Impact Assessment on Salmonella Regulation 2160/2003/EC

FINAL POSITION PAPER

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1. Introduction

The provisions in section E of Annex II to Regulation (EC) No 2160/2003 require that before the end of 2009, detailed rules for the criterion "Salmonella: absence in 25 grams" in fresh poultry meat from fowl (Gallus gallus) and turkeys should be laid down by the Commission, (and that such poultry meat may not be placed on the market for human consumption unless it meets the criterion).

The detailed rules for this criterion will be laid down in accordance with the procedure referred to in Article 14(2). These will specify, in particular, sampling schemes and analytical methods.

2. Overview

**Zero tolerance will not result in an increase of public safety but will only increase the costs for businesses.**

EuroCommerce is of the opinion that the above mentioned requirement will not have any significant impact on public health, but it will have a huge financial impact on retailers and in particular for SMEs. Many Member States are already close to or below the target of <1% of flocks positive for *Salmonella enteritidis* (S.E.) and *Salmonella typhimurium* (S.T.) – but this proposal goes considerably further by calling for the absence of all Salmonella serotypes. The pressure of the current existing legislation on the poultry sector is already very high and does not need to be made more strict to be put under increased pressure.

The fulfilment of EU commitments to Better Regulation would commend itself to first analysing whether there are not other ways to improve public safety - rather than introducing a further unnecessary regulatory burden on the retailer sector. There is no guarantee of meat being totally free from Salmonella and cross contamination (mainly at the home) is one of the main reasons of human infection. Clearly, this would be much better addressed by providing the consumer the right information supported by public education programmes (which is the responsibility of the competent authorities in Member States). Citizens need to be educated and be informed that poultry meat must be sufficiently cooked, that contact of cooked meat with the plate or packaging used for the raw meat must be avoided to prevent cross contamination, etc. Clearly, any zero tolerance for Salmonella will fail to also eradicate any cross contamination risk from *Campylobacter spp* – the proposal is therefore totally ineffective in this respect.

**The safety of products placed on the market as well as the impact on the consumer health of these products is a high priority for the retail sector.** It has already taken all measures necessary to provide consumers with safe and healthy food. On the top of all precautionary measures, the commerce sector also provides cooking instructions as well as hygiene suggestions/kitchen advice to consumers in order to prevent any risk to their health; see annex II for some examples.

**The criterion "Salmonella: absence in 25 grams" is disproportionate and discriminatory.**

The sample size of the criterion 25 grams is similar to those products which are intended to be eaten raw. For other types of meat the sample size is 10 grams (Regulation 2073/2005). Poultry meat is never eaten raw and therefore this criterion is discriminatory and not proportionate.

Moreover, Regulation 2073/2005 permits the presence of Salmonella for other (red) meat – but this proposal would actually demand a product recall where present in fresh poultry? We would therefore call a more consistent policy. The current provisions of 2073/2005 should remain as the sole requirement for Salmonella in fresh poultry meat - as a process hygiene
indicator (which triggers a review of HACCP measures, biosecurity and slaughter hygiene by the FBO, and not a food safety criteria, particularly as the fresh raw poultry is not 'ready-to-eat').

The criterion "Salmonella: absence in 25 grams" is not realistic.

As mentioned above, many Member States are already close to or below the target of <1% of flocks positive for S.E. and S.T. and they are still working to improve the situation; nevertheless, the criterion of zero tolerance is unrealistic. There is no guarantee that legislation and sampling regimes will eradicate Salmonella and prevent contamination throughout the supply chain.

For retailers, there is a specific problem with the selling of fresh poultry meat. It takes 3 to 5 days before test results from a particular batch are obtained (for S.E. and S.T. and even longer if more Salmonella serotypes would need to be tested) - normally fresh meat is put on the market within a day after slaughtering, since fresh poultry has a short shelf life (max.10 days). In many cases the meat has already been sold and consumed before the test results are known – but given that some consumers may choose to freeze the fresh meat, a full public recall will need to be initiated (see below).

Recalls are detrimental for the whole supply chain, and indirectly even for the consumer's health.

The proposal has wider public health implications – particularly given that poultry meat is regarded as one of the healthiest meats. Recalling poultry meat damages not only the reputation of the retailer and poultry industry, but also the image of poultry meat in general - it will therefore give a false negative perception of the safety of poultry meat and the consumption of it could decrease.

Although, Many Member States are already close to or below the target of <1% of flocks positive for S.E. and S.T., the prevalence of Salmonella spp. in broiler flocks across EU Member States varies from 0 %(Sweden) to 71% (Hungary), with an average of 24.5% in the EU. At such levels, the proposal would trigger numerous product recalls on a daily basis – and inevitably lead to consumer fatigue, and eventual disregard for such notices.

Recalls result in substantial economic costs for businesses and in increased food waste (see Annex I for costs of recalls). Nevertheless, recalling poultry meat is unnecessary given that poultry meat is never eaten raw. Even in Member States where there is the “to be cooked thoroughly before eating” label on poultry meat, retailers will still be required to recall these products – we would therefore question the legal basis of the proposal in relation to the definition of ‘safe food’ in EU Regulation 178/2002.

