



European Commission  
Directorate General for Health and Consumers

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

## **DRAFT FINAL REPORT**

### **Annex 3: ANALYSIS OF CONSOLIDATED SURVEY RESULTS (MS CAs and stakeholders)**

Framework Contract for evaluation  
and evaluation related services - Lot 3: Food Chain

*Submitted by:*  
**Agra CEAS Consulting - FCEC**

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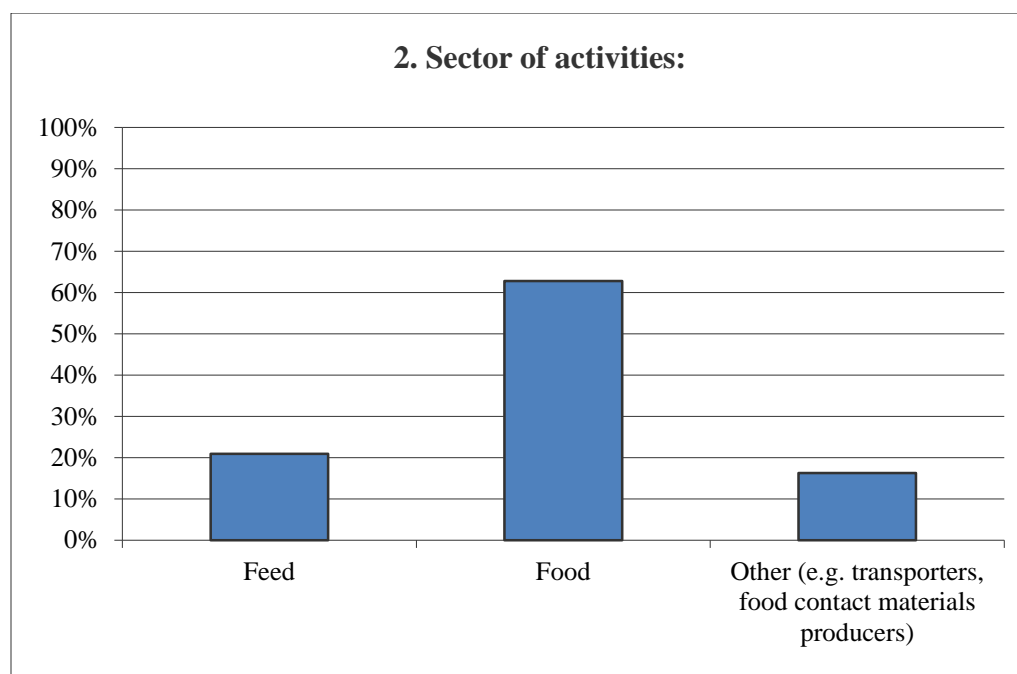
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## Identification data

1. Name of your organisation

2. Sector of activities of responding stakeholders:

	<b>Response Percent</b>	<b>Response Count</b>
Feed	21%	18
Food	63%	54
Other (e.g. transporters, food contact materials producers) <i>please specify</i>	16%	14



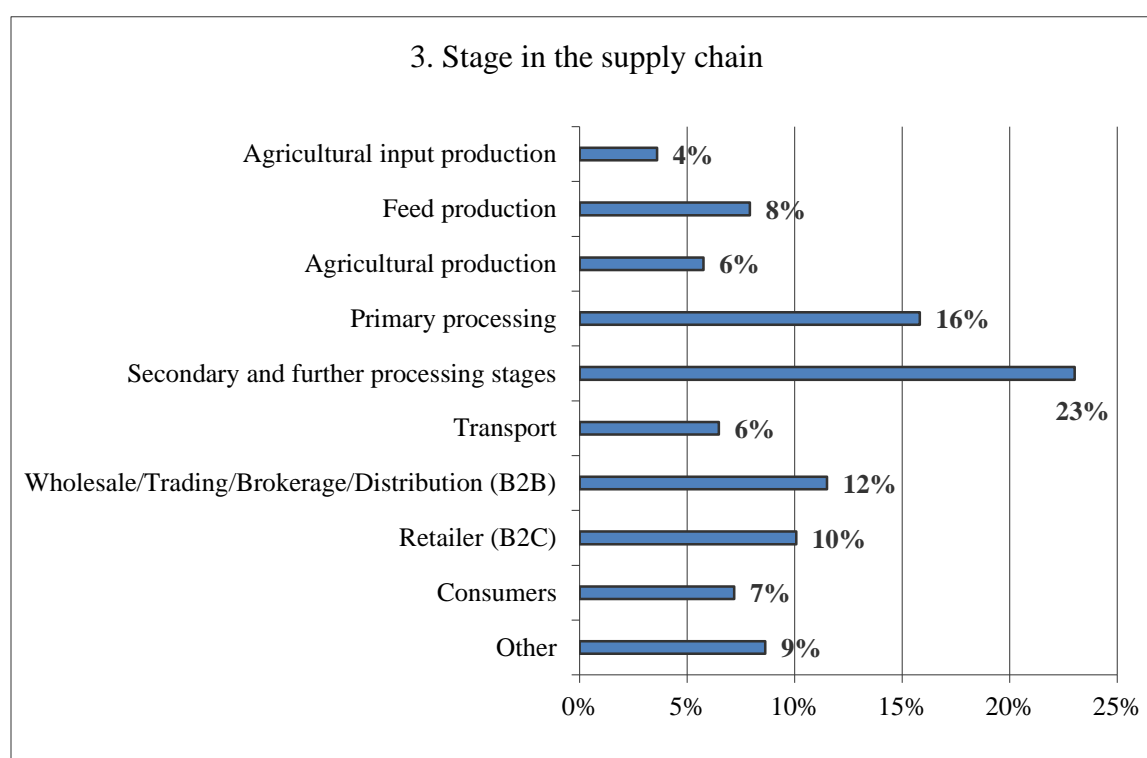
Source: Agra CEAS Consulting.

Stakeholders that have responded to the survey were for the most part active in the food sector (63%) while 21% were active in the feed sector and 16% in other activities, which also include consumer organisations and other NGOs.

3. Stage in the supply chain of responding stakeholders:

	<b>Response Percent</b>	<b>Response Count</b>
Agricultural input production	4%	5
Feed production	8%	11

	<b>Response Percent</b>	<b>Response Count</b>
Agricultural production	6%	8
Primary processing	16%	22
Secondary and further processing stages	23%	32
Transport	6%	9
Wholesale/Trading/Brokerage/Distribution (B2B)	12%	16
Retailer (B2C)	10%	14
Consumers	7%	10
Other	9%	12



Source: Agra CEAS Consulting.

Responding stakeholders were for the most part (39%) involved in processing (primary: 16%; secondary and further processing stages: 23%). Wholesale/trading/brokers/distribution represents the second most represented business activity (12%), retail the third (10%), followed by feed production (8%), consumers (7%). Other sectors included agriculture input production, agricultural production, transport and other interest groups/NGOs. It is noted that several stakeholders are involved in more than one stages of the supply chain.

4. Geographical location of responding stakeholders:

	<b>Response Percent</b>	<b>Response Count</b>
<b>EU-28</b>	31%	<b>22</b>
Non-EU	1%	1
Austria	3%	2
Belgium	7%	5
Bulgaria	1%	1
Croatia	0%	0
Cyprus	0%	0
Czech Republic	0%	0
Denmark	0%	0
Estonia	0%	0
Finland	1%	1
France	6%	4
Germany	11%	8
Greece	1%	1
Hungary	0%	0
Italy	21%	15
Ireland	1%	1
Latvia	1%	1
Lithuania	0%	0
Luxemburg	1%	1
Malta	0%	0
Netherlands	6%	4
Poland	0%	0
Portugal	1%	1
Romania	0%	0
Slovenia	0%	0
Slovakia	0%	0
Spain	0%	0
Sweden	1%	1
United Kingdom	3%	2

## Notes on the presentation of the results

There have been 67 complete replies to the online survey of **stakeholders** (of 105 total replies) therefore the stakeholder survey results are based on **N=67 respondents**. This excludes questions where responses were not mandatory and where more than one response was allowed (as question 4, Q4, above) which total more than 67 response counts.

As for the responding Member States (MS), a total of 25 **Member State Competent Authorities** replied to the FCEC online survey therefore most of the MS CA survey results are based on **N=25 respondents** (again, apart from questions that were not mandatory or that allowed more than one response).

It is noted that in certain questions there is a relatively high number of ‘*don’t know*’ responses. This encompasses all situations where the respondent was unable to provide an answer, including where this has not been appropriate or relevant. Thus, in the case of stakeholders, in some questions the large number of ‘*don’t know*’ responses is attributed to the fact that many of the respondents do not have a view/are not affected. This is the case, for example, for questions relating to the feed sector, as the largest number of respondents comes from the food sector. Where there is a relatively high number of ‘*don’t know*’ responses, this is explained further in the analysis of the results per question.

In total, 14 replies were received from consumer groups and NGOs. For some of the questions, in particular those relating to costs, the quantitative results and graphs are limited only to replies received from operators, i.e. excluding consumers/NGOs (**N=53**).

Many respondents have stressed, both in the survey and during subsequent interviews, the difficulty of assessing a regulatory framework that has now been in place for more than 10 years, while the organisations surveyed may not necessarily have the historical background (simply due to staff changes). Therefore their assessment is to be understood as the overall “take” on the GFL, providing an indication of where respondents see room for further improvements.

## 1 Objectives of the GFL

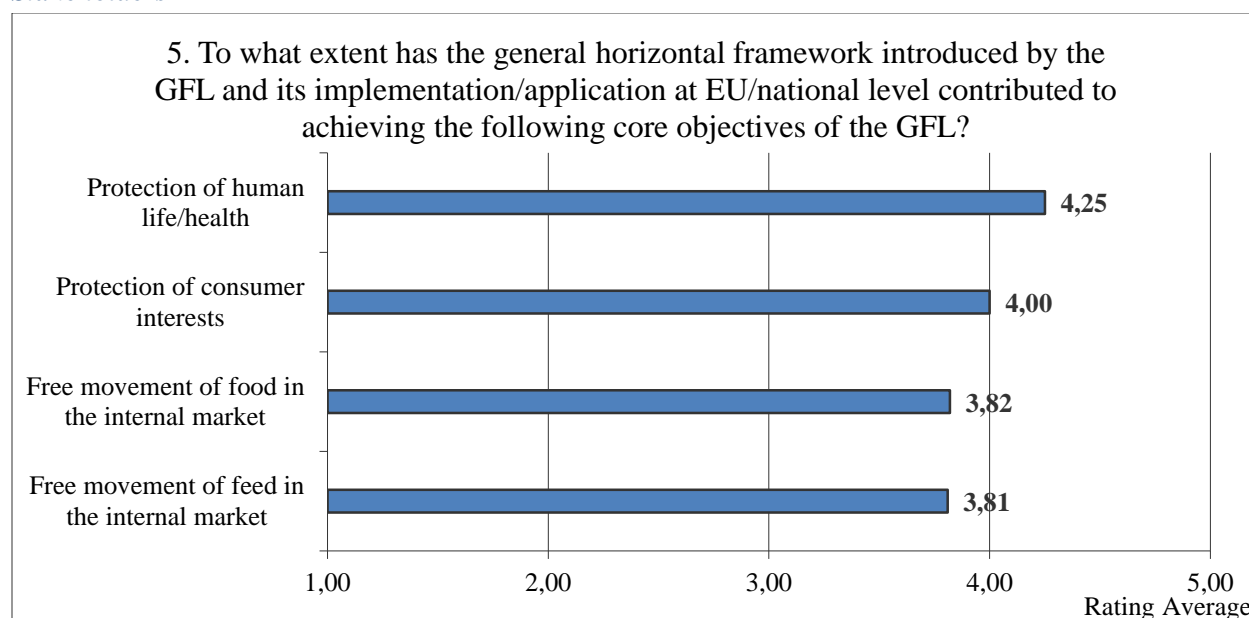
1. To what extent has the general horizontal framework introduced by the GFL and its implementation/application at EU/national level contributed to achieving the following core objectives of the GFL? *To score on a scale 1-5 (1=not achieved; 5=fully achieved)*

**EQ 1, EQ 3, EQ 5, EQ 24**

<i>Stakeholders</i>	1	2	3	4	5	Don't know	Rating Average
Protection of human life/health	0	1	10	25	28	3	4.25
Protection of consumer interests	3	1	13	21	24	5	4.00
Free movement of food in the internal market	0	1	17	36	8	5	3.82
Free movement of feed in the internal market	0	2	9	26	5	25	3.81

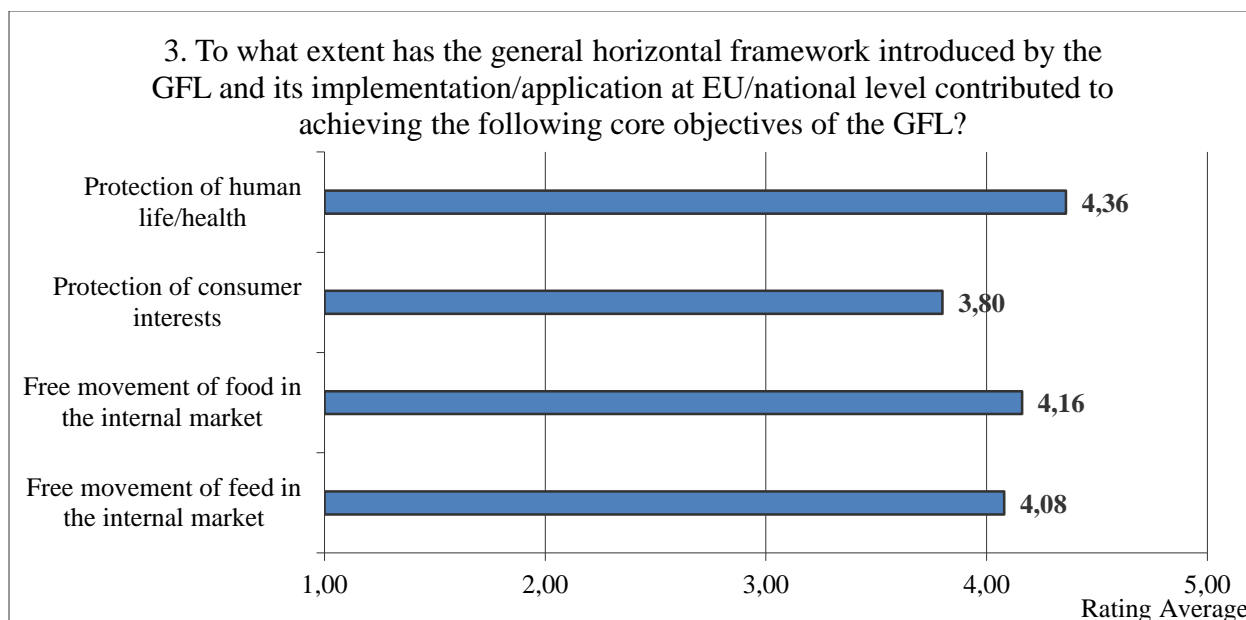
<i>MS CAs</i>	1	2	3	4	5	Don't know	Rating Average
Protection of human life/health	0	0	0	16	9	0	4.36
Protection of consumer interests	0	1	8	11	5	0	3.80
Free movement of food in the internal market	0	0	2	17	6	0	4.16
Free movement of feed in the internal market	0	1	3	14	7	0	4.08

### *Stakeholders*



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

### MS CAs



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

According to the survey results (Q1), the general horizontal framework introduced by the GFL and its implementation/application at EU/national level have largely contributed to achieve the core objectives of the GFL. In particular, the protection of human life and health received the highest average rating of all objectives (4.25 for stakeholders; 4.36 for MS CAs on a scale from 1 to 5). All other objectives were rated higher than midpoint (3.00), although there are some differences in the average rating provided by MS CAs and stakeholders. In particular, while for MS CAs the free movement of food and feed in the internal market received a high average rating (4.16 in the case of food and 4.08 in the case of feed), the average rating provided by stakeholders to these objectives was not as high (3.82 and 3.81 respectively) and was surpassed by the protection of consumer interests (4.00).

It is noted that the high number of ‘don’t know’ regarding the free movement of feed in the internal market is due to the fact that a large number of respondents are from the food sector and do not have a view on the feed sector.

Relatively few negative responses (i.e. scoring ‘1’ or ‘2’) were provided (1 out of 25 MS CAs scored ‘2’ and 4 out of 67 stakeholders scored ‘1’ or ‘2’). The highest number of negative responses was in relation to the protection of consumer interests (1 MS CA and 4 stakeholders). In the case of stakeholders, these negative responses came mostly from animal welfare NGOs, but there was also one negative response from the EU feed sector, one from a national consumers



association and one from a national organisation representing SMEs. However, in most cases, negative responses were not further commented.

2. To what extent is the general horizontal framework introduced by the GFL adequate to address:

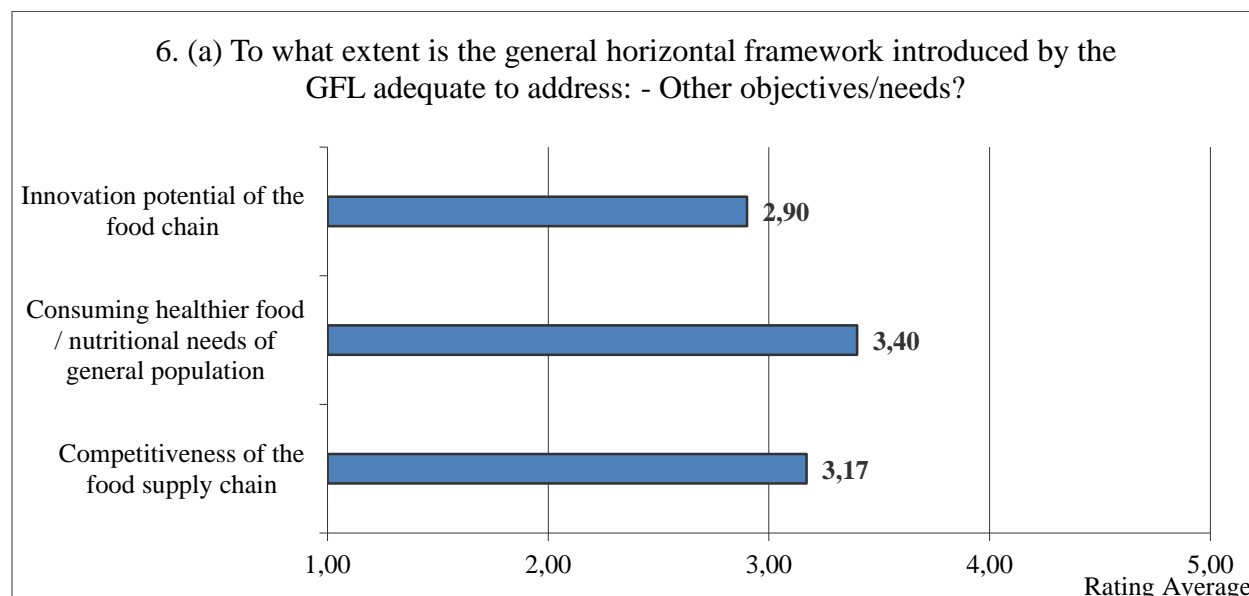
**EQ 1, EQ 7**

(a) - Other objectives/needs? To score on a scale 1-5 (1=not adequate; 5=fully adequate)

<i>Stakeholders</i>	1	2	3	4	5	Don't know	Rating Average
Innovation potential of the food chain	5	12	32	12	2	4	2.90
Consuming healthier food / nutritional needs of general population	7	5	10	30	6	9	3.40
Competitiveness of the food supply chain	1	10	31	19	2	4	3.17
Other	4	3	3	3	7	47	3.30

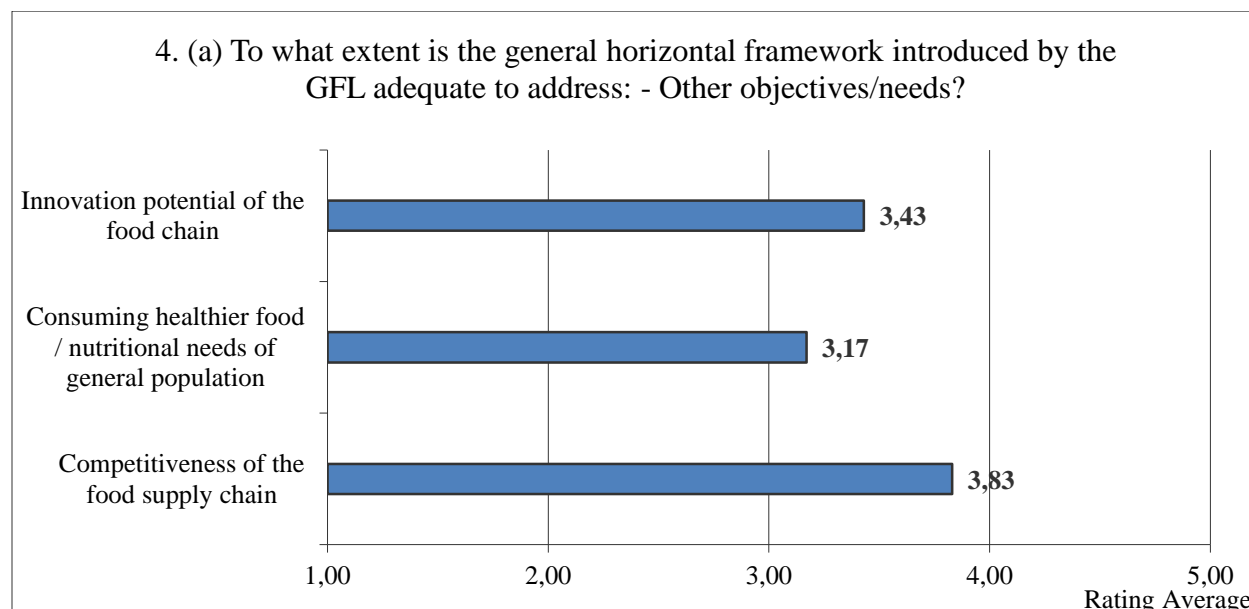
<i>MS CAs</i>	1	2	3	4	5	Don't know	Rating Average
Innovation potential of the food chain	0	3	10	7	3	2	3.43
Consuming healthier food / nutritional needs of general population	2	5	9	3	5	1	3.17
Competitiveness of the food supply chain	0	3	3	12	5	2	3.83
Other	1	0	2	0	2	20	3.40

*Stakeholders*



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

**MS CAs**



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

Survey results (Q2a) on the extent to which the general horizontal framework introduced by the GFL is adequate to address other objectives/needs indicate that this is only partly adequate. In nearly all cases the average rating is higher than midpoint (3.00). Generally MS CAs tend to consider the current framework more adequate to address innovation (rating average: 3.43 on a scale from 1 to 5) and competitiveness (3.83) than stakeholders (2.90 and 3.17 respectively). On the other hand, stakeholders consider it more adequate to address the objective of consuming healthier food/nutrition needs of the general population (3.40) than MS CAs (3.17).

