

**Study on the evaluation of
Regulation (EC) No 178/2002
("the General Food Law Regulation")**

***Workshop with the Member State
Expert Group on GFL***

16 January 2015

Agra CEAS Consulting

fcec

(Food Chain Evaluation Consortium)

Workshop agenda

- Introduction to the GFL evaluation
- Case study 3: Risk analysis
- Case study 4: Transparency provisions
- Wrap up session (other case studies; Q&A on the study consultation process)

GFL evaluation context

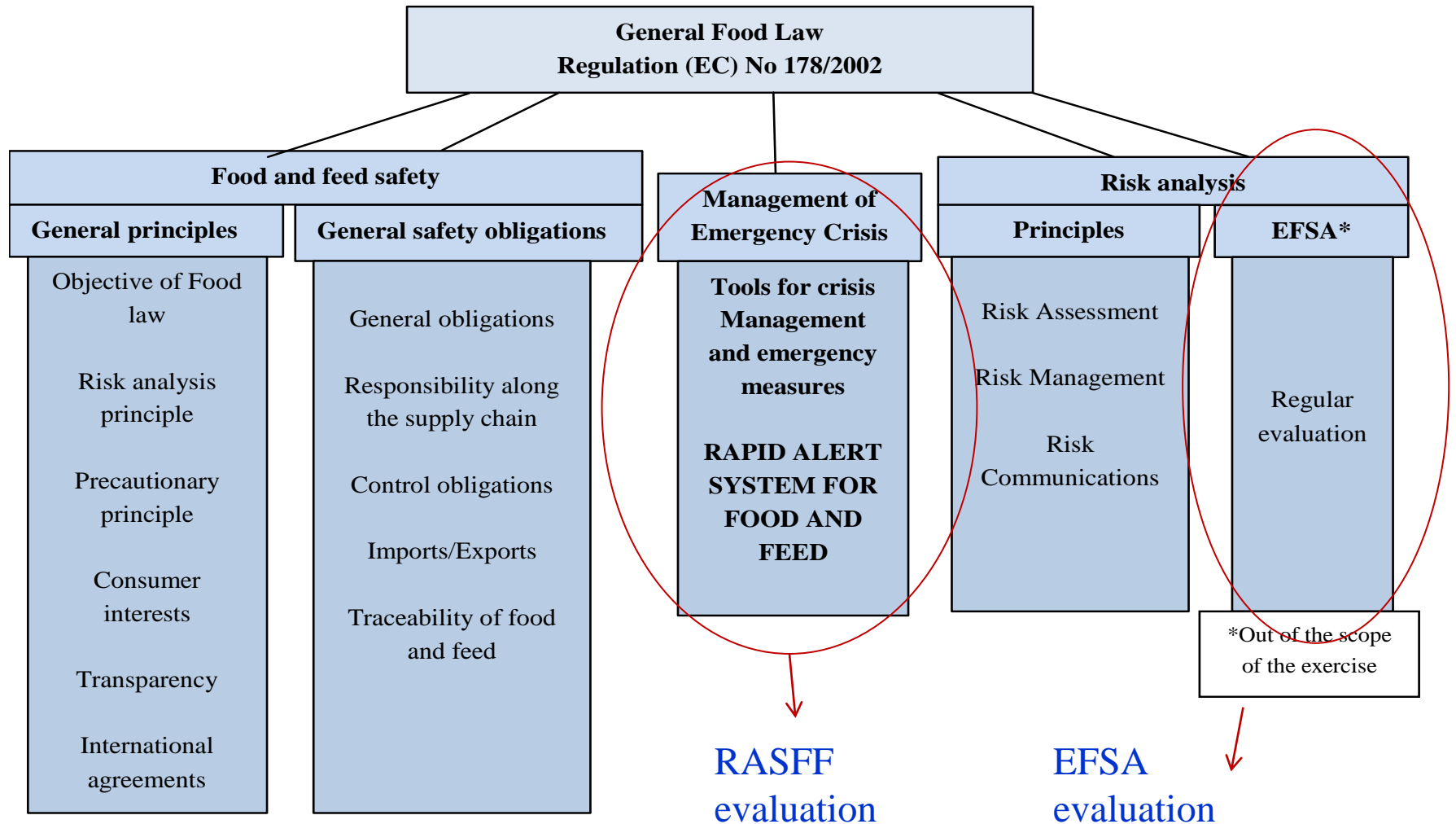
- The FCEC study will feed into the Commission's “*Fitness Check*” of the GFL.
- The Commission's Communication on *Smart Regulation* introduced *Fitness Checks* as comprehensive policy evaluations assessing whether the regulatory framework for an entire policy sector is **fit for purpose**.
- Objective of a *Fitness Check* is to identify excessive regulatory burdens, overlaps, gaps, inconsistencies and/or obsolete measures, and the cumulative impact of legislation.
- The GFL “Fitness Check” ultimately forms part of *REFIT*, which is the European Commission's **Regulatory Fitness and Performance programme**.