It is general knowledge that all poultry meat should only be eaten after careful and thorough cooking and thus does not represent a significant risk for the consumer. However, insisting on recall would be impractical and disproportionate to the risk to consumers. When a product has instructions on how to be cooked, it should not have to be recalled!

Diverting products found with salmonella to heat treatment is not a credible option as products are released for sale before results are available

Only 5% of meat is sent to heat treatment. Sending all contaminated meat to heat productions will not be a solution, since contamination could be established at a very late stage, namely after the meat is already sold and even consumed. People’s perception of heat

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treated poultry meat will be negative if only contaminated meat is used. This is not a solution. For heat production poultry meat is mainly imported.

3. Alternative approaches to Salmonella reduction

EuroCommerce believes that there are better approaches to ensure a higher degree of safety to public health for Salmonella - and most importantly, these are realistic and workable solutions where the primary aim should be the assurance of safety for human health.

Therefore, EuroCommerce proposes the following:

- Deletion of Chapter E of Annex II of Regulation 2160/2003; with postponement of the introduction of the criterion of zero tolerance until a proportionate approach has been proposed by the Commission.

- The regulation should only be considered for S.T and S.E., and focus solely upon testing of live flocks.

- The existing monitoring of S.T. and S.E. under the national control programmes (Decision EC 2005/636) and monitoring of Salmonella in fresh poultry under 2073/2005 should continue, and FBO’s strongly encouraged to take any remedial hygiene action where necessary.

- Since the information made available by retailers is judged not to be sufficient, consumers should be made aware of how to avoid Salmonella contamination. Public authorities must make citizens aware of how to avoid Salmonella contamination through appropriate promotional campaigns and disseminating educational information, etc. Retailers can promote and supervise a good communication on cooking instructions and some hygiene suggestions on the label, but the space is limited and should only be an alternative to avoid recalls - otherwise businesses would face double burdens: costs of labelling and costs of recalling meat. Above all, not all meat is sold ready packed, for example at the butcher’s shop.

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**EuroCommerce and the commerce sector**

EuroCommerce represents the retail, wholesale and international trade sectors in Europe. Its membership includes commerce federations and companies in 31 European countries.

Commerce plays a unique role in the European economy, acting as the link between manufacturers and the nearly 500 million consumers across Europe over a billion times a day. It is a dynamic and labour-intensive sector, generating 11% of the EU’s GDP. One company out of three in Europe is active in the commerce sector. Over 95% of the 6 million companies in commerce are small and medium-sized enterprises. It also includes some of Europe’s most successful companies. The sector is a major source of employment creation: 31 million Europeans work in commerce, which is one of the few remaining job-creating activities in Europe. It also supports millions of dependent jobs throughout the supply chain from small local suppliers to international businesses.
ANNEX I Costs on the impact of recall regarding poultry meat contaminated with Salmonella - Current situation

The costs of recalls depend on when/at which stage the contamination occurs or is recognised:

- **Detection of a contamination with Salmonella spp in the environment before slaughter.** The main question here is what will happen to these flocks; will all the flocks be eliminated for security purposes or will they be slaughtered in a specialised slaughterhouse and afterwards go to heat processing? Is there a market for such products? At what costs? Who pays the difference? How many of such flocks will the farmer/integration/slaughterhouse be able to afford?

- **The contamination is recognised during or at the end of the processing in a routine sampling.** This is the most expensive stage for businesses. When the result comes out through routine testing, the product may already be in the supermarkets or partly sold or at least ready to be sent to market. Here all costs need to be taken into account: loss of value, recall costs, extra transport, elimination of the product costs, separate procedure for animal by-products (ABP), human resources, etc, and last but not least the image loss towards the (confused) consumers.

- **An official control in the supermarket turns out salmonella positive.** In this case, the result will be known only after the last day of the sale period of the (fresh) product or if the product is suitable for freezing a recall could be demanded even if the results arrive after the use by date has expired - hence leading to expensive recall notices for a food that has yet to be cooked and same costs as mentioned here above need to be taken into account. Furthermore, consecutive controls in the whole chain of production and controls of the GMP, self-control, and inspections of the production facilities will turn out with unpredictable extra costs.

**Examples of costs of recalls**

EuroCommerce would like to stress that if the zero tolerance would be applied, the number of recalls will be higher and therefore lead to more costs. Please note that for Austria and Belgium the hereunder mentioned costs do not include the costs such as handling, destruction, extra transport, human resources, publication in newsletters, waste, ABP, etc, but are based on the loss of value.

**Austria**
In case of a recall, around 60.000 carcasses, per day, will need to be taken back. Each worth about € 2,50 and in total € 150.000,00 per day. 194.500to of poultry meat is sold in Austria each year (consumption per capita ~ 23,4 kg; 8,31mio inhabitants).