Unlike the case of the GFL core objectives (Q1), there is a relatively higher number of negative responses (i.e. scoring ‘1’ or ‘2’) (7 out of 25 MS CAs and 17 out of 67 stakeholders scored ‘1’ or ‘2’). While for stakeholders, the highest number of negative responses was in relation to the innovation potential of the food chain (17 stakeholders), for MS CAs it was in relation to consuming healthier food / nutritional needs of general population (7 MS CAs).

(b) - Specific trends of today? *To score on a scale 1-5 (1=not adequate; 5=fully adequate)*

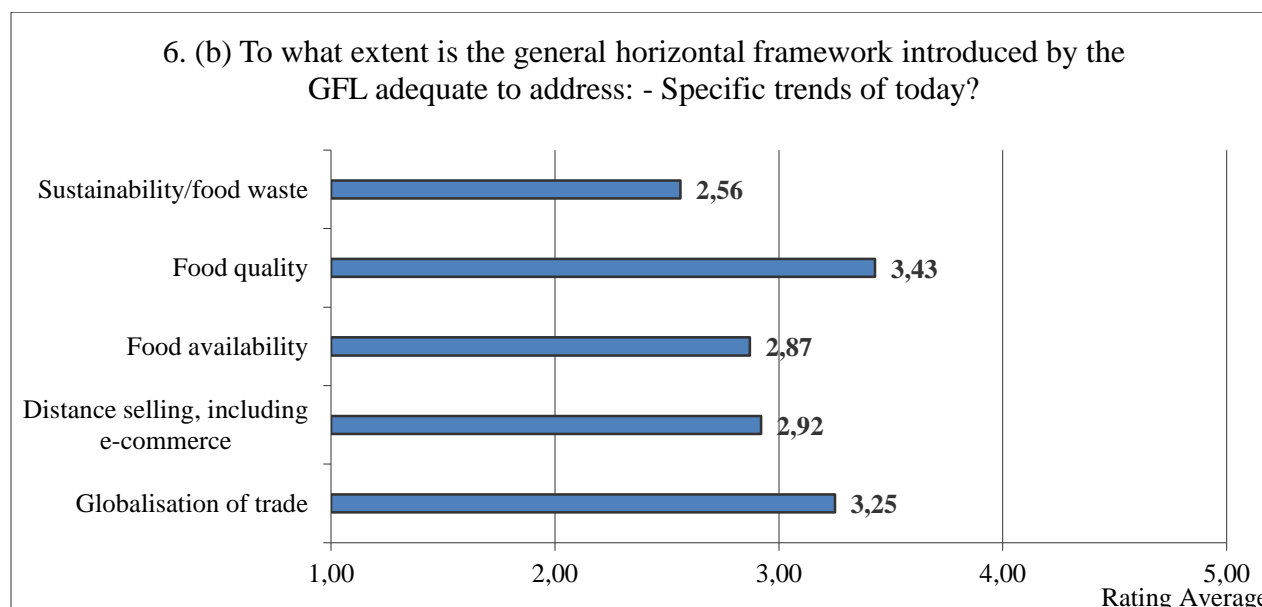
<i>Stakeholders</i>	1	2	3	4	5	Don't know	Rating Average
Sustainability/food waste	10	21	18	5	5	8	2.56
Food quality	1	7	29	16	10	4	3.43
Food availability	6	19	16	17	3	6	2.87
Distance selling, including e-commerce	4	13	22	9	4	15	2.92
Globalisation of trade	2	17	10	24	6	8	3.25

<i>Stakeholders</i>	1	2	3	4	5	Don't know	Rating Average
Other	1	0	6	2	1	57	3.20

### *MS CAs*

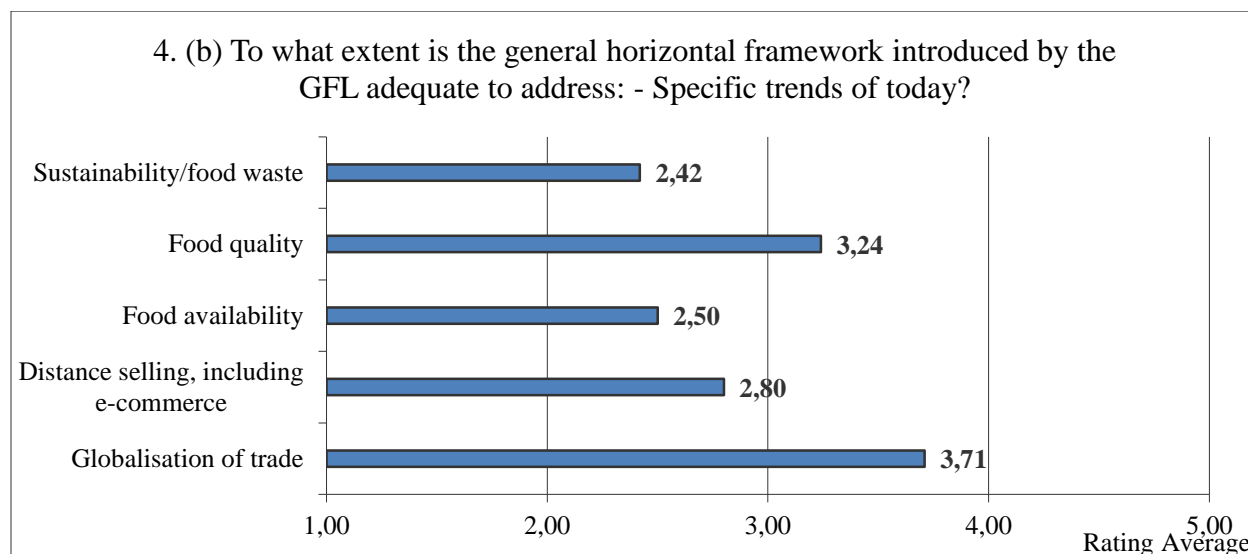
	1	2	3	4	5	Don't know	Rating Average
Sustainability/food waste	7	5	8	3	1	1	2.42
Food quality	2	3	11	5	4	0	3.24
Food availability	5	7	5	4	1	3	2.50
Distance selling, including e-commerce	5	6	6	5	3	0	2.80
Globalisation of trade	0	3	5	12	4	1	3.71
Other	1	1	1	1	1	20	3.00

### *Stakeholders*



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

**MS CAs**



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

Survey results (Q2b) on the extent to which the general horizontal framework introduced by the GFL is adequate to address the specific trends of today indicate that this is generally not adequate in terms of sustainability/food waste, food availability and distance selling/e-commerce. In all of these cases the average rating is lower than midpoint (3.00 on a scale from 1 to 5) both for MS CAs and for stakeholders. On the other hand, both MS CAs and stakeholders consider the current framework at least partly adequate to address food quality (3.43 and 3.24 respectively) and globalisation of trade (3.25 and 3.71 respectively).

Unlike the GFL core objectives (Q1), there is a relatively high number of negative responses (i.e. scoring ‘1’ or ‘2’) which is even higher than in the case of the other objectives/needs covered by Q2a (12 out of 25 MS CAs and 31 out of 67 stakeholders scored ‘1’ or ‘2’). For both stakeholders and MS CAs, the highest number of negative responses was in relation to sustainability/food waste (31 stakeholders; 12 MS CAs) and food availability (25 stakeholders; 12 MS CAs).

## 2 Scope and definitions

### Introduction

This section refers to the scope and definitions of the GFL as laid down in Articles 1 to 4: Articles 1 and 4 provide the scope of the GFL; Article 2 provides the definition of food; Article 3 provides other definitions.

3.

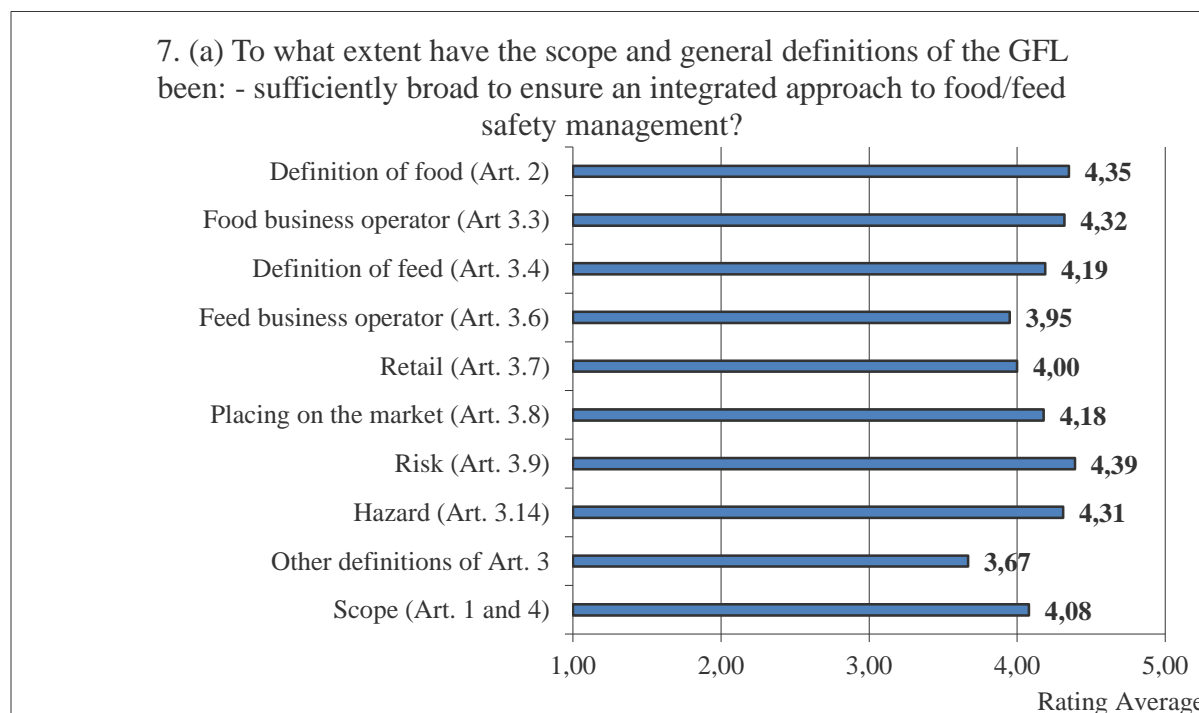
### EQ 19

(c) To what extent have the scope and general definitions of the GFL been **sufficiently broad** to ensure an integrated approach to food/feed safety management? *To score on a scale 1-5 (1= not sufficiently broad; 5=fully sufficiently broad)*

<i>Stakeholders</i>	1	2	3	4	5	Don't know	Rating Average
Definition of food (Art. 2)	0	3	6	22	35	1	4.35
Food business operator (Art 3.3)	0	0	12	20	33	2	4.32
Definition of feed (Art. 3.4)	1	0	4	23	15	24	4.19
Feed business operator (Art. 3.6)	0	2	8	18	10	29	3.95
Retail (Art. 3.7)	1	4	8	20	19	15	4.00
Placing on the market (Art. 3.8)	0	1	12	27	26	1	4.18
Risk (Art. 3.9)	0	1	5	28	33	0	4.39
Hazard (Art. 3.14)	0	2	7	26	32	0	4.31
Other definitions of Art. 3: please specify	4	0	3	6	8	46	3.67
Scope (Art. 1 and 4)	4	0	5	20	21	17	4.08

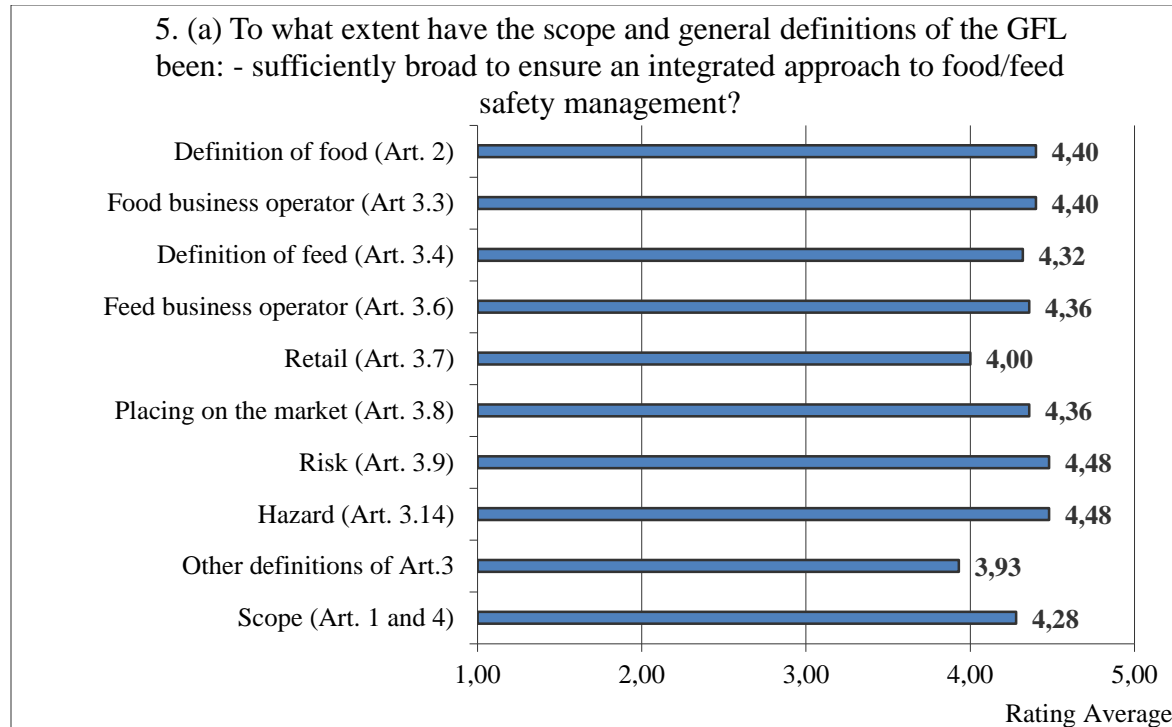
<i>MS CAs</i>	1	2	3	4	5	Don't know	Rating Average
Definition of food (Art. 2)	0	0	3	9	13	0	4.40
Food business operator (Art 3.3)	0	0	4	7	14	0	4.40
Definition of feed (Art. 3.4)	0	1	3	8	13	0	4.32
Feed business operator (Art. 3.6)	0	2	1	8	14	0	4.36
Retail (Art. 3.7)	0	2	5	8	9	1	4.00
Placing on the market (Art. 3.8)	0	0	2	12	11	0	4.36
Risk (Art. 3.9)	0	0	1	11	13	0	4.48
Hazard (Art. 3.14)	0	0	1	11	13	0	4.48
Other definitions of Art. 3: please specify	0	2	1	7	4	11	3.93
Scope (Art. 1 and 4)	0	1	1	13	10	0	4.28

**Stakeholders**



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

**MS CAs**



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

According to the survey results (Q3a), the scope and general definitions of the GFL have been **sufficiently broad** to ensure an integrated approach to food/feed safety management. On average both stakeholders and MS CAs gave ratings higher than 4 in most cases, on a scale from 1 to 5. It is noted however that more than 50% of stakeholders could not rate the extent to which the other definitions of Article 3 have been sufficiently broad to ensure an integrated approach to food/feed safety management.

For the definitions of feed and feed business operator, the high number of ‘*don’t know*’ responses is due to the fact that the largest number of respondents comes from the food sector. Similarly, for the definition of ‘retail’ there are several ‘*don’t know*’ responses by stakeholders that did not have a view/are not involved in this sector.

Relatively few negative responses (i.e. scoring ‘1’ or ‘2’) were provided (2 out of 25 MS CAs scored ‘2’ and 5 out of 67 stakeholders scored ‘1’ or ‘2’). The highest number of negative responses was in relation to the definition of retail (Art. 3.7) (2 MS CA and 5 stakeholders).

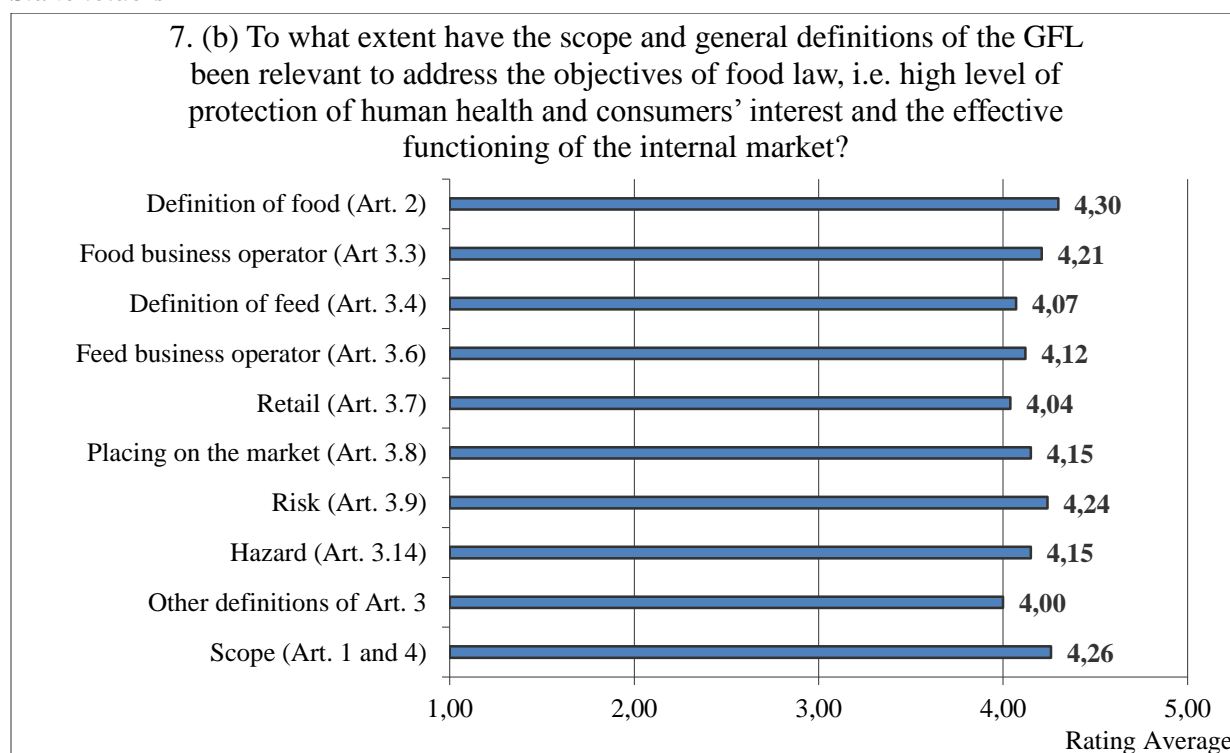
- (d) To what extent have the scope and general definitions of the GFL been **relevant** to address the objectives of food law (EU/national), *i.e.* high level of protection of human health and consumers’ interest and the effective functioning of the internal market? *To score on a scale 1-5 (1= not relevant; 5=fully relevant)*

<i>Stakeholders</i>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>Don’t know</b>	<b>Rating Average</b>
Definition of food (Art. 2)	0	3	11	15	37	1	4.30
Food business operator (Art 3.3)	0	1	13	21	28	4	4.21
Definition of feed (Art. 3.4)	0	1	10	20	15	21	4.07
Feed business operator (Art. 3.6)	0	0	12	13	17	25	4.12
Retail (Art. 3.7)	0	3	14	12	22	16	4.04
Placing on the market (Art. 3.8)	0	1	18	17	30	1	4.15
Risk (Art. 3.9)	0	2	11	23	31	0	4.24
Hazard (Art. 3.14)	0	2	15	20	29	1	4.15
Other definitions of Art. 3: please specify	3	0	3	6	12	43	4.00
Scope (Art. 1 and 4)	0	2	9	16	27	13	4.26

<i>MS CAs</i>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>Don’t know</b>	<b>Rating Average</b>
Definition of food (Art. 2)	0	0	1	10	13	1	4.50
Food business operator (Art 3.3)	0	0	0	9	15	1	4.63
Definition of feed (Art. 3.4)	0	2	1	9	12	1	4.29
Feed business operator (Art. 3.6)	0	2	1	10	11	1	4.25
Retail (Art. 3.7)	0	0	5	8	11	1	4.25

<i>MS CAs</i>	1	2	3	4	5	Don't know	Rating Average
Placing on the market (Art. 3.8)	0	0	0	14	10	1	4.42
Risk (Art. 3.9)	0	0	1	10	11	3	4.45
Hazard (Art. 3.14)	0	0	1	10	11	3	4.45
Other definitions of Art. 3: please specify	1	1	1	7	4	11	3.86
Scope (Art. 1 and 4)	0	1	2	9	10	3	4.27

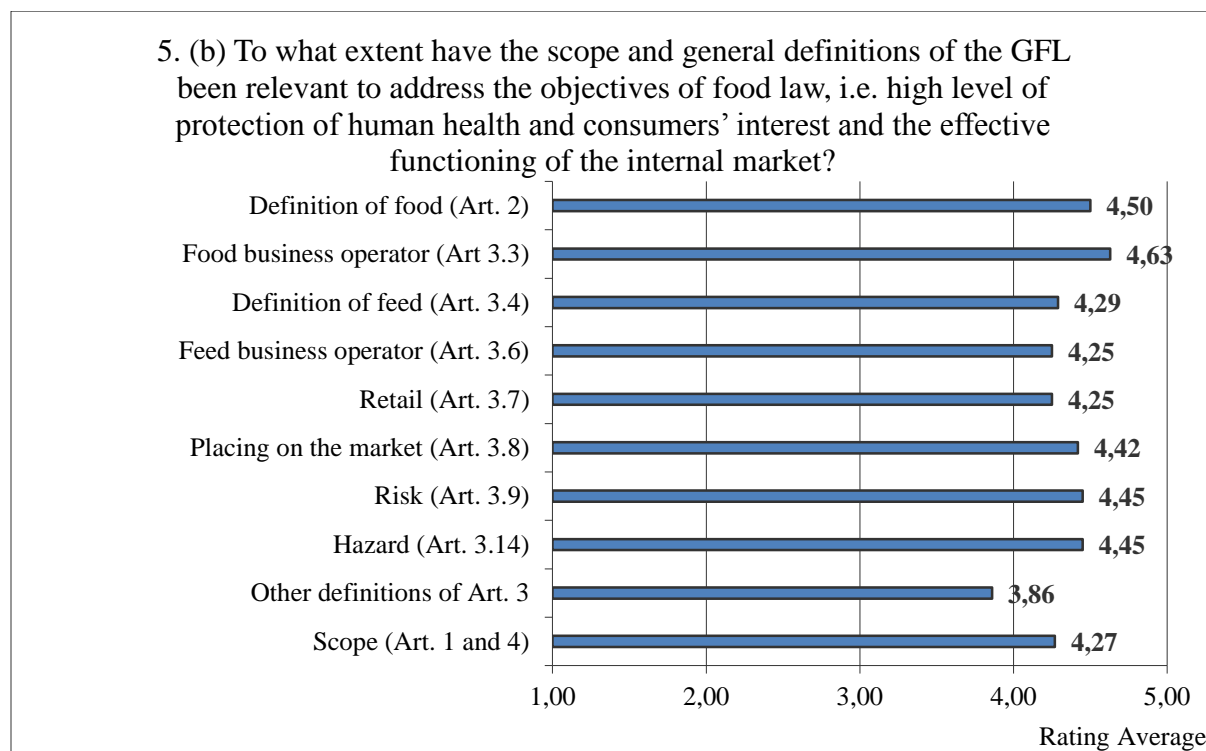
### Stakeholders



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.