GFL evaluation: scope

- Regulation (EC) No 178/2002
 - Study period: 2002-2013
 - Geographical coverage: 28 EU MS; focus on some MS in thematic case studies
- *Except for:*
 - Chapter III: EFSA (regular evaluation: latest 2012)
 - Chapter IV: RASFF and crisis management procedures (separate evaluation: ongoing)*
- Ad hoc study on the impact of the current legal framework applicable to fraud along the agri-food chain on official controls and enforcement actions (ongoing)*

* *These separate reviews are carried out within the timeframe of the GFL evaluation.*

GFL evaluation: scope



GFL evaluation: criteria

Theme 1: Relevance and EU added value

Theme 2: Effectiveness

Protection of consumers' health and interests

Safety requirements

Distribution of responsibilities

Traceability

Imports/exports

Integrated food law

Implementation and enforcement

Theme 3: Efficiency

Theme 4: Internal coherence (EU food law)

Theme 5: External coherence (MS interventions)

Theme 6: Complementarity (EU policies e.g. CAP)

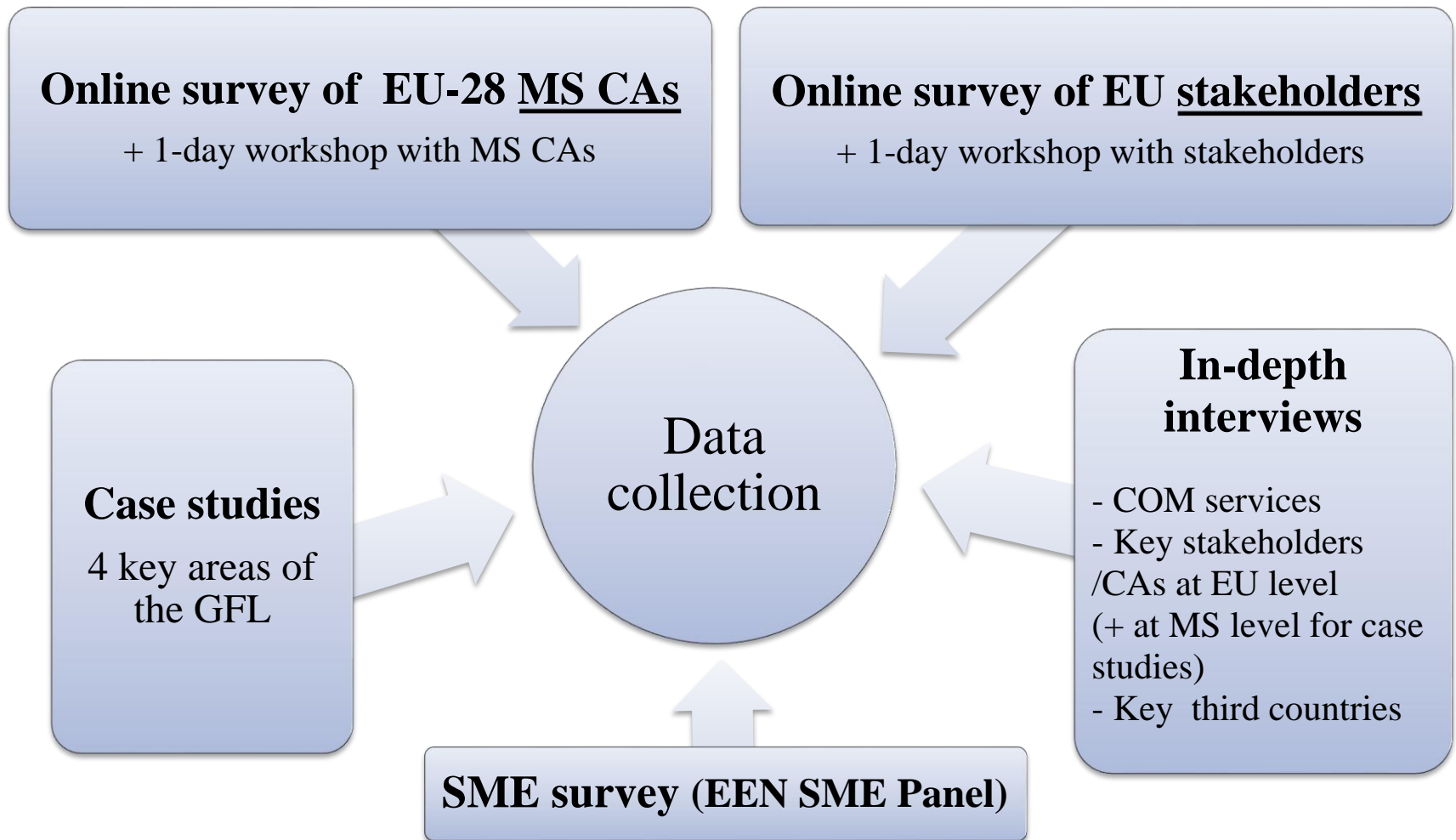
Inception phase: exploratory interviews

- Exploratory interviews (15)
 - Stakeholders: BEUC, Eurocommerce, FDE, PFP, FEFAC, Copa Cogeca
 - Commission
- Food law expert advisory panel
 - Dr David Jukes (UK)
 - Dr Alberto Alemanno (IT)
 - Dr Bernd van der Meulen (NL)
 - Dr Mihalis Kritikos (EL)
 - Dr Martin Holle (DE)

GFL evaluation: key milestones

Project Months	1	2	3	4	5	6	7	8	9	10
	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
Structuring	■		■							
<i>Kick-off meeting and presentation</i>	■									
Inception report			■							
<i>Inception meeting</i>				■						
Observing				■				■	■	
Interim report							■			
<i>Interim meeting</i>								■		
Analysis						■			■	■
Overall assessment								■		■
Draft final report									■	
<i>Draft final meeting</i>										■
Final Report and Presentation (ppt)										■
Final report										■

Main phase: overview of data collection tools



Main phase: On-line surveys

Objective: to collect evidence (qualitative and quantitative) on the various issues which are relevant for the evaluation.

Two surveys of EU-wide and sector-wide coverage:

1. A survey targeted at Member State Competent Authorities in the EU-28.
2. A survey targeted at supply chain stakeholder organisations, including those representing consumers, farmers, processors and distribution sector (EU and national level organisations).

Main phase: Case studies

	Areas covered	Scope of GFL
1	Traceability	Art. 18
2	Distribution of responsibilities	Art. 17.1 <i>Art. 14 and 15; Art. 19 to 21</i>
