

**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)**

**19 December 2014**

**Brussels**


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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 SANCO 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 SANCO, 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 will take into account previous evaluations already performed in the area of food and feed as well as the results of two external studies that have been commissioned by DG SANCO 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 SANCO 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 five 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 stated 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 first two concern mostly food/feed business operators, they will be the focus of the present workshop. The other two thematic areas would be discussed in a special workshop organised with the Member States in the context of the Expert Group of the GFL Regulation, scheduled to take place on 16 January 2015.

A working document, aiming at facilitating the discussion on the issues of **traceability** and **distribution of responsibilities of food/feed business operators**, had been distributed in advance of the meeting, along with the Terms of Reference of the external study.



The working document sets 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.



Stakeholder  
workshop 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 traceability, the contractor explained that the purpose was to analyse the extent to which Article 18 of the GFL Regulation (traceability requirement) had been of added value to business operators, the sufficiency of the provisions for ensuring food and feed safety, the regulatory costs that these provisions have implied for the supply chain, and the cost-benefit ratio of the traceability requirement. In that respect, certain stakeholders indicated that while traceability was applied on a voluntary basis before GFL by food/feed business operators, the GFL Regulation introduced this requirement on a mandatory basis, thus ensuring full implementation at all stages of the food chain. The GFL Regulation introduced a level playing field. Other stakeholders expressed their difficulty to provide quantitative data on certain questions concerning costs of traceability. While the majority of food/feed business operators considered traceability as laid down in the GFL Regulation to be sufficient, consumer associations called for more extensive traceability to help combatting fraud in complex food supply chains.

On the issue of responsibilities, the contractor explained that the purpose was to analyse the sufficiency of Article 17 of the GFL Regulation on the responsibilities of business operators for ensuring feed and food safety, the regulatory costs involved and the extent to which this has been of added value/benefit to business operators as well as the potential for simplification and reduction in the current regulatory burden. The participants indicated that the flexibility provided by Article 17 is welcome, in particular because it is the responsibility of each operator to conceive its own system of controls as long as the objective of compliance with the legal requirements is met. However, again, participants had problems providing quantitative data when required.

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 stakeholders indicated that this time-frame is quite tight as they need 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.



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participating stakehold