**MS CAs**



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

According to the survey results (Q3b), the scope and general definitions of the GFL have been **relevant** to address the objectives of food law (EU/national), *i.e.* high level of protection of human health and consumers’ interest and the effective functioning of the internal market. On average both stakeholders and MS CAs gave ratings higher than 4 in most cases, on a scale from 1 to 5. It is noted however that more than 50% of stakeholders and 11 of 25 responding MS CAs could not rate the extent to which the other definitions of Article 3 have been relevant to address the objectives of food law.

For the definitions of feed and feed business operator, the high number of ‘don’t know’ responses is due to the fact that the largest number of respondents comes from the food sector. Similarly, for the definition of ‘retail’ there are several ‘don’t know’ responses by stakeholders that did not have a view/are not involved in this sector.

Relatively few negative responses (*i.e.* scoring ‘1’ or ‘2’) were provided (2 out of 25 MS CAs scored ‘2’ and 3 out of 67 stakeholders scored ‘1’ or ‘2’). The highest number of negative responses was in relation to the definition of retail (Art. 3.7) (2 MS CA and 3 stakeholders).

As discussed under Q3a, stakeholders could not make a distinction in their comments to the survey and interviews between the indicators of adequacy and relevance of the definitions and

scope of the GFL. This is also indicated by the fact that average ratings and individual organisation scorings are the same/very similar for both Q3a and Q3b. Thus, the key points emerging from the survey comments and interviews are summarised in Q3a.

### 3 GFL requirements and responsibilities

#### 3.1 Core requirements and responsibilities for food/feed business operators

##### Introduction

This section refers to the following **core requirements/responsibilities** set out in the GFL for FBOs to:

- place only safe food/feed on the market (compliant with food/feed safety legislation) (Articles 14, 15) and verify that food/feed is compliant with food/feed law (EU/national provisions) (Article 17.1);
- establish one step back - one step forward traceability at all stages of production, processing and distribution (Article 18);
- withdraw/recall food/feed at risk (Article 19.1, 19.2, 20.1 and 20.2) ;
- notify public authorities in case food/feed considered at risk (Articles 19.3 and 20.3); and,
- collaborate with public authorities on actions taken to avoid or reduce risk (Articles 19.4 and 20.4).

4.To what extent have the core requirements/responsibilities imposed by the GFL on food/feed business operators (FBOs) achieved the following outcomes? *To score on a scale 1-5 (1=not achieved; 5=fully achieved)*

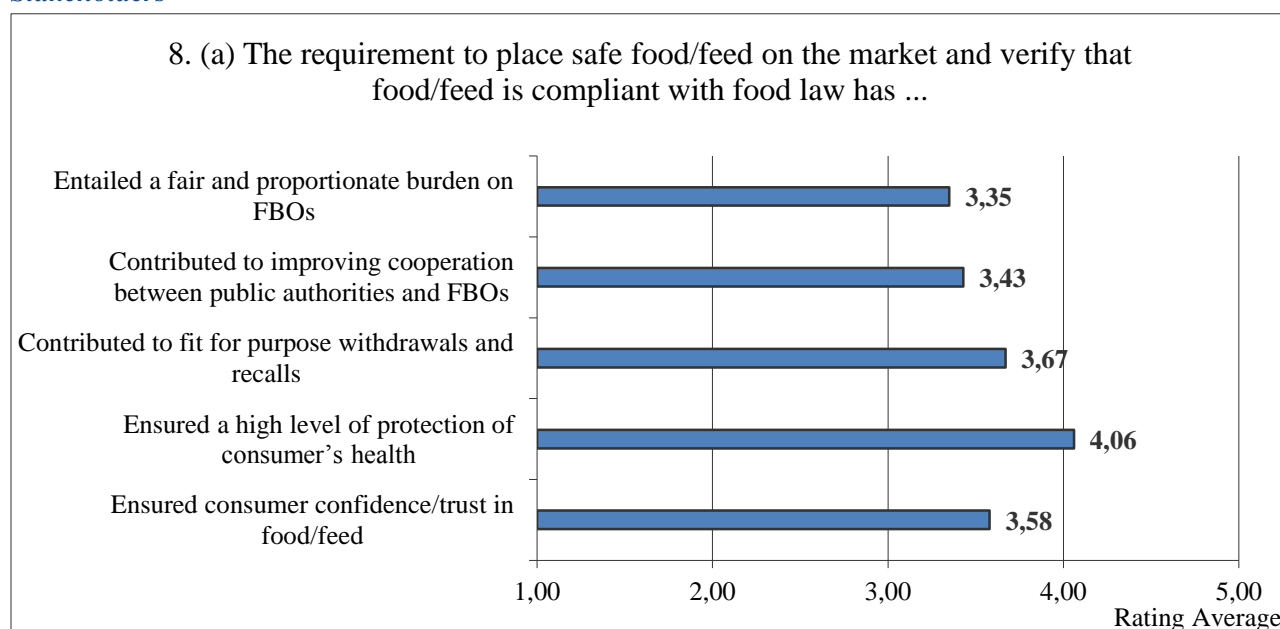
##### **EQ 3, EQ 8, EQ9, EQ25**

- (a) The requirement to place safe food/feed on the market and verify that food/feed is compliant with food law has ...

<i>Stakeholders</i>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>Don't know</b>	<b>Rating Average</b>
Entailed a fair and proportionate burden on FBOs	6	13	10	21	13	4	3.35
Contributed to improving cooperation between public authorities and FBOs	1	6	20	32	1	7	3.43
Contributed to fit for purpose withdrawals and recalls	0	3	22	28	8	6	3.67
Ensured a high level of protection of consumer's health	0	4	12	26	24	1	4.06
Ensured consumer confidence/trust in food/feed	3	7	15	25	12	5	3.58
Other	0	2	2	3	2	58	3.56

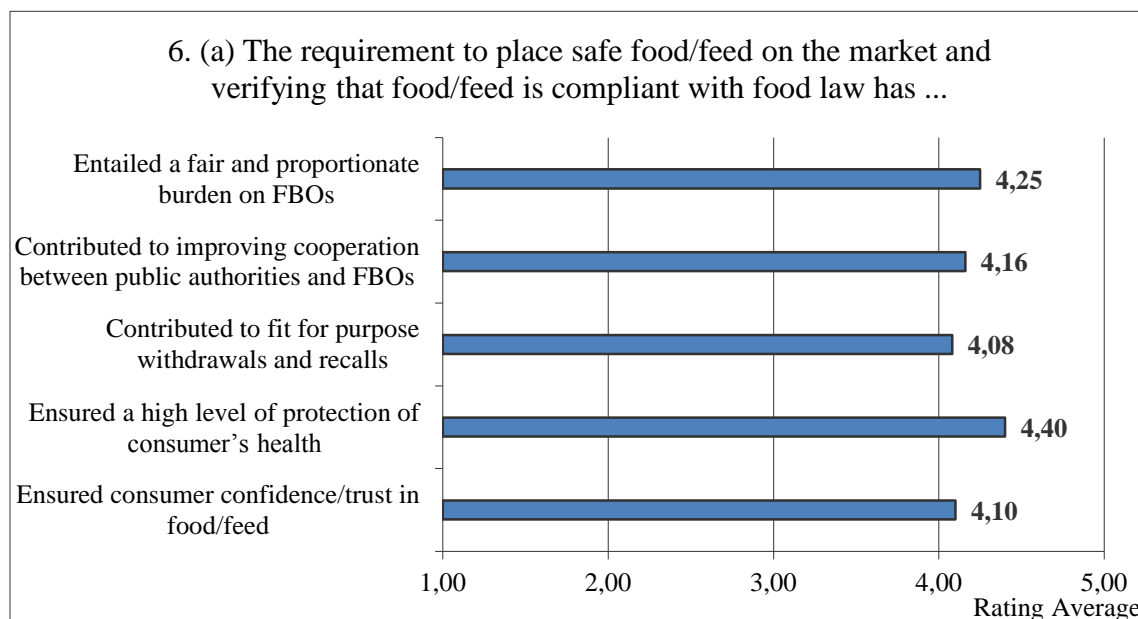
<i>MS CAs</i>	1	2	3	4	5	Don't know	Rating Average
Entailed a fair and proportionate burden on FBOs	0	0	3	12	9	1	4.25
Contributed to improving cooperation between public authorities and FBOs	0	0	4	13	8	0	4.16
Contributed to fit for purpose withdrawals and recalls	0	1	3	13	7	1	4.08
Ensured a high level of protection of consumer's health	0	0	1	13	11	0	4.40
Ensured consumer confidence/trust in food/feed	0	0	3	13	5	4	4.10
Other	0	0	0	0	1	24	5.00

### Stakeholders



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

**MS CAs**



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

Survey results (Q4a) indicate the requirement to place safe food/feed on the market and verify that food/feed is compliant with food law has largely entailed a fair and proportionate burden on FBOs. On a scale from 1 to 5, nearly two thirds of responding stakeholders provided a rating higher than midpoint (3), with over half of them rating higher than 4 (overall average rating: 3.35). In the case of MS CAs, all 25 responding MS CAs provided a rating higher than midpoint (3), with 21 of them rating higher than 4 (overall average rating: 4.25).

Despite an average positive feedback, stakeholders have provided a relatively high number of negative responses, i.e. that this requirement has not entailed a fair and proportionate burden on FBOs (19 out of 67 stakeholders scored ‘1’ or ‘2’). These stakeholders come from the sectors of SMEs, retailers, the hotel/catering sector, feed, and animal welfare NGOs, although other organisations/counterparts representing these sectors provided positive scorings.

Survey results (Q4a) indicate the requirement to place safe food/feed on the market and verify that food/feed is compliant with food law has largely contributed to improving cooperation between public authorities and FBOs. On a scale from 1 to 5, a large majority (~80%) of responding stakeholders provided a rating higher than midpoint (3), for an overall average rating of 3.43. In the case of MS CAs, all 25 responding MS CAs provided a rating higher than midpoint (3), with 21 of them rating higher than 4 (overall average rating: 4.16). Amongst stakeholders, the number of negative responses is relatively low (7 out of 67 stakeholders scored ‘1’ or ‘2’). Overall, the main issue that was raised by stakeholders in this context was the

variable level of the implementation of official controls and cooperation more generally between stakeholders and MS CAs (see also Q 4d and Q4e).

Survey results (Q4a) indicate the requirement to place safe food/feed on the market and verify that food/feed is compliant with food law has largely contributed to fit for purpose withdrawals and recalls. On a scale from 1 to 5, a large majority (87%) of responding stakeholders provided a rating higher than midpoint (3), for an overall average rating of 3.67. In the case of MS CAs, 23 of the 25 responding MS CAs provided a rating higher than midpoint (3), with 20 of them rating higher than 4 (overall average rating: 4.08). Amongst stakeholders, the number of negative responses is relatively marginal (3 out of 67 stakeholders scored ‘1’ or ‘2’). Overall, the main issue that was raised by stakeholders in this context was the variable level of the implementation of withdrawals/recalls by MS CAs (see also Q4c).

Survey results (Q4a) indicate the requirement to place safe food/feed on the market and verify that food/feed is compliant with food law has largely ensured a high level of protection of consumer’s health. On a scale from 1 to 5, a large majority (93%) of responding stakeholders provided a rating higher than midpoint (3), with three quarters of them rating higher than 4 (overall average rating: 4.06). In the case of MS CAs, all 25 responding MS CAs provided a rating higher than midpoint (3), with 24 of them rating higher than 4 (overall average rating: 4.40). Amongst stakeholders, the number of negative responses is relatively marginal (4 out of 67 stakeholders scored ‘1’ or ‘2’). Overall, a key point raised by FBOs more generally was that the outcome of the core requirements imposed on FBOs should be better defined as consumer safety rather than consumer health.

Survey results (Q4a) indicate the requirement to place safe food/feed on the market and verify that food/feed is compliant with food law has largely ensured consumer confidence/trust in food/feed. On a scale from 1 to 5, a large majority (78%) of responding stakeholders provided a rating higher than midpoint (3), for an overall average rating of 3.58. In the case of MS CAs, 21 of 25 responding MS CAs provided a rating higher than midpoint (3), with 18 of them rating higher than 4 (overall average rating: 4.10).

Despite an average positive feedback, stakeholders have provided a relatively high number of negative responses, i.e. that this requirement has not ensured consumer confidence/trust in food/feed (10 out of 67 stakeholders scored ‘1’ or ‘2’). These stakeholders come from a mix of sectors, other than food or feed as such, including some citizen movements and animal welfare NGOs, although other organisations/counterparts representing these sectors provided positive scorings. In most cases these stakeholders did not justify their scoring. Overall, the main issue that was raised by stakeholders more generally was that consumers are not aware of the legal provisions therefore their confidence or trust in food is often affected by the media or specific

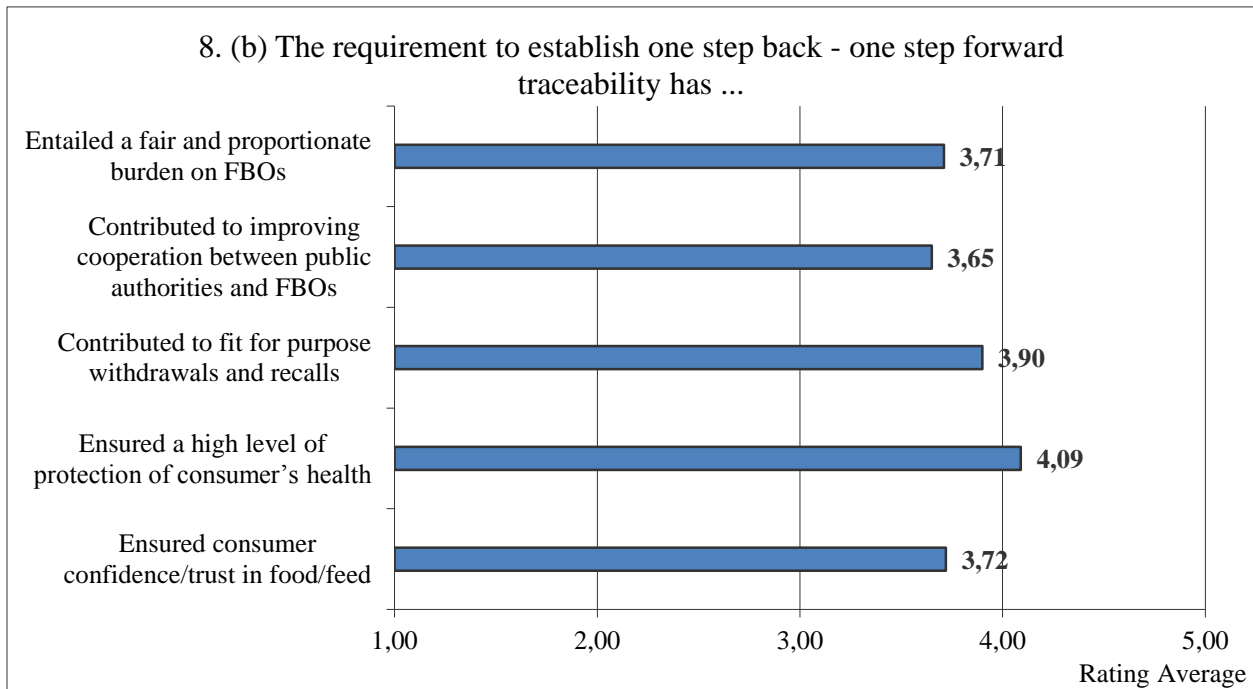
food incidents despite the legal framework (this observation was also raised in the context of traceability, as discussed further in Q4b and elsewhere in this report). It was also noted that cultural differences and new habits in the preparation of food change “the indented use” of a food and this might not be always known, particularly at the beginning of the food production chain (i.e. the primary producer).

(b) The requirement to establish one step back - one step forward traceability has ...

<i>Stakeholders</i>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>Don't know</b>	<b>Rating Average</b>
Entailed a fair and proportionate burden on FBOs	5	5	10	25	17	5	3.71
Contributed to improving cooperation between public authorities and FBOs	1	5	18	30	9	4	3.65
Contributed to fit for purpose withdrawals and recalls	0	3	19	22	19	4	3.90
Ensured a high level of protection of consumer's health	3	1	11	21	28	3	4.09
Ensured consumer confidence/trust in food/feed	3	2	20	20	16	6	3.72
Other	0	0	3	2	1	61	3.67

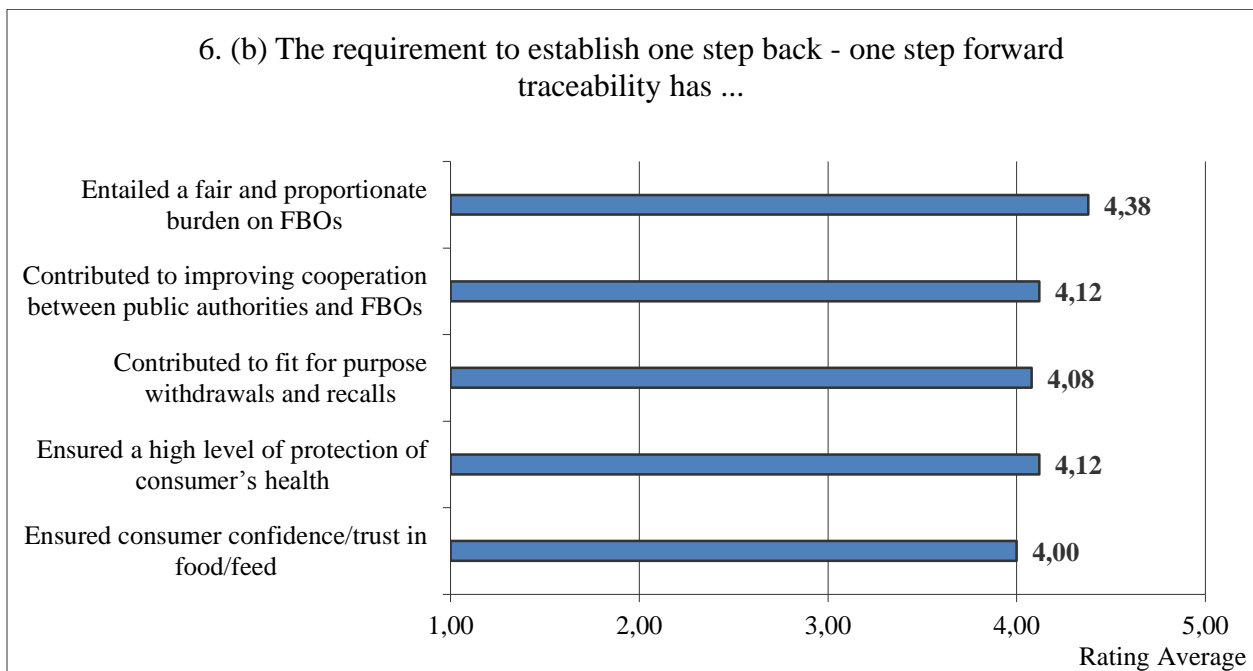
<i>MS CAs</i>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>Don't know</b>	<b>Rating Average</b>
Entailed a fair and proportionate burden on FBOs	0	0	1	13	10	1	4.38
Contributed to improving cooperation between public authorities and FBOs	0	0	5	12	8	0	4.12
Contributed to fit for purpose withdrawals and recalls	0	1	5	10	9	0	4.08
Ensured a high level of protection of consumer's health	0	0	4	14	7	0	4.12
Ensured consumer confidence/trust in food/feed	0	0	5	10	5	5	4.00
Other	0	0	0	0	1	24	5.00

*Stakeholders*



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

*MS CAs*



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

Survey results (Q4b) indicate the requirement to establish one step back - one step forward traceability has largely entailed a fair and proportionate burden on FBOs. On a scale from 1 to 5, a large majority (78%) of responding stakeholders provided a rating higher than midpoint (3), with over half of them rating higher than 4 (overall average rating: 3.71). In the case of MS CAs, 24 of the 25 responding MS CAs provided a rating higher than midpoint (3), with 23 of them rating higher than 4 (overall average rating: 4.38).

Despite an average positive feedback, stakeholders have provided a relatively high number of negative responses, that the traceability requirement has not entailed a fair and proportionate burden on FBOs (10 out of 67 stakeholders scored ‘1’ or ‘2’). These stakeholders come from the sectors of SMEs, retailers, the hotel/catering sector, animal welfare NGOs, and some other movements (e.g. a food bank) although other organisations/counterparts representing these sectors provided positive scorings. The key points raised by those organisations that scored negatively this point, in particular SMEs and retailers, are highlighted in Q4a (*note: the other organisations did not justify their scoring*).