**Switzerland – Individual company**
The costs of recall for one single flock of 10'000 broilers can be around € 131.058,92 (CHF 200'000.-) per case. If the problem could not be traced back to a single flock and the complete daily production should be called back, it could be between € 655.294,59 and 982.472,68 (CHF 1'000'000.- and 1'500'000.-) for one case.

**Belgium**
In Belgium around 110.000to of poultry meat per year is sold to consumers for the price of € 770mio.

**Germany – Individual company**
The average cost of recall for one product (estimated 6 t/day) would be around € 46.800 per day excluding advertisement costs.

**UK – Individual company**
A typical product recall would cost between €100.000 - €150.000, a large scale recall could cost up to €500.000 or possibly more depending on the particular circumstances.
ANNEX II: Examples of “cook thoroughly before eating” labels

Marks & Spencer

OAKHAM™ MEDIUM CHICKEN

OVEN
Remove film, place foil tray onto a baking tray and place onto oven shelf. Season with salt and pepper.

CTRL-F 200°C Fan 170°C 400°F Gas 6

40 mins per kg – plus 20 mins

Leave to stand for 10 minutes before carving. Check product is thoroughly cooked before serving. Do not reheat.

SERVING
For even more succulence, cover chicken breast with apple sauce.

INGREDIENTS
Chicken (100%).

IMPORTANT
Metal tray will contain hot liquid after cooking.

This product contains raw poultry and must be cooked according to instructions. When handling raw poultry, ensure all surfaces, utensils and hands are cleaned before and after use to prevent contamination of other foods. Keep raw poultry separate from cooked foods, ideally at the bottom of your fridge.

MARKS & SPENCER
oakham™ chicken guaranteed succulent

Nutrition

<table>
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<tr>
<th>Ingredient</th>
<th>Amount (per 100g)</th>
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<tr>
<td>Energy (kJ)</td>
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</tr>
<tr>
<td>Energy (kcal)</td>
<td>56</td>
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<td>Protein (g)</td>
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<tr>
<td>Carbohydrates (g)</td>
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</table>

Storage

Freeze on day of purchase. Use within 12 months.

ANNO 110 A

METRO

Hähnchen Brustfilet
frisch, HKL A
inter Schutzatmosphäre verpackt

Gefügel nur vollständig durchgearbeitet verzehren
bei -2°C bis +4°C gekühlt zu verbrauchen bis: 04.03.09

Preis

04.03.09

1.204kg

Einzahge

DE

E2Z 214
Fresh Briti Whole Chicken Small

Fresh class A chicken without giblets.

**Oven**
- Remove all packaging.
- Calculate the cooking time at 45 minutes per
  lb. plus 25-30 minutes.
- Place the chicken in a roasting tin.
- Cook in the centre of a preheated oven
  (refer to guidelines on front of label) basting
  occasionally during cooking.
- Allow to stand for 5-10 minutes before carving.
- Poultry is cooked if the juices run clear when
  the deepest part of the chicken is pierced with
  a thin knife. If the juices are pink, continue
  cooking for a few minutes and check.
- Adjust times according to your particular
  oven. For fast assisted ovens cooking times
  should be reduced. For best results refer to
  manufacturer's handbook.
- All appliances vary, these are guidelines only.
- Check food is cooked thoroughly and the
  juices run clear before serving.
- Not suitable for microwave cooking.
- Not suitable for cooking from frozen.

**Freezing guidelines**
- Freeze on day of purchase. Use within one
  month. For freezing guidelines refer to
  freezer manufacturer's handbook.

**Defrost**
- Defrost thoroughly for a minimum of 24
  hours in the refrigerator.
- Ensure the broth is completely defrosted by
  checking there are no ice crystals in the body
  cavity and the legs are flexible. IMPORTANT If feed has thawed,
  do not re-freeze.

**Nutrition**
- 125g roasted chicken, 100g raw
- Typical skin removed once moist and
  composition cooked contains skin contains
- Energy 836kJ 198kcal
- Protein 26.3g 20.6g
- Carbohydrate 0.0g 0.6g
- of which sugars 0.0g 0.0g
- Fat 0.0g 13.1g
- of which saturated 0.0g 1.7g
- more than 4% of which
  saturated 0.0g 6.6g
- more than 4% of which
  saturated 0.0g 2.8g
- polyunsaturates 1.2g 2.8g
- Fibre 0.0g 0.6g
- Sodium 0.5g 0.1g
- *Salt equivalent 0.3g 0.0g

A typical small whole bird weighs 1.3 kg.
This will provide around 4 portions of 125g
roasted chicken with skin removed. Calories
set per 125g of roasted chicken, skin and
270kcal (11.6% GDA)/ 15.6g (2.2% GDA).
For best results we recommend roasting this
product. www.tesco.com

**Additional information**
- No need to wash poultry before cooking.
- Always wash hands, surfaces and utensils thoroughly after contact with raw meat.

Produced in the U.K. For
Tescos Dennistoun Ltd, Cumbernauld
EMB5L UX, ID Tesco 2006, SDG267