The EU food policy: Functioning and rules

AU workshop: Food Safety Authority - Rapid Alert System
Kigali, 29-30 October 2012

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Outline

1. How EU works
2. General Food Law
3. How EU manages risks
4. Role of EFSA
5. EU Legislation
6. How EU manages crisis
7. Key EU-Africa cooperation areas
1. About the EU: how it works
The European Union: 500 million people – 27 countries
The treaties

1952
The European Steel and Coal Community

1958
The treaties of Rome:
The European Economic Community
The European Atomic Energy Community (EURATOM)

1987
The European Single Act:
the Single Market

1993
Treaty of European Union – Maastricht

1999
Treaty of Amsterdam

2003
Treaty of Nice

2009
Treaty of Lisbon
The EU institutions

- European Parliament
- Court of Justice
- Court of Auditors
- European Investment Bank
- Council of Ministers (Council of the EU)
- Economic and Social Committee
- Agencies
- European Commission
- Committee of the Regions
- European Central Bank

European Council (summit)
Three key players

The European Parliament
- voice of the people
  Martin Schulz, President of the European Parliament

The council of Ministers
- voice of the Member States
  Herman Van Rompuy, President of the European Council

The European Commission
- promoting the common interest
  José Manuel Barroso, President of the European Commission
How EU laws are made

1. Citizens, interest groups, experts: discuss, consult
2. Commission: makes formal proposal
3. Parliament and Council of Ministers: decide jointly
4. National or local authorities: implement
5. Commission and Court of Justice: monitor implementation
Need to reorganise the whole food safety system from the assessment to the control

New food safety policy = The White paper

New structures
History: how it works
Changes in the legislation

- White paper on food safety (01/2000)
- New legal framework
  - “General Food law” (R. 178/2002)
2. The General Food Law
A new food policy

Built around a pillar

= General Food law

Regulation (EC) No 178/2002

Objective: to create a general frame aiming at ensuring global consistency of all legal acts on food safety
General Food Law

General principles/requirements

- Integrated approach
- Risk analysis and scientific basis
- Precautionary principle
- Transparency
- Shared responsibilities
- Traceability
## Responsibilities

<table>
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<tr>
<th>Operators</th>
<th>Member States</th>
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<tbody>
<tr>
<td>Ensuring that all stages for which they are responsible are carried out hygienically</td>
<td>Enforcement of food law and Official controls</td>
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<td>Traceability</td>
<td>Public communication on food safety and risk</td>
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<td>Withdrawal of non compliant food + info consumer</td>
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<td>Information to competent authorities + collaboration</td>
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Traceability

- Applies to all stages of the food chain
- Registration of food businesses
- Allocation of a registration number
- Identification of providers and clients
- Registration number follows the product to its destination
- Procedures to withdraw food from the market
- Adequate records
General Food Law

Other elements

- Setting up the European Food Safety Authority
- Establishing crisis management tools
3. Risk management in the EU
The Risk Analysis Process

Three interconnected components:
- Risk Assessment
- Risk Management
- Risk Communication
Risk Management

The process, distinct from Risk Assessment, of weighing policy alternatives in consultation with interested parties considering Risk Assessment and other legitimate factors and, if need be, selecting appropriate prevention and control options.
EU Structure and Risk Analysis

- Commission
  - DG SANCO
    - FVO
- EFSA
- E. Parliament
- Council

Risk Management

Risk Assessment

Risk Communication
4. Role and place of EFSA in risk analysis
EFSA

Role = Scientific assessment, technical assistance, non legislative

- Collection and study of information
- Risk Assessment
- Risk Communication
- Network with other agencies
- Response to Food Crisis

Principles applied

- Independence, Excellence, Transparency
1. From **RM** to **RA**
2. From RA to RM
3. From RM to RA

INFORMATION

FOLLOW-UP

LEGISLATION
4. Communication about risk: how it works?
5. EU legislation
Regulation (EC) No 178/2002
General Food law