3	Risk analysis	Art. 6 and 7 as implemented by Ch. III/national authorities
4	Transparency	Art. 9 and 10 (Section 2)

Case study 3: Risk analysis (Art. 6 and 7) (1/4)

Topics for discussion

- Situation before the GFL:
 - Was risk analysis applied as a principle? (Q1)
 - How? (Q2)
- Constraints and difficulties (Q3)
- Impacts of risk analysis (Q4)
- Sectors impacted the most (Q5)

Case study 3: Risk analysis (Art. 6 and 7) (2/4)

Topics for discussion

- Benefits of risk analysis (Q6)
- Sectors that have benefitted the most (Q7)
- Sectors that have not benefitted (Q8)
- Do benefits outweigh negative impacts? (Q9)
- EU added value (Q10)
- GFL contribution to identified benefits (Q11)

Case study 3: Risk analysis (Art. 6 and 7) (3/4)

Topics for discussion

- Separation between risk assessment and risk management (Q12)
- Differential MS interpretation (Q13/14)
- Need for national risk assessments (Q15)
- National risk management (Q16)
- Problems with Article 6 (Q17)
- Adequacy to achieving the objectives (Q18)

Case study 3: Risk analysis (Art. 6 and 7) (4/4)

Topics for discussion

- Precautionary principle applied before the GFL? (Q19)
- Precautionary principle applied after the GFL? (Q20)
- Constraints and difficulties (Q21)
- Impacts of the precautionary principle (Q22)
- Sectors impacted the most (Q23)
- EU added value (Q24)
- GFL contribution to identified benefits (Q25)
- Differential MS interpretations (Q26)
- Adequacy to achieving the objectives (Q27)

Case study 4: Transparency (1/3)

Topics for discussion

- Situation before the GFL (Q1):
 - Article 9
 - Article 10
- Situation after the GFL (Q2)
- Constraints and difficulties (Q3)
- Impacts of transparency (Q4):
 - Article 9
 - Article 10
- Sectors impacted the most (Q5)

Case study 4: Transparency (2/3)

Topics for discussion

- Benefits of transparency principles (Q6):
 - Article 9
 - Article 10
- Sectors that have benefitted the most (Q7)
- Sectors that have not benefitted (Q8)
- Do benefits outweigh negative impacts? (Q9)
- EU added value (Q10)
- GFL contribution to identified benefits (Q11)

Case study 4: Transparency (3/3)

Topics for discussion

- Differential MS interpretation (Q12/13)
- Problems with Articles 9 and 10 (Q14)
- Adequacy to achieving the objectives (Q15)

Wrap-up session

- Discussion on the remaining case studies
 - Traceability
 - Distribution of responsibilities among food/feed business operators along the supply chain, and between operators and MS Competent Authorities
- Q&As on the overall consultation process for this study

Thank you for your attendance and contribution

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