

EXPERT GROUP ON GENERAL FOOD LAW –

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.

DG SANTE introduced the discussion by setting out the general framework of the 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 mandate  for the Fitness Check on the GFL Regulation, which is to be found in the website of DG SANTE, defines the overall scope and aim of the exercise and sets out a number of key questions that are to be addressed in relation to the Fitness Check criteria:

- Effectiveness (Have the objectives been met?)
- Efficiency (What are the costs and benefits involved?)
- Coherence (Does the policy complement other actions or are there contradictions?)
- Relevance (Is EU action still relevant?)
- EU added value (Can or could similar changes have been achieved at national/regional level, or did EU action provide clear added value?)

In doing so, the Fitness Check on the GFL Regulation would take into account previous evaluations already performed in the area of food and feed as well as the results of two on-going external studies that have been commissioned by DG SANTE to support the Fitness check:

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

DG SANTE explained that the meeting was focused on the **first external study on the general part of GFL Regulation**. Organised in the form of a workshop and steered by AGRA CEAS, member of the Food Chain Evaluation Consortium (FCEC) in charge of the above-mentioned external study, this meeting aimed at allowing the contractor to gather initial feedback on key issues of common collective interest and GFL problem areas, provide clarifications and encourage concrete inputs.

AGRA CEAS presented the methodology to be used in the context of this study. It involves collection of data and information through desk research, an on-line survey of organisations representing operators along the feed and food supply chain, an on-line survey of Member States' Competent Authorities (MS CAs), consultation of SMEs through the European Enterprise Network (EEN) and four thematic case studies on key areas covered by the GFL. The latter were to involve interviews of MS CAs and stakeholders, at both EU and MS level. The FCEC had also set up a Food Law Expert Advisory Group of senior food law academics, with the objective of drawing on their independent expert advice for guidance and to ensure the scientific quality of the evaluation. The external study was launched in late September 2014 and the main phase of the consultation process had just started. The study is to be completed by end of May 2014.

AGRA CEAS informed the participants that the case studies would cover the following 4 thematic areas: traceability, distribution of responsibilities of food/feed business operators, risk analysis and transparency. As the last two (i.e. risk analysis and transparency) concern mostly competent authorities, they will be the focus of the present workshop. The other two thematic areas (i.e. traceability and distribution of responsibilities) have been discussed in a special workshop organised for the stakeholders in the context of a Working Group of the Advisory Group on the Food Chain, Animal and Plant health, which took place on 19 December 2014.

A working document, aiming at facilitating the discussion on the issues of **risk analysis and transparency**, had been distributed in advance of the meeting, along with the Terms of Reference of the external study.

[View REFIT GFL Task specifications](#) 

[View FCEC Working document](#) 

The working document set out in brief the necessary background information for each of the two topics as well as detailed questions that would allow the contractor to collect the necessary qualitative and quantitative data needed to assess the impact of the GFL Regulation.

The contractor went through all the questions contained in the working document and provided clarifications to the participants.

[View FCEC presentation](#) 

The participants welcomed the organisation of this workshop. Overall, they were positive on the application of the GFL Regulation. They asked a number of clarifications on the questions posed by the contractor in the working document.

On the issue of risk analysis, the contractor explained that the purpose was to analyse the extent to which this principle had been of added value in the view of the competent authorities, its sufficiency to ensure food and feed safety as well as avoiding unjustified barriers to the free movement of foods, a cost-benefit ratio of this principle, the need for national risk assessment as well as the application of the precautionary principle. In that respect, certain Member States' experts took the floor to provide some information on the application of the risk analysis principle in their own legal order and the structural changes that this may have led to in their administrations. The importance of the precautionary principle was also underlined.

On the issue of transparency, as laid down in Articles 9 and 10 of the GFL Regulation, the contractor explained that the purpose was to analyse the constraints and difficulties encountered, the impacts of its application (both negative and positive), a cost-benefit analysis of this principle as well as the EU added value. As regards Article 9 of the GFL Regulation, Member States' experts presented the impact that this requirement had on their internal structures and how consultations are taking place. In addition, Member States' experts expressed their concerns over the difficulties they encounter in the application of Article 10 of the GFL Regulation when a case by case careful balance needs to be struck when communicating information to the public about a risk.

The contractor invited the participants to provide detailed input to the questions set out in the working document in writing by 28 February 2015. Certain participants indicated that this time-frame was quite tight as they needed to consult their members and national associations. It was thus concluded that the deadline for written contributions to the contractor was extended to 27 March 2015.