Survey results (Q4b) indicate the requirement to establish one step back - one step forward traceability has largely contributed to improving cooperation between public authorities and FBOs. On a scale from 1 to 5, a large majority (85%) of responding stakeholders provided a rating higher than midpoint (3), for an overall average rating of 3.65. In the case of MS CAs, all 25 responding MS CAs provided a rating higher than midpoint (3), with 20 of them rating higher than 4 (overall average rating: 4.12). Amongst stakeholders, the number of negative responses is relatively low (6 out of 67 stakeholders scored ‘1’ or ‘2’). Overall, the main issue that was raised by stakeholders in this context was the variable level of the implementation of official controls, in particular with reference to verification of internal traceability, and cooperation more generally between stakeholders and MS CAs (see also Q 4d and Q4e).

Survey results (Q4b) indicate the requirement to establish one step back - one step forward traceability has largely contributed to fit for purpose withdrawals and recalls. On a scale from 1 to 5, a large majority (90%) of responding stakeholders provided a rating higher than midpoint (3), for an overall average rating of 3.90. In the case of MS CAs, 24 of the 25 responding MS CAs provided a rating higher than midpoint (3), with 19 of them rating higher than 4 (overall average rating: 4.08). Similarly, 60 of the 67 responding stakeholders provided a rating higher than midpoint (3), with 41 of them rating higher than 4 (overall average rating: 4.16); the number of negative responses is relatively marginal (3 out of 67 stakeholders scored ‘1’ or ‘2’).

Survey results (Q4b) indicate the requirement to establish one step back - one step forward traceability has largely ensured a high level of protection of consumer’s health. On a scale from



1 to 5, a large majority (90%) of responding stakeholders provided a rating higher than midpoint (3), with three quarters of them rating higher than 4 (overall average rating: 4.09). In the case of MS CAs, all 25 responding MS CAs provided a rating higher than midpoint (3), with 21 of them rating higher than 4 (overall average rating: 4.12). Amongst stakeholders, the number of negative responses is relatively marginal (4 out of 67 stakeholders scored ‘1’ or ‘2’).

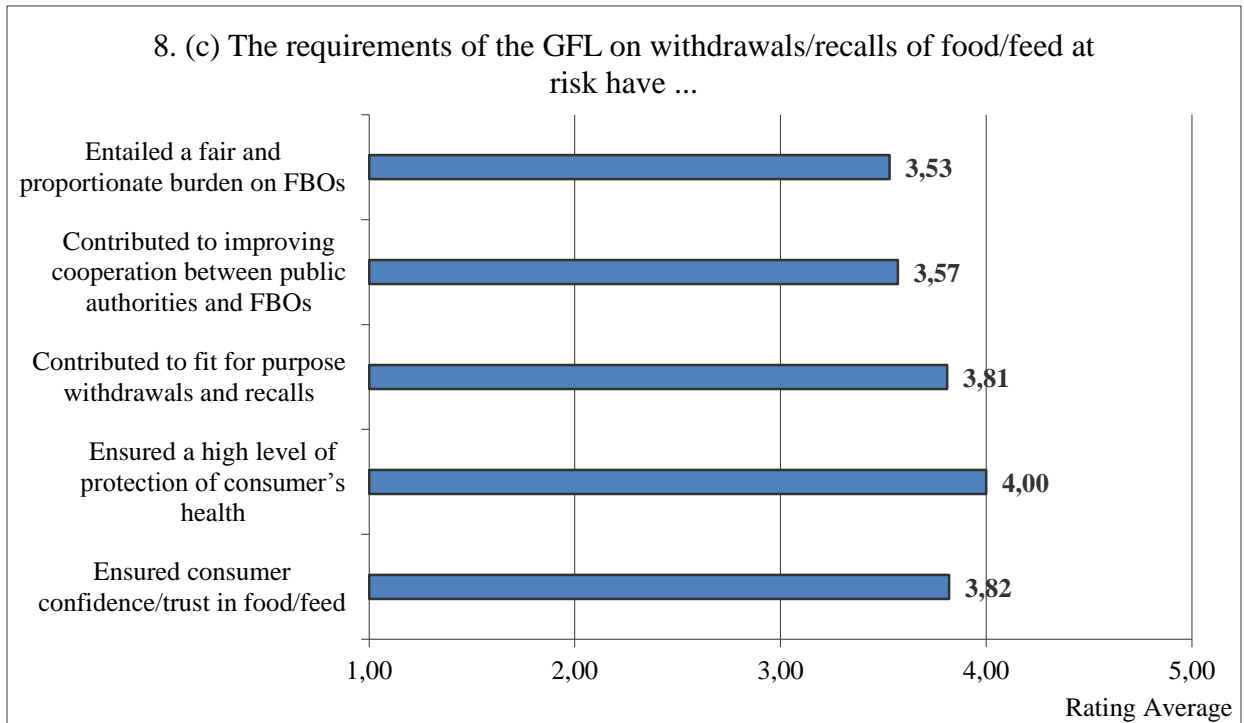
Survey results (Q4b) indicate the requirement to establish one step back - one step forward traceability has largely ensured consumer confidence/trust in food/feed. On a scale from 1 to 5, a large majority (84%) of responding stakeholders provided a rating higher than midpoint (3), for an overall average rating of 3.72. In the case of MS CAs, 20 of 25 responding MS CAs provided a rating higher than midpoint (3), with 15 of them rating higher than 4 (overall average rating: 4.00). Amongst stakeholders, the number of negative responses is relatively marginal (5 out of 67 stakeholders scored ‘1’ or ‘2’).

(c) The requirements of the GFL on withdrawals/recalls of food/feed at risk have ...

<i>Stakeholders</i>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>Don't know</b>	<b>Rating Average</b>
Entailed a fair and proportionate burden on FBOs	3	6	21	19	13	5	3.53
Contributed to improving cooperation between public authorities and FBOs	2	4	19	29	7	6	3.57
Contributed to fit for purpose withdrawals and recalls	1	4	17	24	16	5	3.81
Ensured a high level of protection of consumer's health	0	1	16	30	18	2	4.00
Ensured consumer confidence/trust in food/feed	0	5	14	29	13	6	3.82
Other	0	1	3	2	2	59	3.63

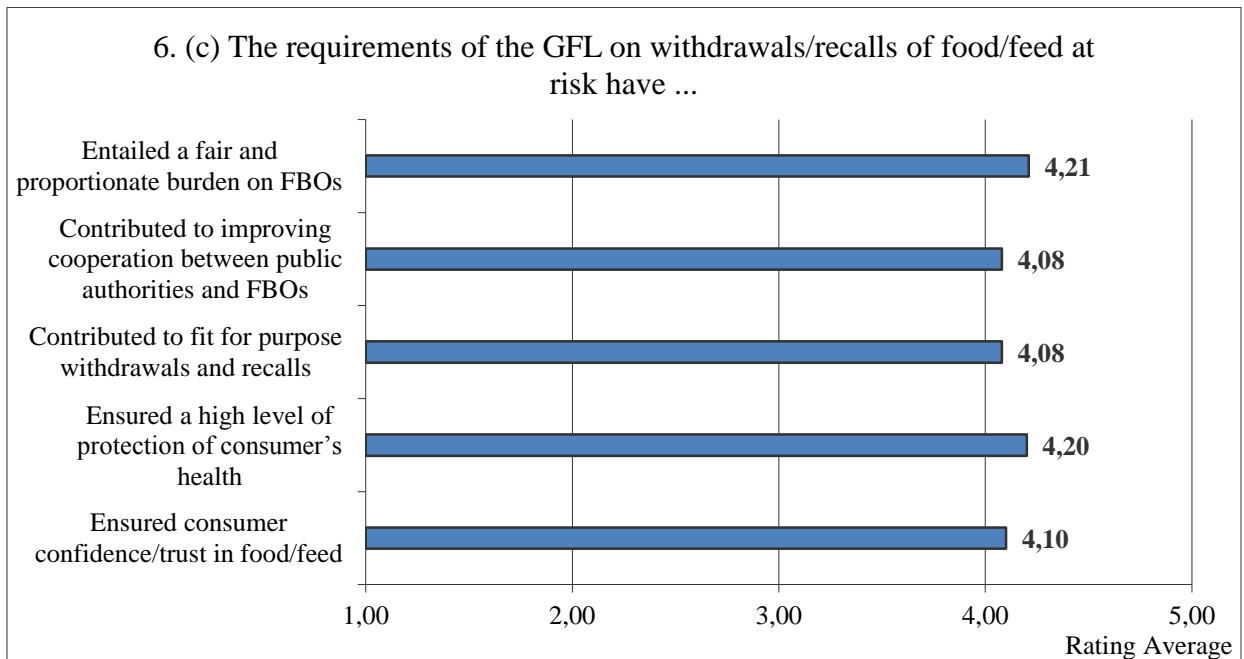
<i>MS CAs</i>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>Don't know</b>	<b>Rating Average</b>
Entailed a fair and proportionate burden on FBOs	0	0	3	13	8	1	4.21
Contributed to improving cooperation between public authorities and FBOs	0	0	6	11	8	0	4.08
Contributed to fit for purpose withdrawals and recalls	0	2	3	11	9	0	4.08
Ensured a high level of protection of consumer's health	0	1	3	11	10	0	4.20
Ensured consumer confidence/trust in food/feed	0	1	2	12	6	4	4.10
Other	0	0	0	0	1	24	5.00

**Stakeholders**



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

**MS CAs**



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

Survey results (Q4c) indicate the requirements of the GFL on withdrawals/recalls of food/feed at risk have largely entailed a fair and proportionate burden on FBOs. On a scale from 1 to 5, a large majority (79%) of responding stakeholders provided a rating higher than midpoint (3), with overall average rating of 3.53. In the case of MS CAs, 24 of the 25 responding MS CAs provided a rating higher than midpoint (3), with 21 of them rating higher than 4 (overall average rating: 4.21).

Despite an average positive feedback, stakeholders have provided a relatively high number of negative responses, that the requirements on withdrawals and recalls of food/feed have not entailed a fair and proportionate burden on FBOs (9 out of 67 stakeholders scored ‘1’ or ‘2’). These stakeholders come from the sectors of poultry, retailers, SMEs, the hotel/catering sector, and the feed sector although other organisations/counterparts representing these sectors provided positive scorings. The key points raised by those organisations that scored negatively this point, in particular SMEs and the retailers, are highlighted in Q4a (note: the other organisations did not justify their scoring). It was commented that the GFL has not always contributed to fit for purpose or proportionate withdrawals and recalls. This is particularly the case in the context of the interpretation of ‘*unfit for human consumption*’ (Article 14.5), or where GFL legal non-conformities (Art. 14.7) with no risk for consumer health are systematically considered as unsafe foods and subject to recalls and/or withdrawals. It was also noted that some times recalls are based on political decisions and/or triggered by public perception rather than food safety risks, which results in disproportionate burden for operators.

Survey results (Q4c) indicate the requirements of the GFL on withdrawals/recalls of food/feed at risk have largely contributed to improving cooperation between public authorities and FBOs. On a scale from 1 to 5, a large majority (82%) of responding stakeholders provided a rating higher than midpoint (3), for an overall average rating of 3.57. In the case of MS CAs, all 25 responding MS CAs provided a rating higher than midpoint (3), with 19 of them rating higher than 4 (overall average rating: 4.08). Amongst stakeholders, the number of negative responses is relatively low (6 out of 67 stakeholders scored ‘1’ or ‘2’).

Survey results (Q4c) indicate the requirements of the GFL on withdrawals/recalls of food/feed at risk have largely contributed to fit for purpose withdrawals and recalls. On a scale from 1 to 5, a large majority (85%) of responding stakeholders provided a rating higher than midpoint (3), for an overall average rating of 3.81. In the case of MS CAs, 23 of the 25 responding MS CAs provided a rating higher than midpoint (3), with 20 of them rating higher than 4 (overall average rating: 4.08). Amongst stakeholders, the number of negative responses is relatively marginal (5 out of 67 stakeholders scored ‘1’ or ‘2’).

Survey results (Q4c) indicate the requirements of the GFL on withdrawals/recalls of food/feed at risk have largely ensured a high level of protection of consumer’s health. On a scale from 1 to 5, nearly all (96%) of responding stakeholders provided a rating higher than midpoint (3), with nearly three quarters of them rating higher than 4 (overall average rating: 4.00). In the case of MS CAs, 24 of the 25 responding MS CAs provided a rating higher than midpoint (3), with 21 of them rating higher than 4 (overall average rating: 4.20). Amongst stakeholders, the number of negative responses is relatively marginal (1 out of 67 stakeholders scored ‘1’ or ‘2’).

Survey results (Q4c) indicate the requirements of the GFL on withdrawals/recalls of food/feed at risk have largely ensured consumer confidence/trust in food/feed. On a scale from 1 to 5, a large majority (84%) of responding stakeholders provided a rating higher than midpoint (3), for an overall average rating of 3.82. In the case of MS CAs, 20 of 25 responding MS CAs provided a rating higher than midpoint (3), with 18 of them rating higher than 4 (overall average rating: 4.10). Amongst stakeholders, the number of negative responses is relatively marginal (5 out of 67 stakeholders scored ‘1’ or ‘2’).

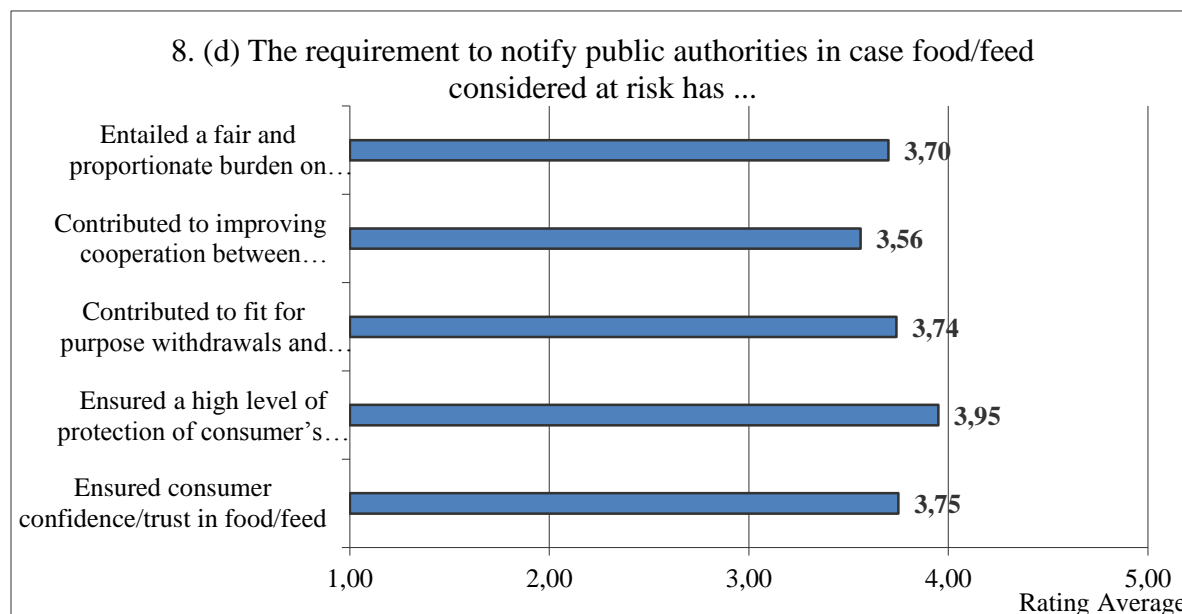
(d)The requirement to notify public authorities in case food/feed considered at risk has ...

<i>Stakeholders</i>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>Don’t know</b>	<b>Rating Average</b>
Entailed a fair and proportionate burden on FBOs	0	8	15	25	13	6	3.70
Contributed to improving cooperation between public authorities and FBOs	0	9	18	26	9	5	3.56
Contributed to fit for purpose withdrawals and recalls	0	7	16	25	14	5	3.74
Ensured a high level of protection of consumer’s health	0	4	15	24	20	4	3.95
Ensured consumer confidence/trust in food/feed	1	5	17	21	15	8	3.75
Other	0	1	1	2	2	61	3.83

<i>MS CAs</i>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>Don’t know</b>	<b>Rating Average</b>
Entailed a fair and proportionate burden on FBOs	0	0	1	10	13	1	4.50
Contributed to improving cooperation between public authorities and FBOs	0	0	4	11	10	0	4.24
Contributed to fit for purpose withdrawals and recalls	0	1	2	14	8	0	4.16
Ensured a high level of protection of consumer’s health	0	0	3	11	11	0	4.32

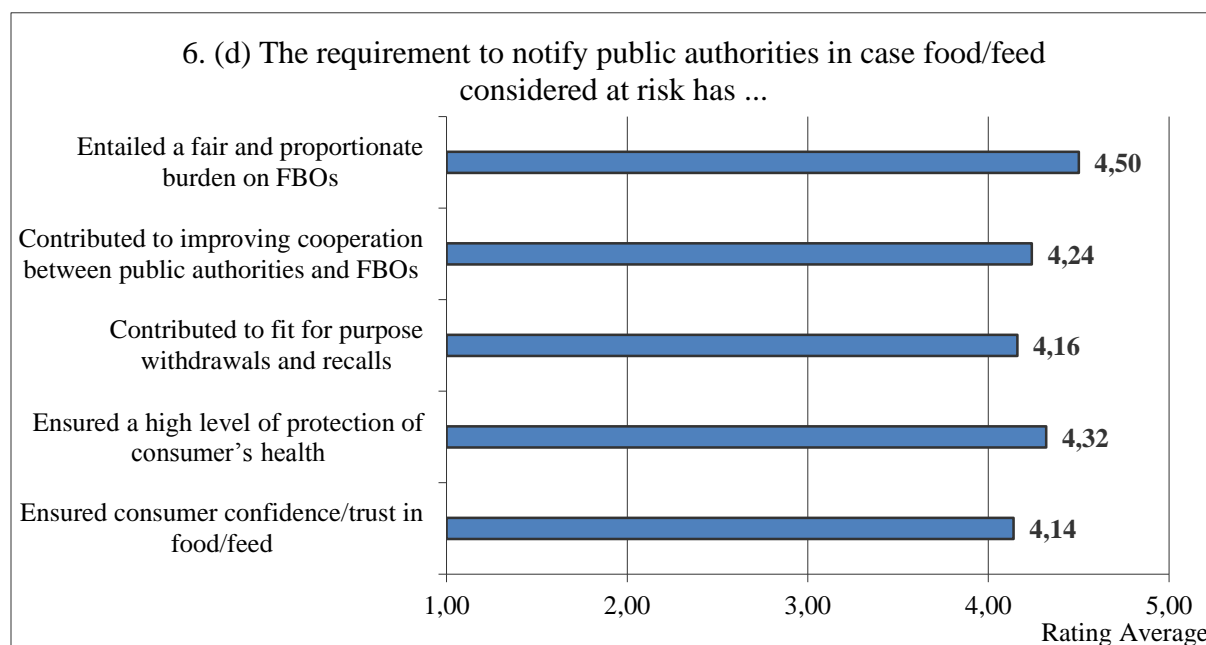
<i>MS CAs</i>	1	2	3	4	5	Don't know	Rating Average
Ensured consumer confidence/trust in food/feed	0	0	2	14	5	4	4.14
Other	0	0	0	0	1	24	5.00

*Stakeholders*



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

*MS CAs*



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

Survey results (Q4d) indicate the requirement to notify public authorities in case food/feed considered at risk has largely entailed a fair and proportionate burden on FBOs. On a scale from 1 to 5, a large majority (79%) of responding stakeholders provided a rating higher than midpoint (3), with overall average rating of 3.70. In the case of MS CAs, 24 of the 25 responding MS CAs provided a rating higher than midpoint (3), with 23 of them rating higher than 4 (overall average rating: 4.50).

Survey results (Q4d) indicate the requirement to notify public authorities in case food/feed considered at risk has largely contributed to improving cooperation between public authorities and FBOs. On a scale from 1 to 5, a large majority (79%) of responding stakeholders provided a rating higher than midpoint (3), for an overall average rating of 3.56. In the case of MS CAs, all 25 responding MS CAs provided a rating higher than midpoint (3), with 21 of them rating higher than 4 (overall average rating: 4.24).

Survey results (Q4d) indicate the requirement to notify public authorities in case food/feed considered at risk has largely contributed to fit for purpose withdrawals and recalls. On a scale from 1 to 5, a large majority (82%) of responding stakeholders provided a rating higher than midpoint (3), for an overall average rating of 3.74; while relatively few stakeholders provided negative responses (7 out of 67 stakeholders scored ‘1’), and 5 of the 67 stakeholders did not provide an answer largely because they were not in a position to know. In the case of MS CAs, 24 of the 25 responding MS CAs provided a rating higher than midpoint (3), with 22 of them rating higher than 4 (overall average rating: 4.16).

Survey results (Q4d) indicate the requirement to notify public authorities in case food/feed considered at risk has largely ensured a high level of protection of consumer’s health. On a scale from 1 to 5, a large majority (88%) of responding stakeholders provided a rating higher than midpoint (3), with an overall average rating of 3.95. In the case of MS CAs, all 25 responding MS CAs provided a rating higher than midpoint (3), with 22 of them rating higher than 4 (overall average rating: 4.32).

