing rules on certain aspects (as provided for in the EU framework legislation\textsuperscript{14}) as, for instance, the setting of nutrition profiles\textsuperscript{15}, MEPs voted to delete those nutrient profiles\textsuperscript{16}, foreseen in the regulation on nutrition and health claims\textsuperscript{17} made on foods.

Entry into force
To give the industry enough time to adapt to the new rules, the regulation would enter into force 20 days after its publication in the EU Official Journal, but the rules on nutrition labelling would take effect 3 years later. For food business operators with fewer than 100 employees and an annual turnover and/or annual balance sheet total under €5 million they would take effect 5 years afterwards.

The first 2010 Case of Highly Pathogenic Avian Influenza Virus
Stéphanie Mahieu*  

The recent Romanian outbreak of subtype H5N1 of the highly pathogenic avian influenza (HPAI) virus, the first detected case of H5N1 avian influenza in Europe in 2010, has reinvigorated the debate concerning risks related to the spread of avian influenza in the European Union.

The highly pathogenic H5N1 avian influenza is a strain of the avian influenza virus, a highly contagious viral disease primarily affecting birds.\textsuperscript{1} While many wild bird species can carry avian influenza viruses with no apparent signs of harm, other bird species, including domestic poultry, develop the disease when infected with it. More precisely, avian influenza virus causes two forms of disease in poultry: the first is common and mild (LPAIV, low pathogenic avian influenza virus), the second is rare and highly lethal (HPAIV, highly pathogenic avian influenza virus).\textsuperscript{2} HPAI was considered as a rare disease in poultry up to the end of 2003, when HPAI outbreaks in poultry caused by the Asian lineage HPAI H5N1 occurred in many countries.\textsuperscript{3} Such virus...