

ADVISORY GROUP ON THE FOOD CHAIN AND ANIMAL AND PLANT HEALTH

WORKING GROUP MEETING ON

FITNESS CHECK OF REGULATION (EC) No 178/2002 (THE 'GENERAL FOOD LAW') –

STUDY ON THE EVALUATION OF THE GENERAL PART OF GENERAL FOOD LAW (ARTICLES 1-21)

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Regulation (EC) No 178/2002, known as the 'General Food Law Regulation' (hereinafter GFL Regulation), establishes the fundamental principles, requirements, objectives and definitions of food/feed policy, which underpin all legal measures undertaken at EU and national level. In 2014, the Commission initiated a Fitness Check on the GFL Regulation. The latter Fitness Check is a comprehensive policy evaluation assessing whether the legislative framework introduced by the GFL Regulation for the entire food and feed sector is 'fit for purpose' and whether it captures and reflects policy trends of today. The purpose of this meeting was to provide stakeholders with an update on the state-of-play of the two external studies that have been commissioned by the Commission in the context of this Fitness Check:

1. External study on the general part of GFL Regulation (Articles 1-21)
2. External study on the Rapid Alert System for Food and Feed (RASFF) and the management of emergencies/crises (Articles 50 to 57)

DG SANTE explained that both studies were at the stage of interim report. As certain delays have been encountered, both studies are likely to be extended until end of September 2015. The Commission then intends to prepare its Staff Working Document setting out the outcome of the Fitness Check exercise by end of 2015/early 2016. Considering the new Working Methods of the Commission, the Commission Staff Working Document would need to be approved by the new Regulatory Scrutiny Board.

1. Update on the external study on the general part of the GFL Regulation (Articles 1-21)

AGRA CEAS presented an update on the on-going study and consultation process. The data collection tools included:

- An online survey of the EU-28 Member State competent authorities (MS CAs), to which a total of 25 MS CAs replied, was carried out between January and March 2015.
- An online survey targeting supply chain stakeholder organisations, including those representing consumers, farmers, processors and distribution sector (EU and national level organisations) was carried out between January and March 2015, to which complete replies have been provided by 67 stakeholders. 14 of those replies originated from consumer groups and NGOS.
- An SME survey through the European Enterprise Network using the EU survey tool took place had been initiated as of end of March and it is to remain open until end of May 2015 (8 weeks).
- Four thematic case studies on traceability, allocation of responsibilities, risk analysis and transparency provisions were been carried out in 10 Member States (A, ET, FI, FR, DE, HU, IT, NL SK and the UK).In those member States, the contractor was carrying out further interviews with stakeholders in those Member States and with the relevant competent authorities. The work is still on-going.
- Two 1-day workshops on the basis of detailed Working Documents with both stakeholders and MS CAs were carried out in December 2014 and January 2016 respectively. Those were followed by written submissions by both addressees on the basis of detailed questionnaires.
- Interviews were also being carried out with competent authorities in 3rd countries: USA, Canada, China, Chile and Brazil.

The contractor presented the preliminary findings of the two case studies on traceability and on the distribution of responsibilities amongst food/feed business operators and MS CAs, which were relevant for stakeholders, on the basis of the online surveys of MS CAs and stakeholders, the replies to the working documents of the case studies and interviews conducted to date:

Case study: Traceability

- The impact of the GFL Regulation has generally been positive: although traceability was already in place before the GFL Regulation, the relevant GFL provision brought about greater harmonisation in implementation across EU feed/food businesses;
- The costs for implementing traceability could not be established, but benefits outweigh costs, according to both MS CAs and FBOs;
- The benefits of traceability have been assessed by the industry as 'significant':
 - Possibility to trace within a short time frame all products affected by one ingredient/one supplier;
 - Alignment of procedures/communication across MSs;
 - Better targeted withdrawals/recalls;

- For consumers: affected products can more rapidly/effectively be differentiated from non-affected products.

Case study: Distribution of responsibilities (feed/food business operators)

- The impact of the GFL Regulation has generally been positive: although internal control systems had already been in place before the GFL Regulation, the relevant GFL provision has brought about greater harmonisation in implementation;
- Nonetheless, other secondary legislation lays down specific requirements against which food/feed business operators have compliance responsibility and legal liability;
- Both benefits and costs are determined on the basis of provisions in other specific secondary legislation;
- The costs for implementing the distribution of responsibilities (Article 17(1)) could not be established, but the benefits outweigh the costs, according to both MS CAs and FBOs;

The contractor also presented very briefly the preliminary findings on the other two remaining case studies, which are more relevant for MS CAs, *i.e.* risk analysis and transparency. Finally, the contractor sought the views of the stakeholders on certain outstanding aspects of the study in order to collect further information.

The participants welcome the presentation and asked for certain clarifications on the points raised. In addition, they provided some input to the outstanding issues highlighted by the contractor.

2. Update on the external study on the RASFF/emergencies/crisis management (Articles 50 to 57)

DG SANTE presented a short update on the external study on the RASFF/emergencies/crisis management.

The data collection tools can be summarised as follows:

- Extensive literature review;
- Two complementary surveys have been carried out:
 - One addressed to the RASFF national contact points and other stakeholders involved in the RASFF (75 responses received);
 - Competent authorities in the field of food/feed crisis management and relevant stakeholders (47 responses).
- Exploratory interviews with broad range of stakeholders;
- Case studies of three food safety incidents were conducted based on interviews and document review:
 - Melamine crisis (2008);
 - Glass fragments in instant coffee (2010);
 - Outbreak of *e.coli* (2011);

Data were still being collected and needed to be triangulated.