

APPENDIX 5 – THE GENERAL GFL STUDY

ANNEX 5C

Final questionnaire for the SME panel

Questionnaire for the SME Panel

STUDY ON THE EVALUATION OF REGULATION (EC) NO 178/2002 (‘THE GENERAL FOOD LAW REGULATION’)

Introduction:

This SME Panel takes place in the context of the ongoing evaluation of Regulation (EC) No 178/2002, the “General Food Law” (GFL). The aim of this SME Panel is to collect data to feed into the analysis of the impact of the GFL on SME operators along the feed and food chain. The questions are designed to understand the practical experience of SMEs in their implementation of the core requirements of the GFL, including the difficulties and benefits they may have experienced. As part of this analysis, the SME Panel will also look at the extent to which SMEs have experienced administrative burden in the examined period (2002-2013). The results of the SME Panel will be crucial in assessing the relevance, effectiveness, efficiency and added value of the GFL, in order to provide feedback to the EU policy process.

The GFL is the EU framework legislation introducing harmonised general rules, which set out general definitions, principles, obligations and requirements for food/feed business operators (FBOs) to ensure food/feed safety and the protection of consumer interests across the EU food/feed supply chain, from ‘farm to fork’. The GFL was adopted in 2002 and came into force in January 2005. Some Articles of the GFL provide requirements which are directly imposed on FBOs.

*The following **core requirements/responsibilities** for FBOs are set out in the GFL:*

- 1. Place only safe food/feed on the market (Articles 14, 15);*
- 2. Set up own controls to verify that compliance with food/feed law requirements are met (Article 17.1);*
- 3. Establish one step back - one step forward traceability at all stages of production, processing and distribution (Article 18). This means the FBOs must be able to identify the immediate supplier and customer of the food/feed they place on the market;*
- 4. Withdraw/recall food/feed at risk (Article 19.1, 19.2, 20.1 and 20.2) and notify public authorities in case food/feed considered at risk (Articles 19.3 and 20.3); and,*
- 5. Collaborate with public authorities on actions taken to avoid or reduce risk (Articles 19.4 and 20.4).*

IDENTIFICATION DATA

1. **How would you classify your business?** *If your company's position falls in more than one category below, please tick all boxes that apply.*

- Manufacturer of agricultural inputs, other than feed (e.g. plant protection products)
- Processor/manufacturer of feed products
- Processor/manufacturer of food products
- Wholesale trader of food/feed products (including for import/export)
- Retailer (specialist, and non-specialist predominantly on food/feed)
- Caterer/restaurant
- Transport/storage/packaging (specialist, and non-specialist predominantly on food/feed)

2. **What is the size of your company?** *Please tick the appropriate box, basing your answer on the criteria below.*

- large (≥ 250 employees)
- medium-sized (50-249 employees)
- small (10-49 employees)
- micro (1-9 employees)
- micro (self-employed)

3. **Does your business activity involve sales to, or procurement from, the following markets?**

	Yes	No
National market?		
EU market?		
Markets outside the EU?		

SME PANEL QUESTIONS

4. **Are you aware of the following legal obligations?**

	I know it well	I know it exists	Not aware
Businesses must place food/feed on the EU market that is safe			
Businesses must carry out own controls to verify that all food/feed law requirements are met (e.g. labelling, product specifications, safety)			
Businesses must put in place traceability systems of food/feed to keep track of their suppliers and customers ('one step back - one step forward' traceability)			
Businesses must withdraw/recall food/feed that poses a safety risk			

Businesses must collaborate with public authorities to avoid or reduce a food/feed safety risk			
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5. Do you experience problems complying with the following legal obligations?

	Yes, frequently	Yes, occasionally	Rarely /Never	I do not know
Businesses must place food/feed on the EU market that is safe				
Businesses must carry out own controls to verify that all food/feed law requirements are met (e.g. labelling, product specifications, safety)				
Businesses must put in place traceability systems of food/feed to keep track of their suppliers and customers ('one step back - one step forward' traceability)				
Businesses must withdraw/recall food/feed that poses a safety risk				
Businesses must collaborate with public authorities to avoid or reduce a food/feed safety risk				

6. If the answer to the previous question is 'yes', please briefly explain the problems that you encounter:

7. Do you need to hire an external consultant in order to advise/help you comply with EU food/feed law requirements?

	Tick
Yes	
No	

8. If the answer to the previous question is 'yes', please specify for what purpose i.e. which specific EU food/feed law requirements:

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9. Do the contracts you have with your suppliers/customers **typically** impose on you any of the following obligations to ensure food/feed safety?

	Yes, frequently	Yes, occasionally	Rarely /Never	I do not know/ not applicable
To comply with specific private contractual standards (e.g. imposed by a retailer)				
To comply with codes of good practices/ guidelines developed by the industry/associations				
To communicate to supplier/customer results of official controls carried out by the authorities				
To communicate to supplier/customer results of your own verification controls				
To have more extensive traceability system than ‘one step back – one step forward’				

10. If the answer to the previous question is ‘yes’, please specify any other obligations imposed by your suppliers/customers:

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11. Does the “one step back-one step forward” traceability requirement go beyond a normal book-keeping exercise?

	Tick
Yes	

No	
I do not know	

12. In your view/experience, do traceability systems result in any of the following benefits?

	Yes	No	I do not know
In case of food/ feed safety incidents, the risks involved are assessed and managed			
Withdrawals and recalls are better focussed on food/feed that need to be taken off the market			
Unnecessary disruption of trade is avoided			
Consumer trust and confidence is maintained, by providing consumers with accurate information on products implicated in a food safety incident			
Your business operations are altogether better managed			

13. Do you have in place an internal traceability system (i.e. a system that establishes a link between incoming and outgoing products)?