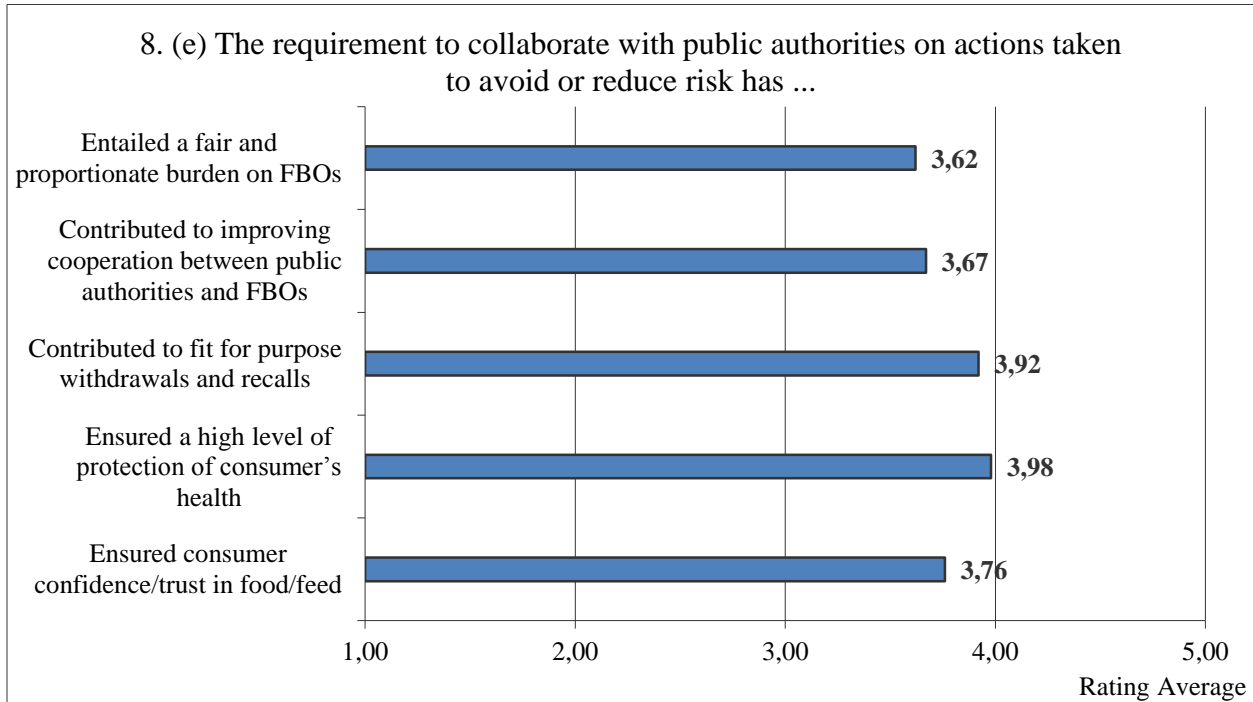
Survey results (Q4d) indicate the requirement to notify public authorities in case food/feed considered at risk has largely ensured consumer confidence/trust in food/feed. On a scale from 1 to 5, a large majority (79%) of responding stakeholders provided a rating higher than midpoint (3), for an overall average rating of 3.75. In the case of MS CAs, 21 of 25 responding MS CAs provided a rating higher than midpoint (3), with 19 of them rating higher than 4 (overall average rating: 4.14).

(e) The requirement to collaborate with public authorities on actions taken to avoid or reduce risk has ...

<i>Stakeholders</i>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>Don't know</b>	<b>Rating Average</b>
Entailed a fair and proportionate burden on FBOs	1	6	21	20	13	6	3.62
Contributed to improving cooperation between public authorities and FBOs	1	5	17	28	10	6	3.67
Contributed to fit for purpose withdrawals and recalls	0	1	18	27	15	6	3.92
Ensured a high level of protection of consumer's health	0	1	17	28	18	3	3.98
Ensured consumer confidence/trust in food/feed	1	2	18	27	11	8	3.76
Other	0	0	3	2	2	60	3.86

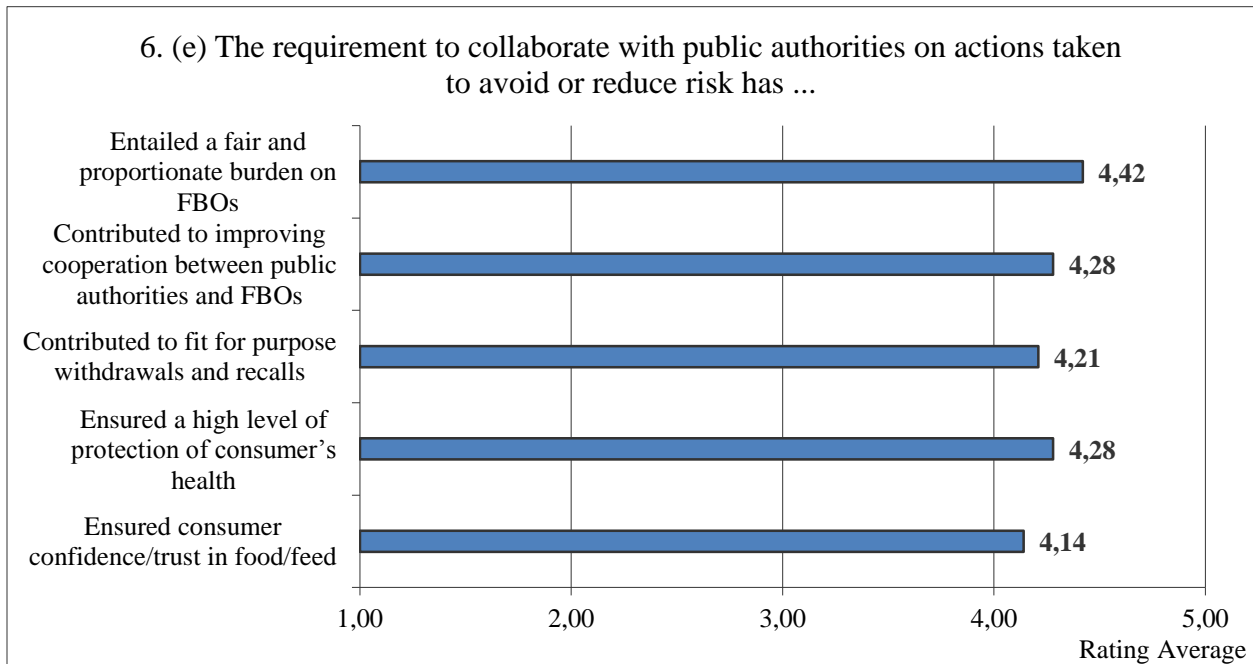
<i>MS CAs</i>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>Don't know</b>	<b>Rating Average</b>
Entailed a fair and proportionate burden on FBOs	0	0	1	12	11	1	4.42
Contributed to improving cooperation between public authorities and FBOs	0	0	3	12	10	0	4.28
Contributed to fit for purpose withdrawals and recalls	0	0	4	11	9	1	4.21
Ensured a high level of protection of consumer's health	0	0	3	12	10	0	4.28
Ensured consumer confidence/trust in food/feed	0	0	3	12	6	4	4.14
Other	0	0	0	0	1	24	5.00

**Stakeholders**



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

**MS CAs**



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.



Survey results (Q4e) indicate the requirement to collaborate with public authorities on actions taken to avoid or reduce risk has largely entailed a fair and proportionate burden on FBOs. On a scale from 1 to 5, a large majority (81%) of responding stakeholders provided a rating higher than midpoint (3), with overall average rating of 3.62. In the case of MS CAs, 24 of the 25 responding MS CAs provided a rating higher than midpoint (3), with 23 of them rating higher than 4 (overall average rating: 4.42).

Survey results (Q4e) indicate the requirement to collaborate with public authorities on actions taken to avoid or reduce risk has largely contributed to improving cooperation between public authorities and FBOs. On a scale from 1 to 5, a large majority (82%) of responding stakeholders provided a rating higher than midpoint (3), for an overall average rating of 3.67. In the case of MS CAs, all 25 responding MS CAs provided a rating higher than midpoint (3), with 22 of them rating higher than 4 (overall average rating: 4.28).

Survey results (Q4e) indicate the requirement to collaborate with public authorities on actions taken to avoid or reduce risk has largely contributed to fit for purpose withdrawals and recalls. On a scale from 1 to 5, a large majority (90%) of responding stakeholders provided a rating higher than midpoint (3), for an overall average rating of 3.92; while only 1 stakeholder provided negative responses (scored ‘2’), and 6 of the 67 stakeholders did not provide an answer largely because they were not in a position to know. In the case of MS CAs, 24 of the 25 responding MS CAs provided a rating higher than midpoint (3), with 20 of them rating higher than 4 (overall average rating: 4.21).

Survey results (Q4e) indicate the requirement to collaborate with public authorities on actions taken to avoid or reduce risk has largely ensured a high level of protection of consumer’s health. On a scale from 1 to 5, nearly all (94%) of responding stakeholders provided a rating higher than midpoint (3), with an overall average rating of 3.98. In the case of MS CAs, all 25 responding MS CAs provided a rating higher than midpoint (3), with 22 of them rating higher than 4 (overall average rating: 4.28).

Survey results (Q4e) indicate the requirement to collaborate with public authorities on actions taken to avoid or reduce risk has largely ensured consumer confidence/trust in food/feed. On a scale from 1 to 5, a large majority (84%) of responding stakeholders provided a rating higher than midpoint (3), for an overall average rating of 3.76. In the case of MS CAs, 21 of 25 responding MS CAs provided a rating higher than midpoint (3), with 19 of them rating higher than 4 (overall average rating: 4.14).

## 3.2 Food/feed safety requirements

### Introduction

**Article 14** of the GFL prohibits food being placed on the EU market if it is unsafe. Food is ‘unsafe’ if it is:

- Injurious to health; or
- Unfit for human consumption.

In general, to determine if a food is unsafe, one should take into account the normal conditions of use of the food and the information provided to the consumer. To determine whether a food is ‘injurious to health’, one should take into account (a) the short- and long-term effects of consuming such food, (b) the probable cumulative toxic effects and (c) the particular health sensitivities of a specific category of consumers when the food is intended for that category of consumers. To determine whether a food is ‘unfit for human consumption’, one should consider whether it is unacceptable for human consumption according to its intended use.

**Article 15** of the GFL prohibits feed being placed on the Union market or fed to any food-producing animal if it is unsafe. Feed is unsafe if it has an adverse effect on human or animal health or makes the food derived from food-producing animals unsafe for human consumption.

5. The GFL imposes a general obligation on economic operators to market only food/feed that is safe. For this purpose, it sets out specific basic considerations (see introduction above) for establishing whether a food/feed is safe. In this context:

#### **EQ 3, EQ 5**

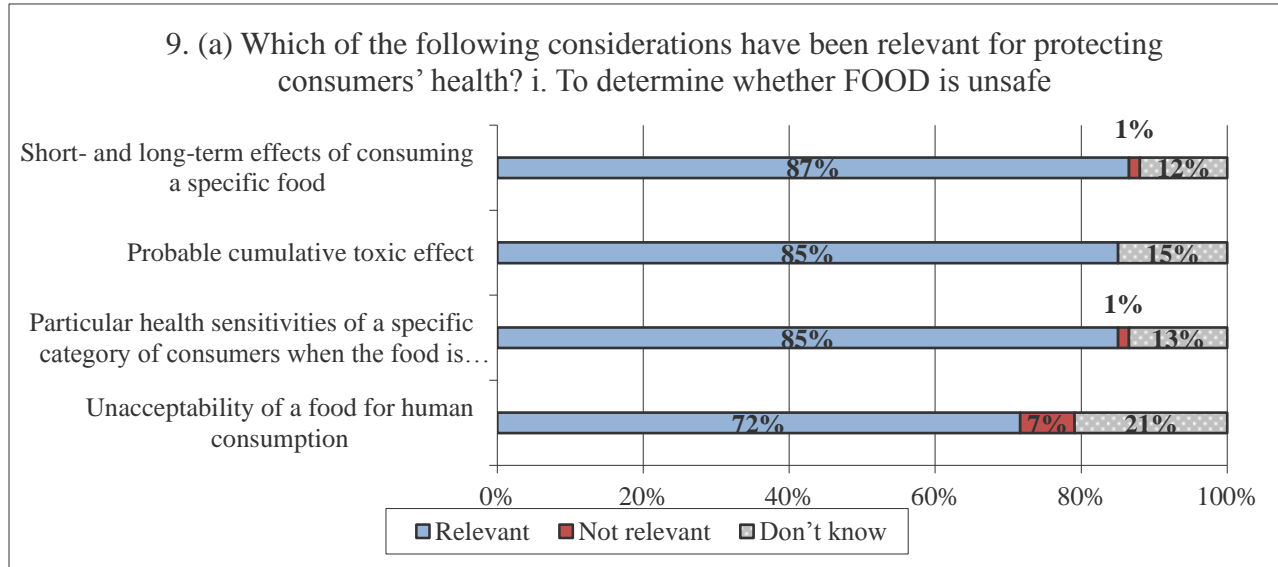
- (a) Which of the following considerations have been relevant for protecting consumers’ health?

<i>Stakeholders</i>	<b>Relevant</b>	<b>Not relevant</b>	<b>Don’t know</b>
<b>i. To determine whether FOOD is unsafe</b>			
Short- and long-term effects of consuming a specific food	58 87%	1 1%	8 12%
Probable cumulative toxic effect	57 85%	0 0%	10 15%
Particular health sensitivities of a specific category of consumers when the food is intended for that category of consumers	57 85%	1 1%	9 13%
Unacceptability of a food for human consumption	48 72%	5 7%	14 21%

<i>MS CAs</i>	<b>Relevant</b>	<b>Not relevant</b>	<b>Don’t know</b>
<b>i. To determine whether FOOD is unsafe</b>			
Short- and long-term effects of consuming a specific food	24 96%	0 0%	1 4%
Probable cumulative toxic effect	24	1	0

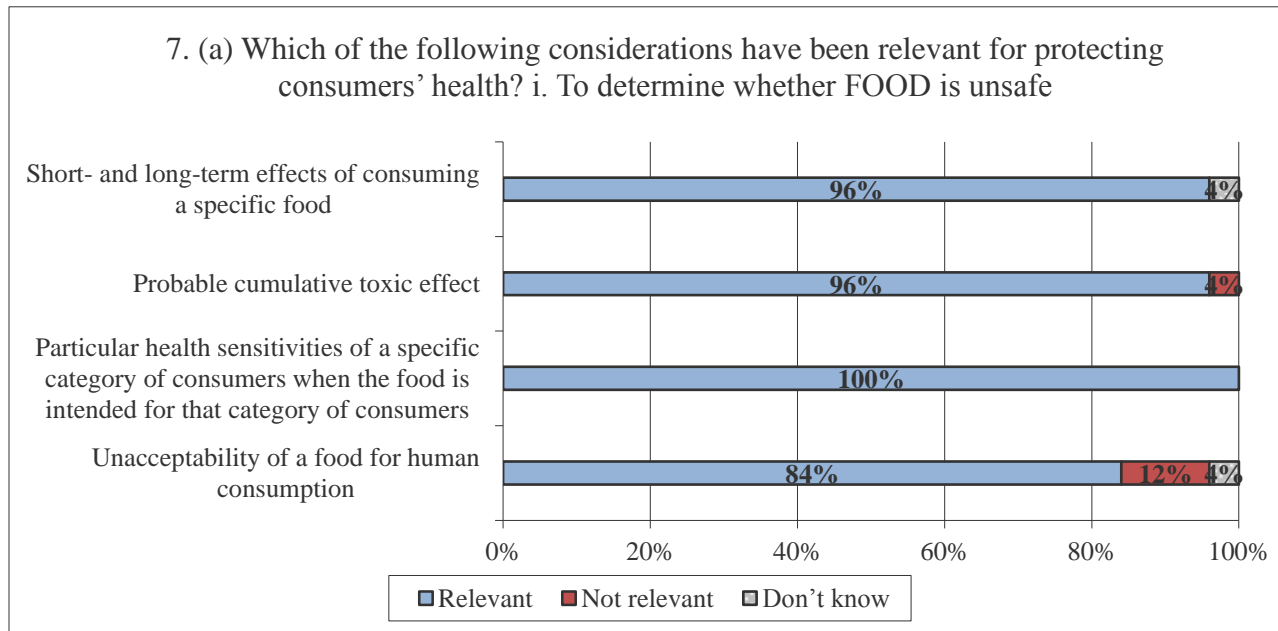
	96%	4%	0%
Particular health sensitivities of a specific category of consumers when the food is intended for that category of consumers	25	0	0
	100%	0%	0%
Unacceptability of a food for human consumption	21	3	1
	84%	12%	4%

**Stakeholders**



Source: Agra CEAS Consulting.

**MS CAs**



Source: Agra CEAS Consulting.

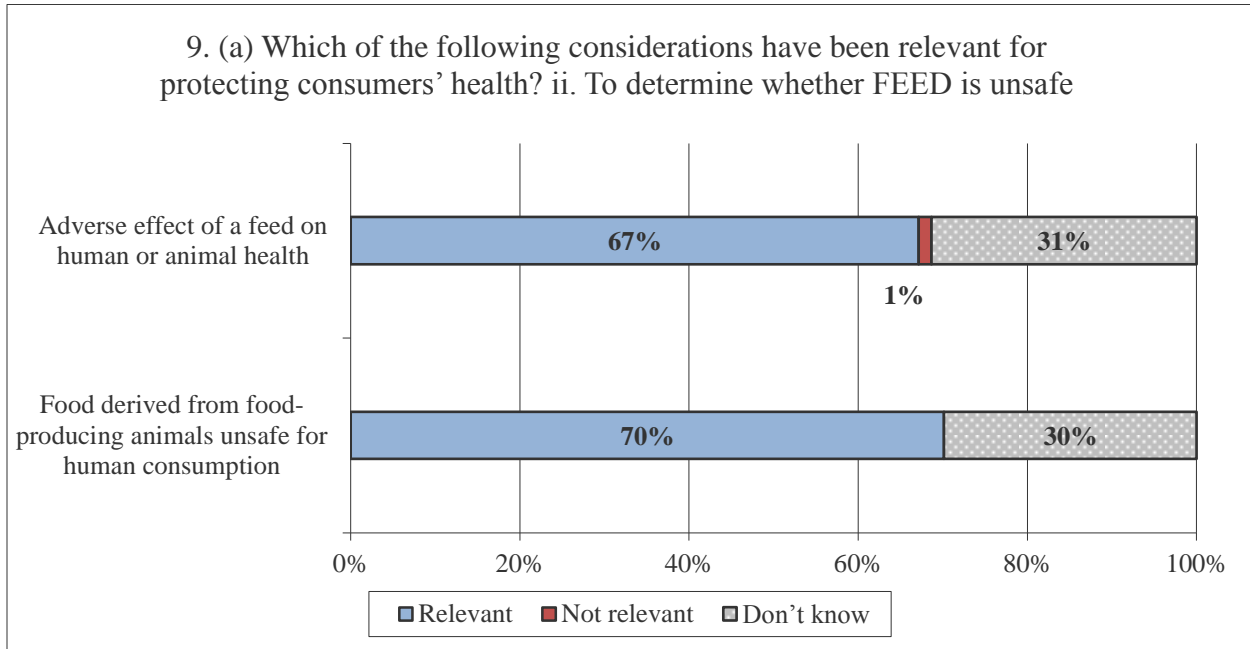
Survey results (Q5a) indicate that all the basic considerations set out in Article 14 to determine whether food is unsafe have been relevant. This is particularly the case for the considerations to determine whether food is injurious to health, i.e. (a) the short- and long-term effects of consuming such food (87% of stakeholders and 96% of MS CAs consider this relevant), (b) the probable cumulative toxic effects (85% of stakeholders; 96% of MS CAs) and (c) the particular health sensitivities of a specific category of consumers when the food is intended for that category of consumers (85% of stakeholders; 100% of MS CAs). In all cases less than 1% of stakeholders that provided an assessment thought that the above considerations were not relevant.

Similarly, the basic consideration to determine whether a food is unfit for human consumption, i.e. whether it is unacceptable for human consumption according to its intended use, is also considered to have been relevant by a large majority of respondents (84% of MS CAs; 72% of stakeholders). It is noted that a fifth of responding stakeholders (21%) did not provide a rating. Of these that did, over 90% considered this relevant. In the case of MS CAs, 3 of them (12%) considered this as not relevant.

<i>Stakeholders</i>	<b>Relevant</b>	<b>Not relevant</b>	<b>Don't know</b>
<b>ii. To determine whether FEED is unsafe</b>			
Adverse effect of a feed on human or animal health	45	1	21
	67%	1%	31%
Food derived from food-producing animals unsafe for human consumption	47	0	20
	70%	0%	30%

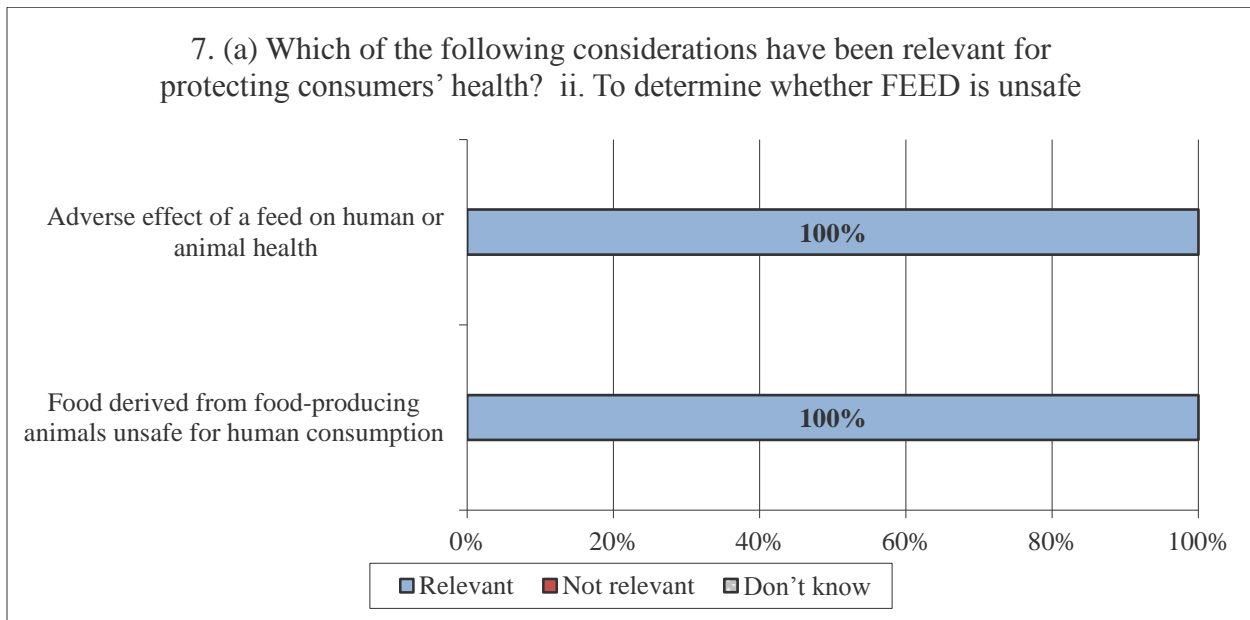
<i>MS CAs</i>	<b>Relevant</b>	<b>Not relevant</b>	<b>Don't know</b>
<b>ii. To determine whether FEED is unsafe</b>			
Adverse effect of a feed on human or animal health	25	0	0
	100%	0%	0%
Food derived from food-producing animals unsafe for human consumption	25	0	0
	100%	0%	0%

**Stakeholders**



Source: Agra CEAS Consulting.

