

EXPERT GROUP ON GENERAL FOOD LAW –

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

**PRESENTATION OF THE FINDINGS IN THE CONTEXT OF THE EXTERNAL STUDIES ON THE GENERAL FOOD LAW
(GENERAL PART AND RASFF/CRISIS MANAGEMENT) AS WELL AS ON COMMISSION’S WORK ON UPDATING
EFSA’S LAST EXTERNAL EVALUATION REPORT**

16 and 17 September 2015

Brussels

Commission Representatives:

Alexandra Nikolakopoulou (HoU SANTE E.4),
Tim Gumbel (DHoU E.4) Anastasia Alvizou
(SANTE E.4), Jeannie Vergnettes (SANTE 0.3),
Katarzyna Kielar (SANTE 0.1), Enrique Beltran
Poveda (SANTE G.4), Annette Schaffer (SG
C.1)

Food Chain Evaluation Consortium (FCEC):

Maria Christodoulou (AGRA CEAS), Anne
Maréchal (AGRA CEAS), Frank Alleweldt,
Agathe Osinski (CIVIC CONSULTING)

EFSA:

D. Detken

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 present to the Member States’ experts the findings 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)

In addition, DG SANTE presented the updated data concerning the operation of the European Food Safety Authority (EFSA). DG SANTE informed the participants that the presented findings could not be considered as final findings since the two studies and the

updated data on EFSA would still have to be validated by an Inter-service group and triangulated as evidence in the context of the whole Fitness Check exercise to be depicted in a Commission Staff Working Document.

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

AGRA CEAS presented the main findings of the relevant study, which can be summarised as follows:

- Overall, the GFL Regulation as such has achieved its core objectives, i.e. high level of protection of human health and the effective functioning of the internal market. The achievement of the core objectives has contributed to the competitiveness of the food/feed sector. In addition, GFL ensures the competitiveness of the food/feed sector as it provides principles and certain flexibility rather than prescriptive provisions, which can be tailor-made to fit the operational context of individual businesses.
- The fundamental pillars of food law (general principles, main requirements for food/feed safety, primary responsibility of food business operators, traceability obligations to withdraw/recall unsafe food/feed, tools for alerts and crisis management, creation and operation of EFSA) are still pertinent and relevant, as they have led to considerable improvements in the area of food/feed law.
- No systemic failures resulting from the provisions of the General Food Law Regulation have been identified. The shortcomings unearthed do not relate directly with the provisions of the Regulation. They mostly concern the enforcement/application of the rules by the Member States as well as the application of the main principles of GFL in certain secondary legislation (e.g. risk analysis/diversity of authorisation procedures, application of legitimate factors, deadlines foreseen etc.) and/or lack of full harmonisation in some of those areas, e.g. food contact materials, food supplements, etc.

For the full presentation of the contractor, [click here](#)

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

CIVIC CONSULTING presented the main findings of the relevant study, which can be summarised as follows:

- RASFF: Overall, the core objectives related to information exchange within the RASFF members have been achieved and the requirements of the Regulation have been met. The increased level of globalisation reinforces the need for rapid exchange of information. Reduced overlap and increased efficiency can be achieved through integrated information exchange system between RASFF and other systems.
- Crisis management: Existing arrangements at EU/MS levels have achieved the main goals on consumer protection, efficient crisis management and setting the most effective measures. Re-considering the established structures (e.g. those laid down in the Commission Decision on the general crisis plan) was partly suggested. While the role of the Commission as coordinator in past serious food/feed safety incidents has been recognised, a greater role for the Commission in the coordination of the communication with the public/relevant competent authorities is recommended.

For the full presentation of the contractor, [part 1](#) – [part 2](#).

3. Updated data on the operation of EFSA

DG SANTE presented the main updates of the last external evaluation of EFSA, which can be summarised as follows:

- Overall, the system works well, however, some areas were identified where there is room for better implementation:
 - Internal processes linked to the timely delivery of authorisation dossiers on which EFSA already developed initiatives for further improvement, since the time factor is key for innovation.
 - EFSA's scientific capacity is dependent on the pooling of expertise from Member States. A series of factors negatively impact on the availability of expertise. These factors include, amongst others, the fact that fewer resources are available in Member States, the time spent by national experts in EFSA, and EFSA grants/procurements considered by MS as not sufficiently attractive.
- Despite strict rules which are continuously monitored, EFSA's independence is still sometimes criticised.

For the full presentation of the Commission on EFSA, [click here](#).

The Member States experts welcome the presentations and inquired about next steps. DG SANTE explained that the two external studies were at the stage of draft final report, and they were being subject to the scrutiny of an Inter-Service Steering Group in order to ensure the appropriate quality check. These two reports were expected to be finalised in the course of October/November 2015. On the basis of the collected data but also on other relevant information, the Commission is currently preparing its Staff Working Document setting out the outcome of the Fitness Check exercise.