Competent authorities

Food business operators

Regulation (EC) No 882/2004
General rules for official controls

Regulation (EC) No 854/2004
Specific rules for official controls on products of animal origin

Regulation (EC) No 852/2004
General rules on hygiene

Regulation (EC) No 853/2004
Specific hygiene rules for products of animal origin

Implementing acts
The three procedures coexist since 1 March 2011
Decision making – basic acts

Preparatory phase
- Green paper
- White paper
- Actors

Draft

Internal consultations

Other Services

Amended Draft

European Parliament

The people

Adoption by The Commission

Legal act

Co-decision

Council

Member States
Decision making – secondary legislation

Preparatory phase

DG SANCO

Draft

Internal consultation

Other services

Amended Draft

Favourable opinion

Member States experts

SCOFAH

No opinion

Adoption by the Commission

No opinion

Adoption by the Council
Standing Committee of the Food Chain and Animal Health (SCOFC AH)
Import conditions (POAO)

FBOs shall ensure that:

- Country of dispatch appears on a list of countries from which imports are permitted (public health, animal health, residues ...)

- Establishment from which imports of that product are permitted (when applicable)

- Product satisfies requirements on health and identification marking; any import conditions; is accompanied by the relevant AH/PH certificates
Import conditions (POAO)

- Request to the Commission
- Pre-mission questionnaire
- Bilateral contacts to resolve outstanding issues
- On-the-spot inspection FVO / Report
- Draft legislation: third country / health certification* / approval of residues monitoring program / initial list of establishments *
- SCOFCAH – adoption – Official Journal

* Section 303 FSMA
Import conditions (PNAO)

- **General hygiene requirements**

- For certain products, microbiological requirements, contaminants, MRLs, additives ...
Import conditions (POAO & PNAO)

- **Uniform import conditions** at EU level
- **Compliance** with the General Food Law or **equivalence** to the EU rules

- **General vs. Specific:**
  - **Equivalence:**
  - **Safeguard measures** (China residues, India, Myanmar & Indonesia aquaculture, Mexico residues horsemeat ...)


6. Crisis management
Tools for emergency/crisis

- RASFF (Rapid Alert for Food and Feed)
  - Notifications by MS control services
  - Follow-up of the measures taken

- Emergency procedures
  - Safeguard measures (ban, reinforced controls etc)

- Crisis procedures in place in SANCO and EFSA
  - Regular simulations
General plan for Crisis Management

Reg. 178/2002 (Article 55)
Commission Decision 2004/478/EC

Type of situations:

Situations involving direct or indirect risks to human health deriving from food and feed which are not likely to be prevented, eliminated or reduced to an acceptable level by provisions in place or cannot adequately be managed solely by the normal emergency measures
General plan for Crisis Management

- Information → RASFF, Member States, FVO reports, etc.
- Setting of a network of crisis coordinators → Under EU Commission general coordination
- Setting of crisis Unit → link with the decision makers
General plan for Crisis Management

Actors

Commission

Crisis Unit

EFSA

Member States
General plan for Crisis Management

- Actions of the Crisis Unit:
  - Communication and circulation of scientific information + additional information
  - Evaluation of information
  - Identification of options for prevention, elimination or reduction of the risk
  - Organisation of communication to the public on the risk
Crisis Management

- Initial information
- Scientific advice
- Risk assessment
- Management options
- Managements decisions
- Risk Communication

Re-evaluation
7. EU-Africa cooperation areas
Key EU-Africa cooperation areas

- BTSF: Harmonisation of SPS Frameworks
- PAN-SPSO
- Strengthening
  - Veterinary Governance in Africa
  - Food Safety Systems in Africa
  - Plant Health Systems in Africa
- All under CAADP - Continental SPS Working Group, etc.
- EU 11th EDF Programming (2014-2020)
Thank you for your attention