**MS CAs**



Source: Agra CEAS Consulting.

Survey results (Q5b) indicate that the two basic considerations set out in Article 15 to determine whether feed is unsafe have been relevant. The adverse effect of a feed on human or animal health is considered to have been a relevant consideration by 67% of stakeholders (while 31%

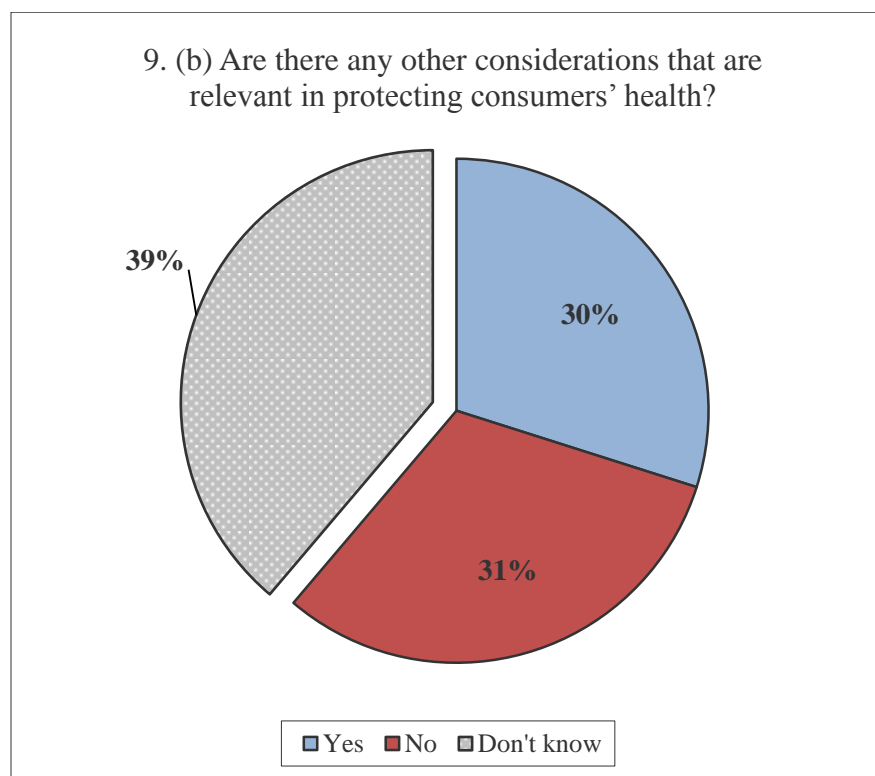
did not know, i.e. only 1% considered it not relevant) and by all 25 MS CAs. The consideration that feed is unsafe if it makes the food derived from food-producing animals unsafe for human consumption is considered relevant by 70% of stakeholders (while 30% did not know) and by all 25 MS CAs.

It is noted that in the case of stakeholders the large number of ‘don’t know’ responses is attributed to the fact that many of the respondents did not have a view/are not involved in the feed sector.

(b) Are there any other considerations that are relevant in protecting consumers’ health?

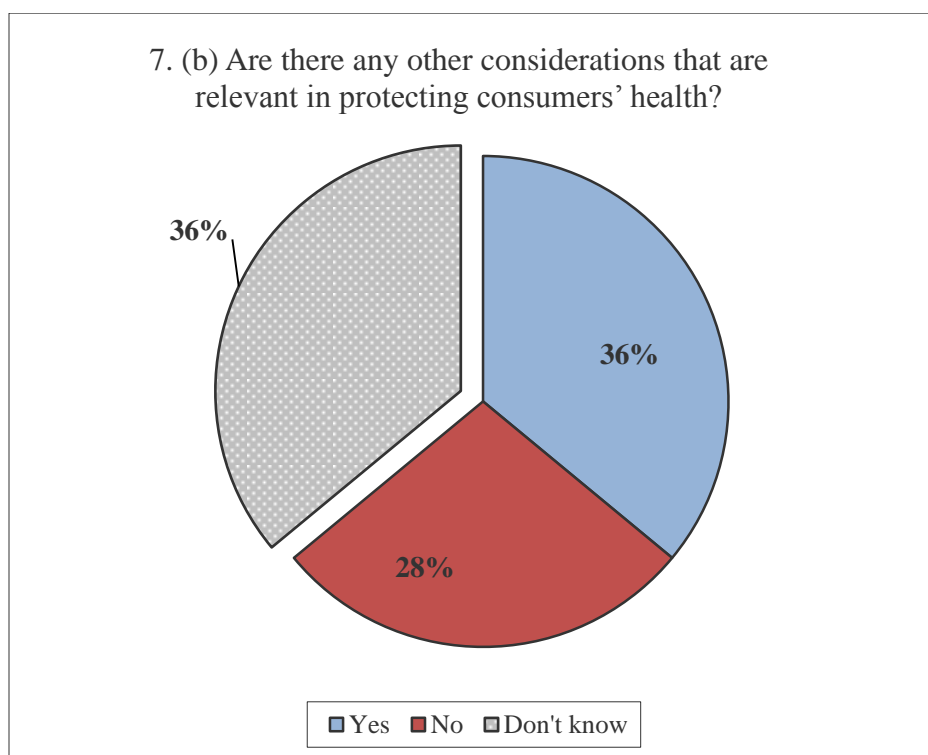
<i>Stakeholders</i>	<b>Yes</b>	<b>No</b>	<b>Don’t know</b>
<b>Response Count</b>	20	21	26
<b>Response Percent</b>	30%	31%	39%
<i>MS CAs</i>	<b>Yes</b>	<b>No</b>	<b>Don’t know</b>
<b>Response Count</b>	9	7	9
<b>Response Percent</b>	36%	28%	36%

*Stakeholders*



Source: Agra CEAS Consulting.

**MS CAs**



Source: Agra CEAS Consulting.

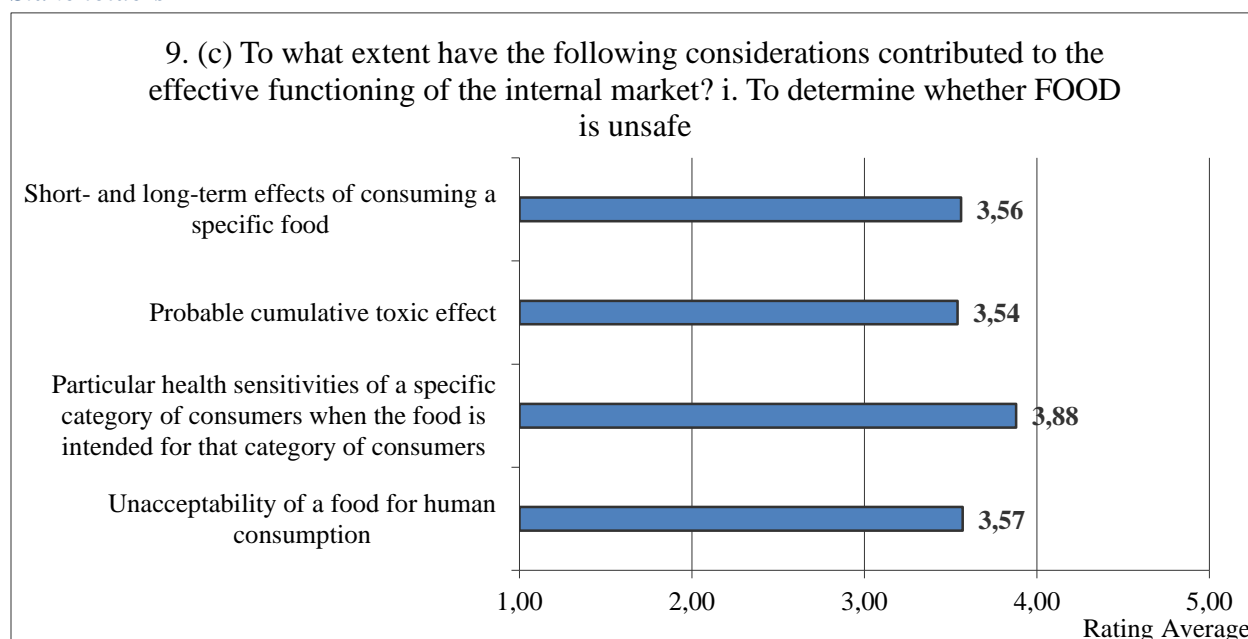
(c) To what extent have the following considerations contributed to the effective functioning of the internal market? *To score on a scale 1-5 (1= have not contributed; 5=fully contributed)*

<i>Stakeholders</i>	1	2	3	4	5	Don't know	Rating Average
<b>i. To determine whether FOOD is unsafe</b>							
Short- and long-term effects of consuming a specific food	0	6	19	13	10	19	3.56
Probable cumulative toxic effect	2	5	15	14	10	21	3.54
Particular health sensitivities of a specific category of consumers when the food is intended for that category of consumers	0	6	14	11	20	16	3.88
Unacceptability of a food for human consumption	4	4	16	17	13	13	3.57

<i>MS CAs</i>	1	2	3	4	5	Don't know	Rating Average
<b>i. To determine whether FOOD is unsafe</b>							

<b>MS CAs</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>Don't know</b>	<b>Rating Average</b>
<b>i. To determine whether FOOD is unsafe</b>							
Short- and long-term effects of consuming a specific food	1	1	4	10	5	4	3.81
Probable cumulative toxic effect	1	1	4	10	5	4	3.81
Particular health sensitivities of a specific category of consumers when the food is intended for that category of consumers	1	1	5	9	5	4	3.76
Unacceptability of a food for human consumption	1	3	5	8	5	3	3.59

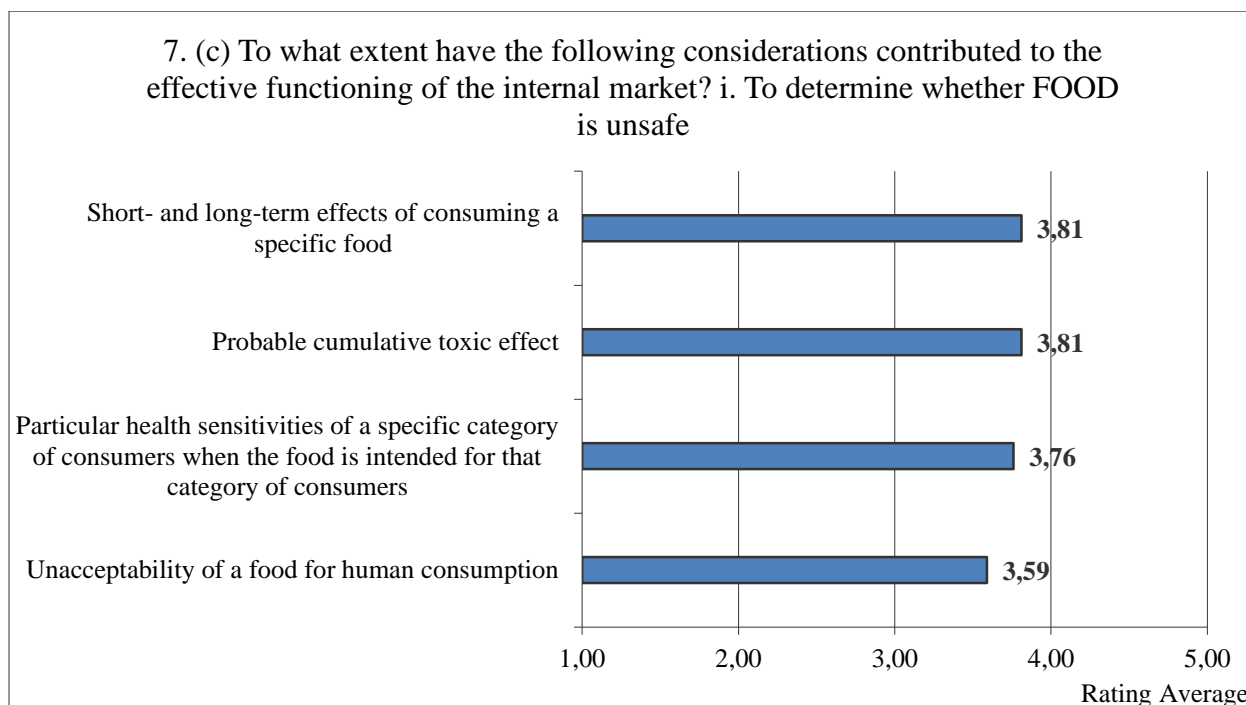
**Stakeholders**



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.



**MS CAs**



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

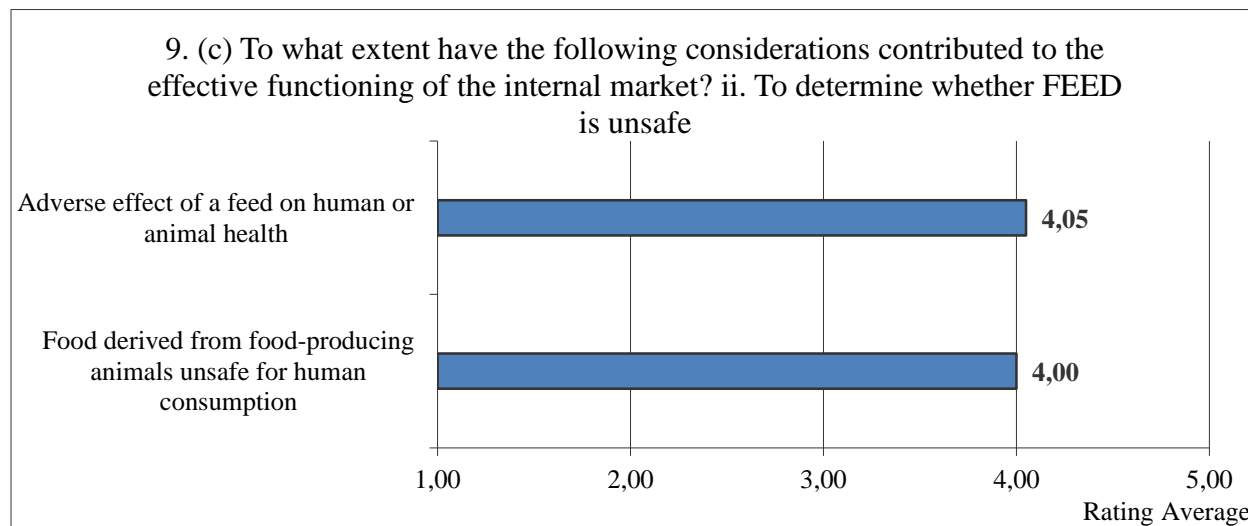
Survey results (Q5c.i) indicate that the considerations set out in Article 14 to determine whether food is unsafe overall have contributed to the effective functioning of the internal market. On average, all ratings provided by stakeholders and MS CAs on the four considerations to take into account (the short- and long-term effects of consuming a specific food, the probable cumulative toxic effect, the particular health sensitivities of a specific category of consumers when the food is intended for that category of consumers, the unacceptability of a food for human consumption) are higher than midpoint (3.00) and vary between 3.50 and 4.00 on a scale from 1 to 5. It should be noted that roughly a quarter of responding stakeholders and some (3 or 4 depending on the consideration) MS CAs did not provide an assessment on this aspect.

<i>Stakeholders</i>	1	2	3	4	5	Don't know	Rating Average
<b>ii. To determine whether FEED is unsafe</b>							
Adverse effect of a feed on human or animal health	1	3	6	12	17	28	4.05
Food derived from food-producing animals unsafe for human consumption	1	3	7	12	16	28	4.00

<i>MS CAs</i>	1	2	3	4	5	Don't know	Rating Average
<b>ii. To determine whether FEED is unsafe</b>							

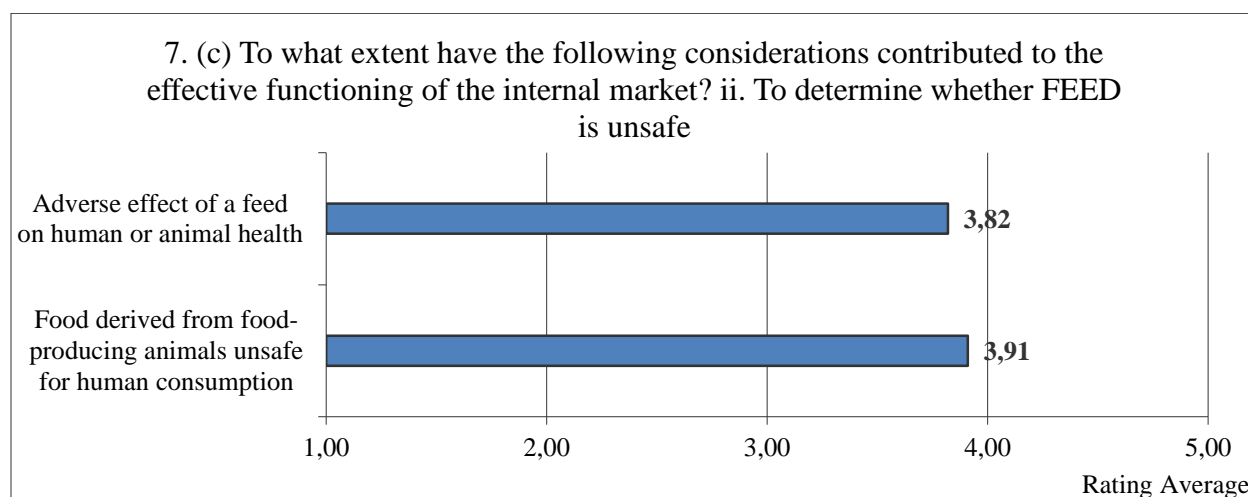
<i>MS CAs</i>	1	2	3	4	5	Don't know	Rating Average
<b>ii. To determine whether FEED is unsafe</b>							
Adverse effect of a feed on human or animal health	1	3	1	11	6	3	3.82
Food derived from food-producing animals unsafe for human consumption	0	3	2	11	6	3	3.91

*Stakeholders*



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

*MS CAs*



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

Survey results (Q5c.ii) indicate that the considerations set out in Article 15 to determine whether feed is unsafe overall have contributed to the effective functioning of the internal market. On average, all ratings provided by stakeholders and MS CAs on these considerations are higher

than midpoint (3.00) and vary between 3.80 and 4.05 on a scale from 1 to 5. The adverse effect of a feed on human or animal health is considered to have contributed to the effective functioning of the internal market by a large majority of those stakeholders and MS CAs that provided an assessment, with rating averages of 4.05 and 3.82 respectively. The consideration that feed is unsafe if it makes the food derived from food-producing animals unsafe for human consumption also appear to have made a positive contribution to the effective functioning of the internal market with stakeholders and MS CAs rating this consideration 4.00 3.91 respectively.

It should be noted that 42% of responding stakeholders and 3 of the 25 responding MS CAs did not provide an assessment on this aspect. It is noted that in the case of stakeholders the large number of ‘don’t know’ responses could be attributed to the fact that many of the respondents did not have a view/are not involved in the feed sector.

6.The GFL stipulates that food/feed that complies with EU food/feed safety legislation (including provisions laid down in secondary legislation) is deemed safe (Articles 14.7 for food, and 15.4 for feed). In this context:

***EQ 3, EQ 10***

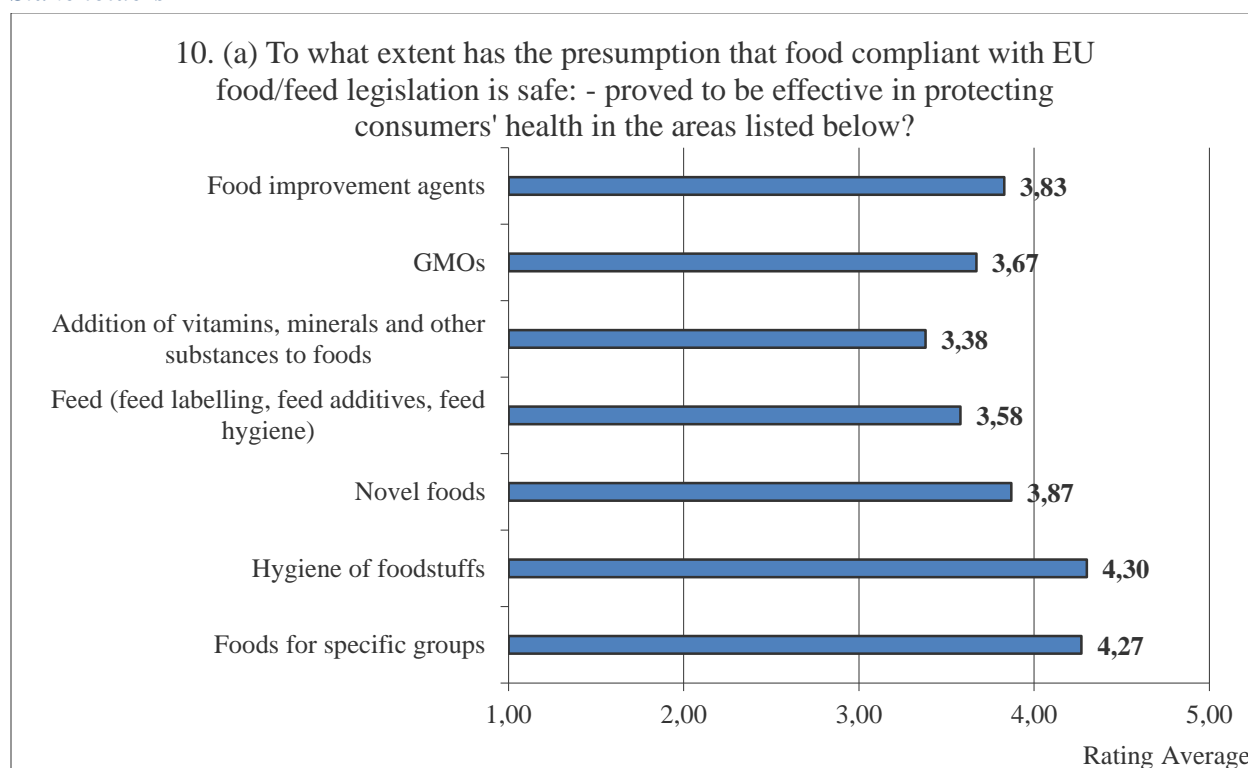
- (a) To what extent has the presumption that food compliant with EU food/feed legislation is safe proved to be **effective** in protecting consumers' health in the areas listed below? *To score on a scale 1-5 (1= not effective; 5=fully effective)*