	Yes	No	I do not know
Internal traceability system in place?			
<i>If yes:</i>			
Was it put in place on your own initiative?			
Has it brought additional benefits?*			

* 'Additional benefits' refer to benefits over and above those listed in question 12.

14. If the answer to the previous question is 'yes', please specify the additional benefits internal traceability has brought to your company:

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15. Do you have an internal system in place to withdraw food/feed that poses a safety risk, while it is still in your immediate control (e.g. in your premises)?

	Yes	No	I do not know
Internal withdrawal system in place?			
<i>If yes:</i>			
Have you ever used it?			

16. **Have the authority/ies in your country provided you with assistance on how to meet your legal obligations on food/feed, e.g. with information on food/feed law requirements applicable to SMEs, guides on how to meet those requirements, etc.?**

	Tick
Yes, always/ in most cases	
Yes, but not systematically	
Rarely/Never	
I do not know/not applicable	

17. **Please rank, in order of importance, the following costs of complying with food/feed law requirements, based on total costs over the past 3 years? Please start by ranking the most costly of the following three requirements (this should rank #1), followed by the second most costly (rank #2), and the third most costly requirement (rank #3).**

	Rank order (based on costs)
Costs related to your own in-house controls of food/feed safety	
Costs related to traceability, labelling, authorisations, registrations, certifications	
Costs stemming from contractual obligations/private standards?	

18. **What are three most burdensome administrative requirements imposed on you by the provisions of EU food/feed law? Please start by ranking the most burdensome (this should rank #1), followed by the second most burdensome (rank #2), and the third most burdensome (rank #3) requirement. Please take into account the actual costs but also staff time, e.g. getting familiar with the requirements; record keeping; staff training; putting into place ICT systems and equipment etc. Consider only **tasks other than routine business** you would undertake in any case.**

Administrative requirement	Rank (based on costs)
Record keeping for traceability	
Provide traceability information to competent authorities	
Notify competent authorities on unsafe food	
Record keeping under hygiene rules	
Information labelling for customers and consumers	
Application for marketing authorisation	
Application for exemption	
Registration of your business under food legislation	
Certification of products or processes	
Cooperation with audits and inspections by public authorities	
Cooperation with audits and inspections by third parties	
Other administrative requirements	

19. **What is the share of administrative costs (meeting legal obligations to provide information on your business activity to public authorities or private parties) stemming from EU food/feed law as a percentage of all your administrative costs (including the costs arising, for example, from employment, social, tax or other legal requirements)?**

	0-5%	5-10%	10-15%	>20%	I do not know
Administrative costs of EU food/feed law as a % of all your administrative costs					

20. **How do the benefits of having in place the obligations imposed on food/feed business by the GFL relate to the costs of ensuring compliance with these requirements?**

	Tick
Benefits considerably outweigh costs	
Benefits more or less outweigh costs (break even)	
Benefits do not really outweigh costs	
I do not know	

21. **Please indicate below any specific difficulty you have encountered in complying with Regulation (EC) No 178/2002, any suggestions and recommendations for improvement, or any other comments:**

Thank you for completing the questionnaire

ANNEX: Indicative NACE Codes

This questionnaire is targeted to all food/feed business operators along the supply chain (from farm to fork). The following NACE categories may provide an indicative guidance, but are not exhaustive. Please note that food contact material manufacturers, manufacturers of plant protection products etc. are also relevant to this SME Panel.

Indicative NACE codes:

NACE 10.11: Processing and preserving of meat
NACE 10.12: Processing and preserving of poultry meat
NACE 10.13: Production of meat and poultry meat products
NACE 10.20: Processing and preserving of fish, crustaceans and molluscs
NACE 10.31: Processing and preserving of potatoes
NACE 10.32: Manufacture of fruit and vegetable juice
NACE 10.39: Other processing and preserving of fruit and vegetables
NACE 10.41: Manufacture of oils and fats
NACE 10.42: Manufacture of margarine and similar edible fats
NACE 10.51: Operation of dairies and cheese making
NACE 10.52: Manufacture of ice cream
NACE 10.61: Manufacture of grain mill products
NACE 10.62: Manufacture of starches and starch products
NACE 10.71: Manufacture of bread; manufacture of fresh pastry goods and cakes
NACE 10.72: Manufacture of rusks and biscuits; manufacture of preserved pastry goods/cakes
NACE 10.73: Manufacture of macaroni, noodles, couscous and similar farinaceous p
NACE 10.81: Manufacture of sugar Products
NACE 10.82: Manufacture of cocoa, chocolate and sugar confectionery
NACE 10.83: Processing of tea and coffee
NACE 10.84: Manufacture of condiments and seasonings
NACE 10.85: Manufacture of prepared meals and dishes
NACE 10.86: Manufacture of homogenised food preparations and dietetic food NACE
10.89: Manufacture of other food products n.e.c.
NACE 10.91: Manufacture of prepared feeds for farm animals
NACE 10.92: Manufacture of prepared pet foods
NACE 11.02: Manufacture of wine from grape
NACE 11.05: Manufacture of beer
NACE 11.06: Manufacture of malt
NACE 11.07: Manufacture of soft drinks; production of mineral waters and other bottled waters
NACE 20.12: Manufacture of dyes and pigments
NACE 20.13: Manufacture of other inorganic basic chemicals
NACE 20.14: Manufacture of other organic basic chemicals
NACE 20.15: Manufacture of fertilisers and nitrogen compounds
NACE 20.16: Manufacture of plastics in primary forms
NACE 21.10: Manufacture of basic pharmaceutical products
NACE 22.21: Manufacture of plastic plates, sheets, tubes and profiles
NACE 22.22: Manufacture of plastic packing goods
NACE 22.29: Manufacture of other plastic products