<i>Stakeholders</i>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>Don't know</b>	<b>Rating Average</b>
Food improvement agents (additives, enzymes and flavourings)	1	4	15	10	18	19	3.83
GMOs	5	7	9	13	20	13	3.67
Addition of vitamins, minerals and other substances to foods	1	4	16	15	3	28	3.38
Feed (feed labelling, feed additives, feed hygiene)	0	7	7	16	6	31	3.58
Novel foods	3	3	10	12	19	20	3.87
Hygiene of foodstuffs	0	3	7	19	31	7	4.30
Foods for specific groups (i.e. foods for infants and young children, total diet replacement for weight control., foods for special medical purposes)	1	1	7	14	25	19	4.27
Other, specify	2	1	2	2	3	57	3.30

<i>MS CAs</i>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>Don't know</b>	<b>Rating Average</b>
Food improvement agents (additives, enzymes and flavourings)	0	1	4	11	8	1	4.08
GMOs	0	1	4	7	11	2	4.22

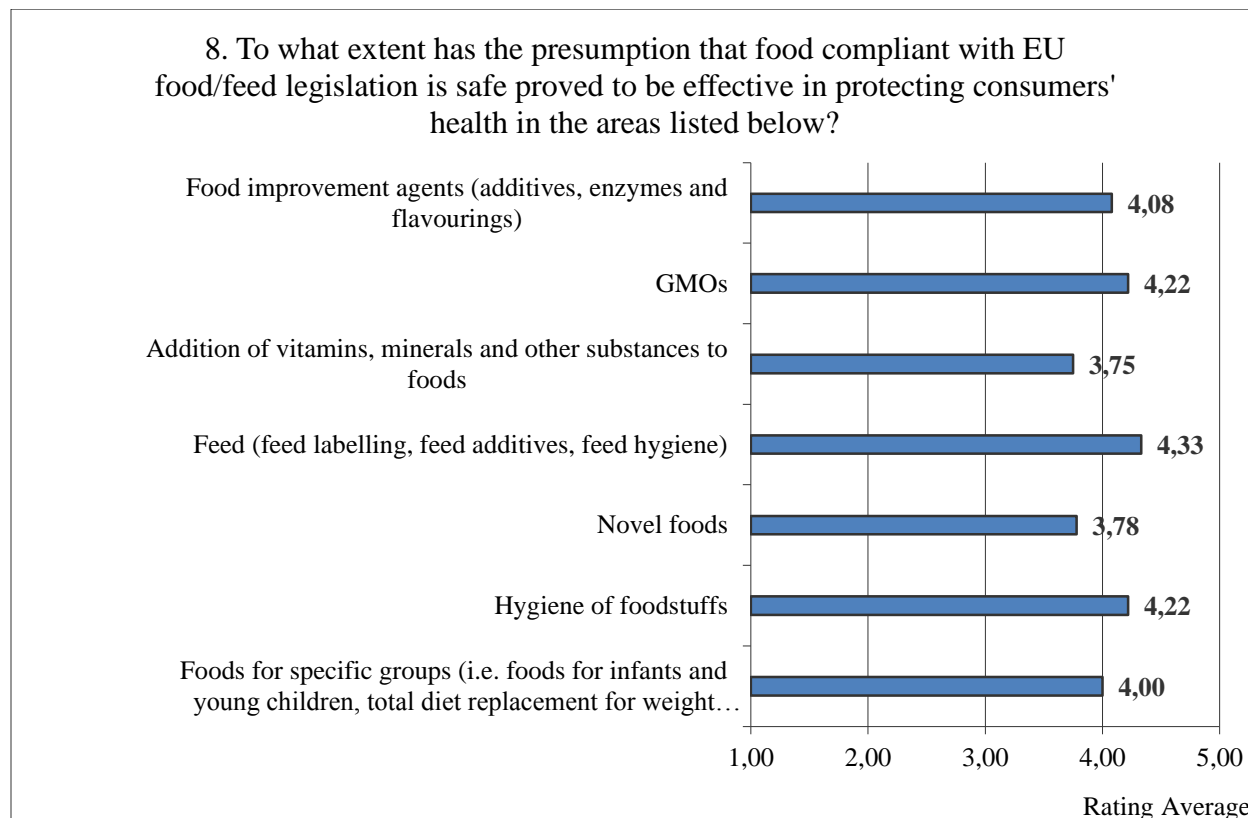
<i>MS CAs</i>	1	2	3	4	5	Don't know	Rating Average
Addition of vitamins, minerals and other substances to foods	1	2	4	12	5	1	3.75
Feed (feed labelling, feed additives, feed hygiene)	0	0	1	14	9	1	4.33
Novel foods	1	1	7	7	7	2	3.78
Hygiene of foodstuffs	0	1	2	11	9	2	4.22
Foods for specific groups (i.e. foods for infants and young children, total diet replacement for weight control., foods for special medical purposes)	0	2	4	10	8	1	4.00
Other, specify	2	0	1	1	0	21	2.25

### Stakeholders



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

**MS CAs**



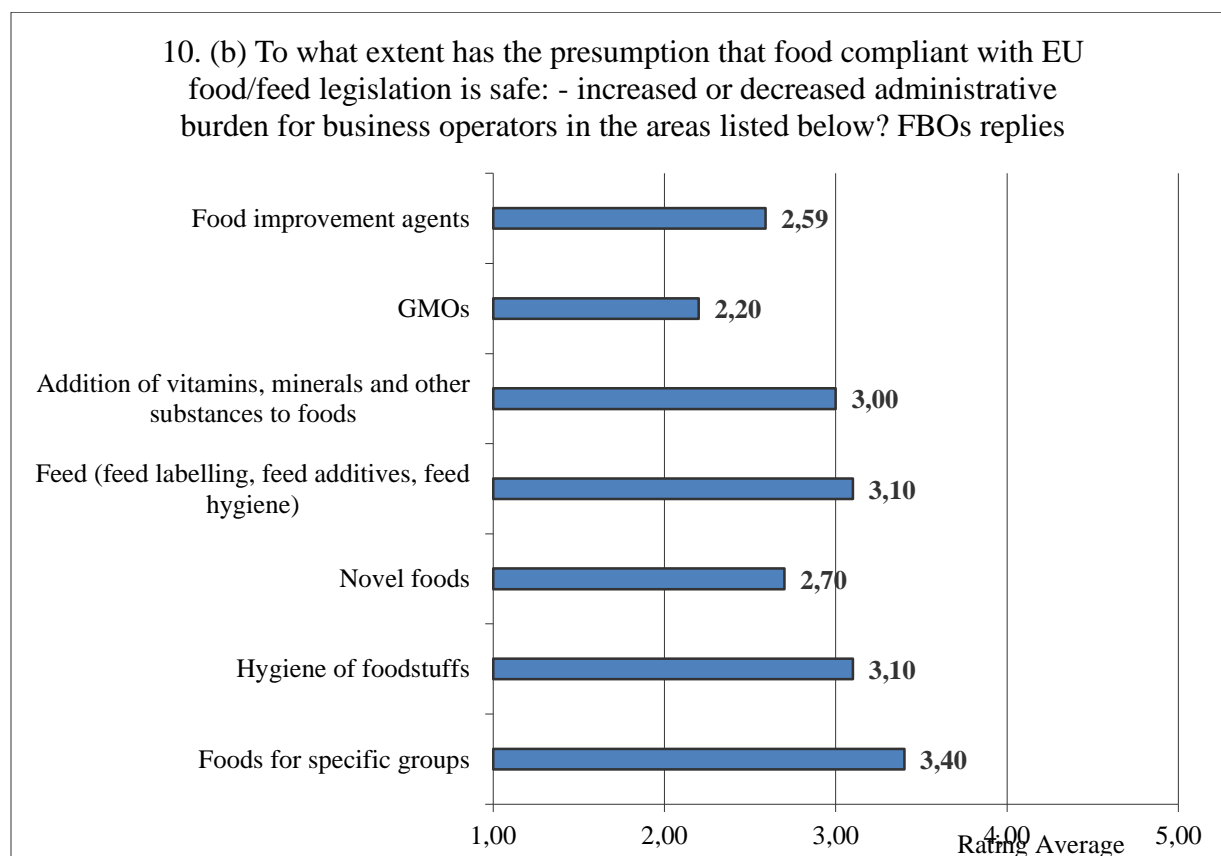
Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

Survey results (Q6a) indicate that the provisions of Article 14.7 for food and Article 15.4 for feed, which foresee that food or feed that is compliant with EU food/feed legislation should be deemed safe, has proved to be an **effective** provision in protecting consumers' health. On a scale from 1 to 5, stakeholders and MS CAs provided an average assessment above midpoint (3.00) for each of the seven areas listed. While Articles 14.7 and Article 15.4 have been effective in protecting consumers' health in the various areas of legislation provided, stakeholders indicate this has mostly been the case in the area of the hygiene of foodstuffs (4.30) and of foods for specific groups (4.27). MS CAs corroborated on this, providing high ratings to the hygiene of foodstuffs (4.22) and foods for specific groups (4.00), but they also highlighted the effectiveness of these Articles in the area of food improvement agents (4.08), GMOs (4.22) and feed (4.33).

- (b) To what extent the presumption that food compliant with EU food/feed legislation is safe increased or decreased **administrative burden** for business operators in the areas listed below? *To score on a scale 1-5 (1= burden considerably increased; 3= no change; 5=burden considerably decreased) Note: for definition of administrative burden, please see introduction to Section 7 “Administrative costs and burden”.*

<i>Stakeholders</i>	1	2	3	4	5	Don't know	Rating Average	Rating Average (FBOs)
Food improvement agents (additives, enzymes and flavourings)	0	21	14	5	0	27	2.60	2.59
GMOs	13	18	13	1	3	19	2.23	2.20
Addition of vitamins, minerals and other substances to foods	1	4	22	4	1	35	3.00	3.00
Feed (feed labelling, feed additives, feed hygiene)	0	9	9	8	3	38	3.17	3.10
Novel foods	5	6	15	5	1	35	2.72	2.70
Hygiene of foodstuffs	2	13	21	7	10	14	3.19	3.10
Foods for specific groups (i.e. foods for infants and young children, total diet replacement for weight control, foods for special medical purposes)	1	5	15	2	7	37	3.30	3.40
Other, specify	1	1	2	3	1	59	3.25	3.00

*Stakeholders*



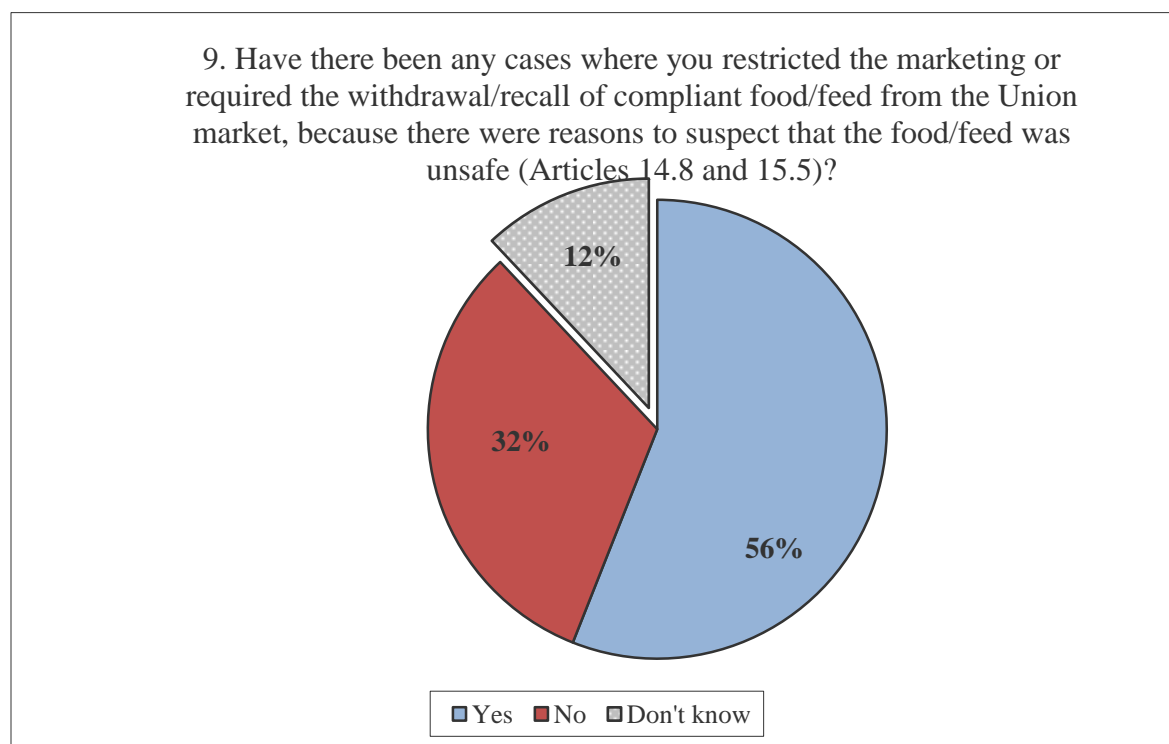
Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

Stakeholders were asked the extent to which Articles 14.7 and 15.4, i.e. the presumption that food compliant with EU food/feed legislation is safe, increased or decreased **administrative burden** for business operators in seven areas of secondary legislation, on a scale from 1 to 5. Survey results (Q6b) show that while there has been no change (midpoint 3.00) or small changes towards a decrease in administrative burden (ratings higher than midpoint) in the areas of addition of vitamins, minerals and other substances to foods, feed, hygiene of foodstuffs and foods for specific groups, stakeholders indicate that Articles 14.7 and 15.4 have led to an increase in administrative burden in the areas of GMOs (rating average: 2.20), food improvement agents (rating average: 2.59) and novel foods (rating average: 2.70).

7. Have there been any cases where you restricted the marketing or required the withdrawal/recall of compliant food/feed from the Union market, because there were reasons to suspect that the food/feed was unsafe (Articles 14.8 and 15.5)?

<i>MS CAs</i>	<b>Yes</b>	<b>No</b>	<b>Don't know</b>
<b>Response Count</b>	14	8	3
<b>Response Percent</b>	56%	32%	12%

*MS CAs*



Source: Agra CEAS Consulting.

Survey results (Q7) indicate that a majority (56%) of MS CAs have restricted the marketing or required the withdrawal/recall of compliant food/feed from the Union market in some cases, because there were reasons to suspect that the food/feed was unsafe (Articles 14.8 and 15.5). Some 8 of the 25 responding MS CAs (32%) indicated that there have not been such cases in their Member States while 3 MS CAs (12%) did not know.

### 3.3 Allocation of responsibilities

#### Introduction

**Article 17** of the GFL defines the roles of food/feed business operators and the national competent authorities:

- Food/feed business operators have the primary responsibility for food safety. They also must ensure compliance with the requirements of (EU/national) food law which are relevant to their activities and verify that such requirements are met. The scope of these requirements is the same as food law, in that they cover both the issues of feed/food safety (e.g. the hygiene legislation) and the protection of consumers' interests (e.g. food/feed labelling). (Article 17.1)
- National competent authorities monitor and enforce this responsibility through the operation of national surveillance and control systems. (Article 17.2)

As such, Article 17 lays down the foundations of an allocation of responsibilities both along the food chain and between business operators and national competent authorities, which is based on the principle that food/feed business operators have primary responsibility for ensuring compliance with EU/national food law while national competent authorities are responsible for monitoring and controlling enforcement.

8. Has the allocation of responsibilities along the food chain as laid down in Article 17 achieved the following outcomes? *To score on a scale 1-5 (1=not achieved; 5=fully achieved)*

#### EQ 3, EQ5, EQ 12

<i>Stakeholders</i>	1	2	3	4	5	Don't know	Rating Average
Contributed to a high level of protection of human health and consumers' interests as regards feed/food products placed on the market	3	1	10	21	27	5	4.10
Facilitated the placing on the market of feed/food products	1	6	14	23	13	10	3.72
Contributed to the effective functioning of the internal market	4	2	20	28	8	5	3.55
Ensured a fair and clear distribution of	4	11	15	16	15	6	3.44

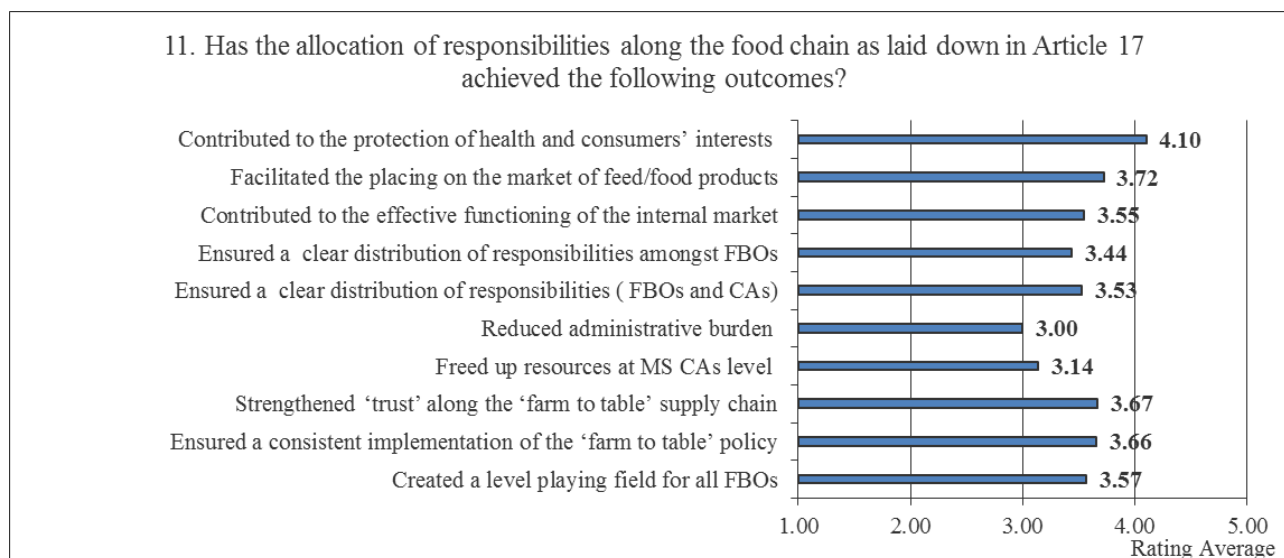


<i>Stakeholders</i>	1	2	3	4	5	Don't know	Rating Average
responsibilities amongst feed/food business operators along the ‘farm to table’ supply chain							
Ensured a fair and clear distribution of responsibilities between feed/food business operators and Member State Competent Authorities	3	8	18	15	15	8	3.53
Reduced administrative burden (e.g. by avoiding unnecessary repetition of operators’ self controls along the ‘farm to table’ supply chain)	3	15	20	13	4	12	3.00
Freed up resources at Member State Competent Authorities’ level to focus on the enforcement of feed/food law	1	7	17	6	4	32	3.14
Strengthened ‘trust’ along the ‘farm to table’ supply chain	3	4	15	23	13	9	3.67
Ensured a consistent implementation of the ‘farm to table’ policy	1	3	19	28	8	8	3.66
Created a level playing field for all feed/food business operators in the EU	4	6	14	18	14	11	3.57

<i>MS CAs</i>	1	2	3	4	5	Don't know	Rating Average
Contributed to a high level of protection of human health and consumers’ interests as regards feed/food products placed on the market	0	0	3	13	8	1	4.21
Facilitated the placing on the market of feed/food products	0	0	4	11	7	3	4.14
Contributed to the effective functioning of the internal market	0	1	2	11	8	3	4.18
Ensured a fair and clear distribution of responsibilities amongst feed/food business operators along the ‘farm to table’ supply chain	0	0	8	7	10	0	4.08
Ensured a fair and clear distribution of responsibilities between feed/food business operators and Member State Competent Authorities	0	0	3	11	11	0	4.32
Reduced administrative burden (e.g. by avoiding unnecessary repetition of operators’ self controls along the ‘farm to table’ supply chain)	0	3	8	7	5	2	3.61
Freed up resources at Member State Competent Authorities’ level to focus on the enforcement of feed/food law	1	1	5	10	5	3	3.77
Strengthened ‘trust’ along the ‘farm to table’ supply chain	0	2	5	11	5	2	3.83

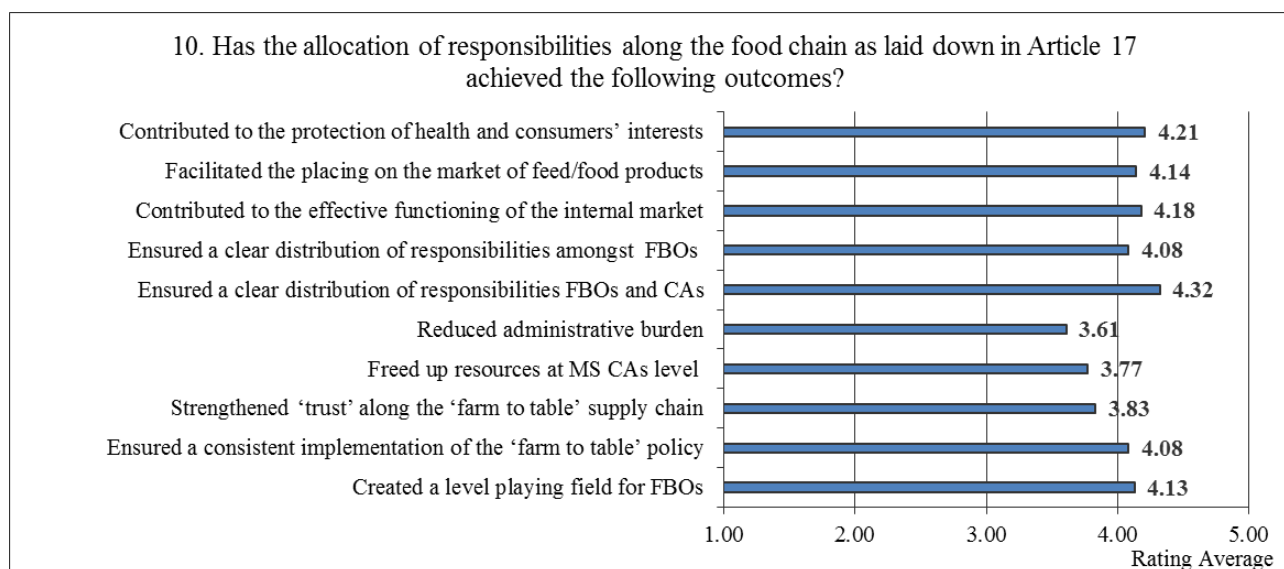
<i>MS CAs</i>	1	2	3	4	5	Don't know	Rating Average
Ensured a consistent implementation of the ‘farm to table’ policy	0	1	3	13	7	1	4.08
Created a level playing field for all feed/food business operators in the EU	0	1	4	10	9	1	4.13

### Stakeholders



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

### MS CAs



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

Survey results (Q8) indicate that the allocation of responsibilities along the food chain as laid down in Article 17 overall achieved the outcomes listed. Both stakeholders and MS CAs provided average ratings above midpoint (3.00), on a scale from 1 to 5. The objective that has received the highest assessment of stakeholders is the contribution of Article 17 of the GFL to the high level of protection of human health and consumers’ interests as regards feed/food products placed on the market (rating average: 4.10). For MS CAs, Article 17 has particularly contributed to ensuring a fair and clear distribution of responsibilities between feed/food business operators and Member State Competent Authorities (rating average: 4.32), the high level of protection of human health and consumers’ interests as regards feed/food products placed on the market (4.21), the effective functioning of the internal market (4.18), facilitating the placing on the market of feed/food products (4.14), and creating a level playing field for all feed/food business operators in the EU (4.13).

9. To what extent have feed/food business operators at all stages of production, processing and distribution been verifying (e.g. via their own internal controls) that the feed/food law requirements (set out at EU and national level) which are relevant to their activities are met? *To score on a scale 1-5 (1=do not verify; 5=fully verify)*

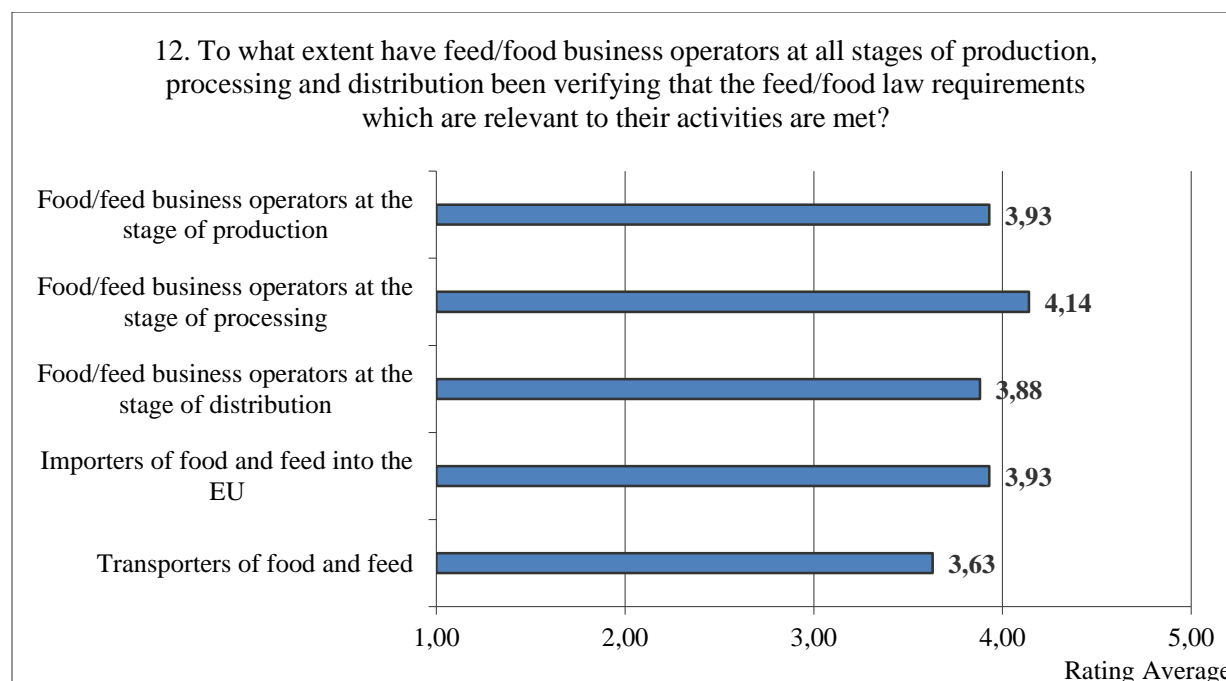
### EQ 12

<i>Stakeholders</i>	1	2	3	4	5	Don't know	Rating Average
Food/feed business operators at the stage of production	0	5	10	23	16	13	3.93
Food/feed business operators at the stage of processing	0	4	6	24	22	11	4.14
Food/feed business operators at the stage of distribution	0	4	6	23	9	25	3.88
Importers of food and feed into the EU	1	4	6	20	14	22	3.93
Transporters of food and feed	0	5	13	15	8	26	3.63
Other, please specify	2	0	0	2	3	60	3.57

<i>MS CAs</i>	1	2	3	4	5	Don't know	Rating Average
Food/feed business operators at the stage of production	0	1	11	9	2	2	3.52
Food/feed business operators at the stage of processing	0	0	7	11	5	2	3.91
Food/feed business operators at the stage of distribution	0	2	10	7	4	2	3.57
Importers of food and feed into the EU	0	2	11	7	3	2	3.48
Transporters of food and feed	0	4	12	4	3	2	3.26

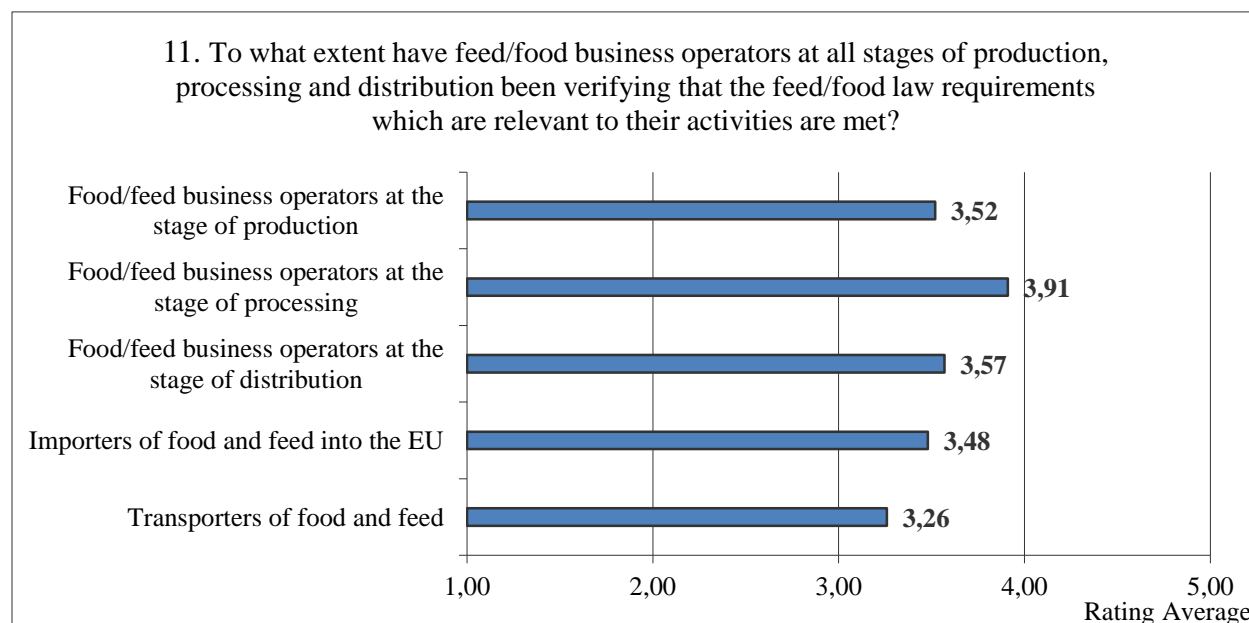
<i>MS CAs</i>	1	2	3	4	5	Don't know	Rating Average
Other, please specify	0	1	0	0	1	23	3.50

### Stakeholders



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

### MS CAs



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

According to survey results (Q9), both stakeholders and MS CAs consider that feed/food business operators at all stages of production, processing and distribution have been verifying (e.g. via their own internal controls) that the core feed/food law requirements (set out at EU and national level) which are relevant to their activities are met. Both groups of respondents provided assessments on this point that were above midpoint (3.00), on a scale from 1 to 5. Among all stages of the supply chain listed, food/feed operators at the stage of processing received the highest average ratings (stakeholders: 4.14; MS CAs: 3.91). At the other end of the spectrum, transporters of food and feed received the lowest average ratings (stakeholders: 3.63; MS CAs: 3.26). The stakeholder responses may to some extent be tainted by the fact that the majority (35%) of stakeholder respondents are involved in food/feed processing, although it is noted that this is not necessarily their exclusive activity.

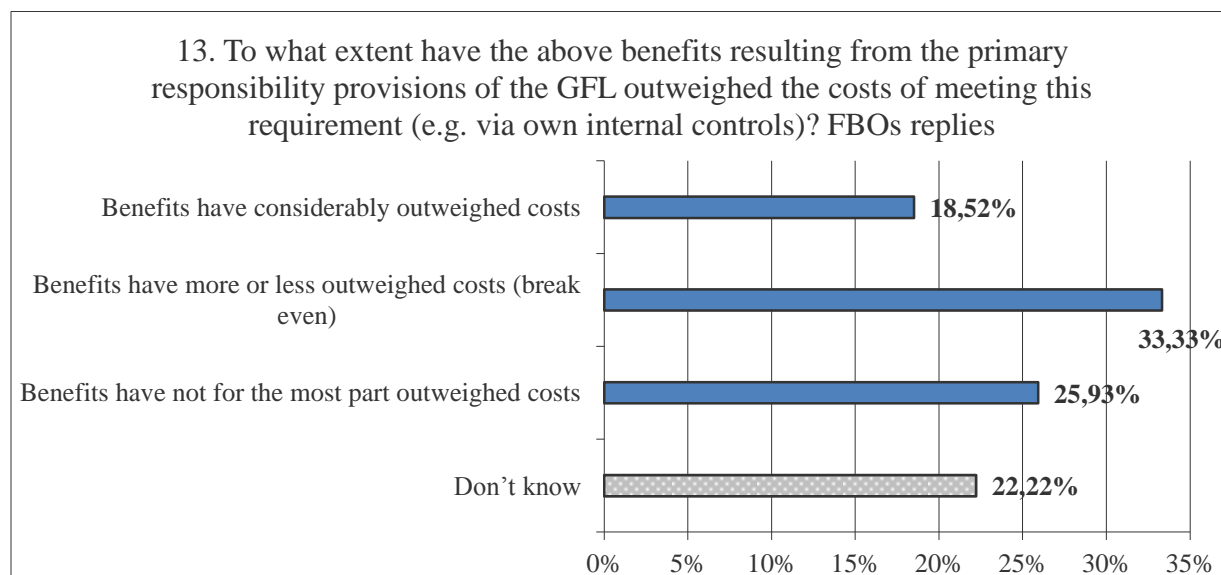
10. To what extent have the above benefits resulting from the primary responsibility provisions of the GFL outweighed the costs of meeting this requirement (e.g. via own internal controls)?

**EQ 12**

<i>Stakeholders</i>	<b>Response Percent</b>	<b>Response Count</b>	<b>Response Percent (FBOs)</b>	<b>Response Count (FBOs)</b>
Benefits have considerably outweighed costs	17.9%	12	18.52%	10
Benefits have more or less outweighed costs (break even)	31.3%	21	33.33%	18
Benefits have not for the most part outweighed costs	25.4%	17	25.93%	14
Don't know	25.4%	17	22.22%	12

*Percentages may not total 100% due to rounding.*

**Stakeholders**



Source: Agra CEAS Consulting.

Survey results (Q10) indicate that the benefits resulting from the primary responsibility provisions of the GFL have more or less outweighed the costs of meeting this requirement (e.g. via own internal controls) for about a third (33.33%) of stakeholders and have considerably outweighed costs for an additional 18.52%. Nonetheless a quarter of stakeholders indicated that benefits have not for the most part outweighed costs while it is noted that nearly a quarter of stakeholders did not provide an answer largely because they were not in a position to know.

**3.4 Traceability requirements**

**Introduction**

**Article 18** of GFL establishes rules on traceability for food/feed safety purposes. It requires FBOs (a) to be able to identify from whom and to whom a food/feed/food-producing animal/any other substance intended to be (or expected to be incorporated into a food/feed has been supplied (“one step back – one step forward” approach) and (b) to have systems and procedures in place that allow this information to be made available to the competent authorities upon request.

11.To what extent did your members apply one step back – one step forward traceability, as outlined in Article 18, prior to the introduction of this requirement by the GFL?

**EQ 14**

<i>Stakeholders</i>	<b>Response Percent</b>	<b>Response Count</b>
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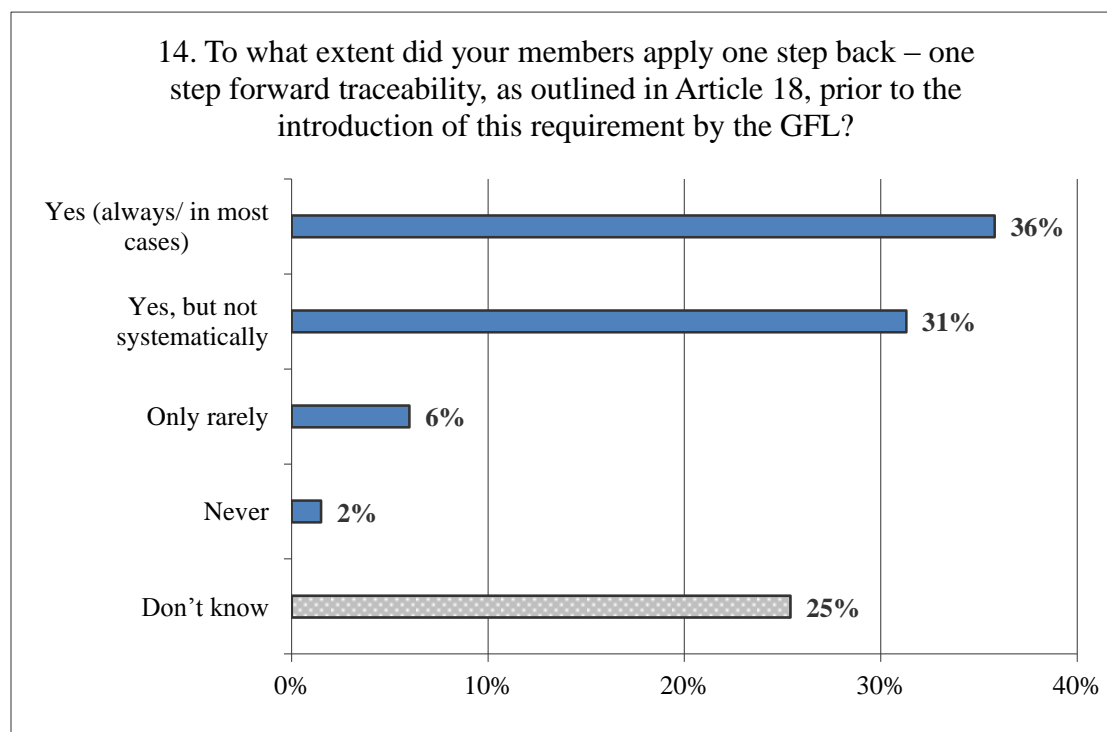
Yes (always/ in most cases)	35.8%	24
Yes, but not systematically	31.3%	21
Only rarely	6.0%	4
Never	1.5%	1
Don't know	25.4%	17

Percentages may not total 100% due to rounding.

**Adjusted % to take into account only the answers provided by FBOs:**

<i>Stakeholders</i>	<b>Response Percent</b>	<b>Response Count</b>
Yes (always/ in most cases)	44.2%	23
Yes, but not systematically	38.5%	20
Only rarely	7.7%	4
Never	1.9%	1
Don't know	7.7%	4

*Stakeholders*



Source: Agra CEAS Consulting.

Survey results (Q11) indicate that, for the most part, stakeholders applied one step back – one step forward traceability, as outlined in Article 18, prior to the introduction of this requirement

by the GFL. In particular, 44.2% of food and feed business operators indicated that they applied it always/in most cases and another 38.5% that they applied it but not systematically. It is noted that 17 stakeholders did not answer this question (‘don’t know’), in most cases as this was not applicable in their area of activity (e.g. consumer organisations, NGOs). Food and feed business operators widely commented that it is difficult to provide an answer on a situation dating from more than 15 years ago.

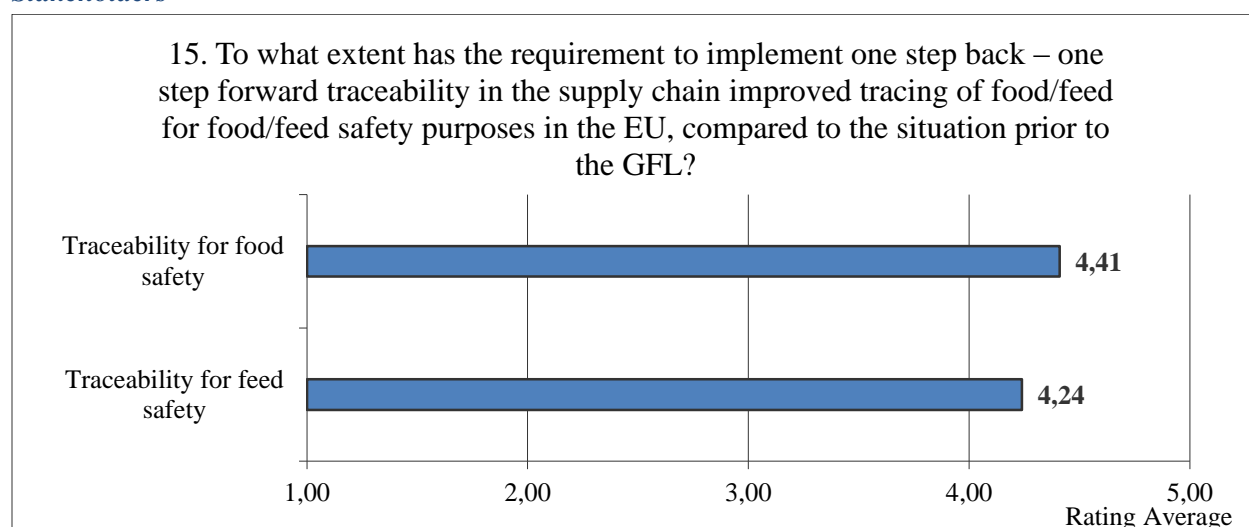
12. To what extent has the requirement to implement one step back – one step forward traceability in the supply chain, as outlined in Article 18, improved tracing of food/feed for food/feed safety purposes in the EU, compared to the situation prior to the GFL? *To score on a scale 1-5 (1=not improved; 5=fully improved)*

**EQ 14, EQ 15**

<i>Stakeholders</i>	1	2	3	4	5	Don’t know	Rating Average
Traceability for food safety	0	0	4	26	28	9	4.41
Traceability for feed safety	0	1	3	19	14	30	4.24

<i>MS CAs</i>	1	2	3	4	5	Don’t know	Rating Average
Traceability for food safety	0	0	2	12	10	1	4.33
Traceability for feed safety	0	1	2	10	11	1	4.29

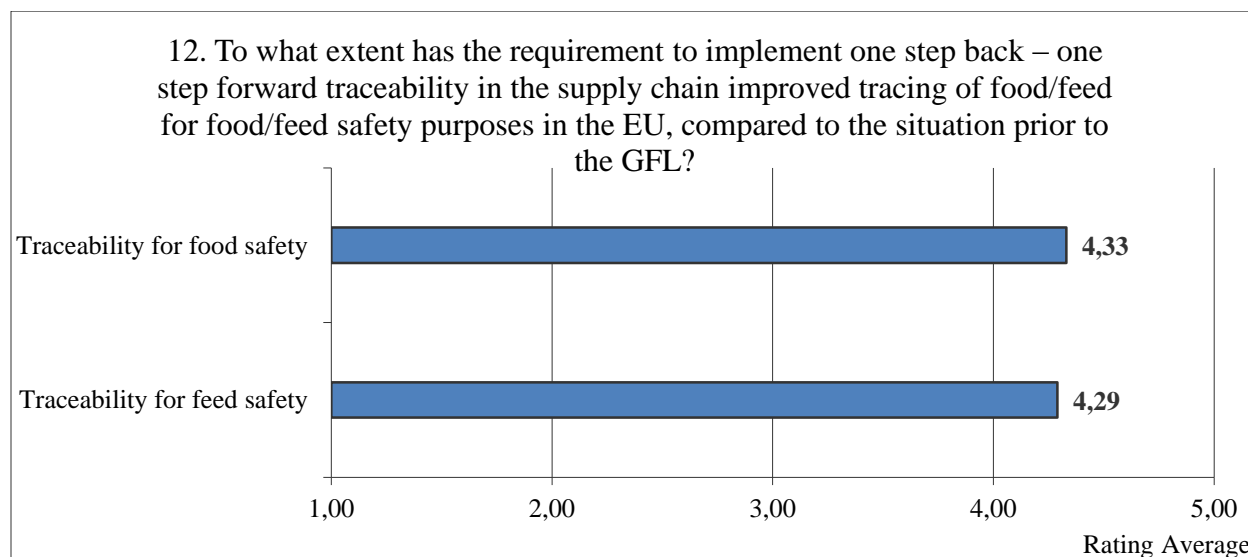
*Stakeholders*



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.



**MS CAs**



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

Survey results (Q12) indicate that the requirement to implement one step back – one step forward traceability in the supply chain, as outlined in Article 18, has improved tracing of food/feed for food/feed safety purposes in the EU, compared to the situation prior to the GFL. On a scale from 1 to 5, on average both stakeholders and MS CAs provided a rating well above 4 for traceability in both the food and feed sectors. It is noted that in the case of stakeholders the large number of ‘don’t know’ responses on feed traceability (30 out of 67 responses) is partly attributed to the fact that many of the respondents did not have a view/are not involved in the feed sector.

13. To what extent has the general traceability requirement of Article 18 of GFL (“one step back – one step forward” approach and own systems/procedures in place to provide relevant information to the competent authorities) achieved the following outcomes? *To score on a scale 1-5 (1=not achieved; 5=fully achieved)*

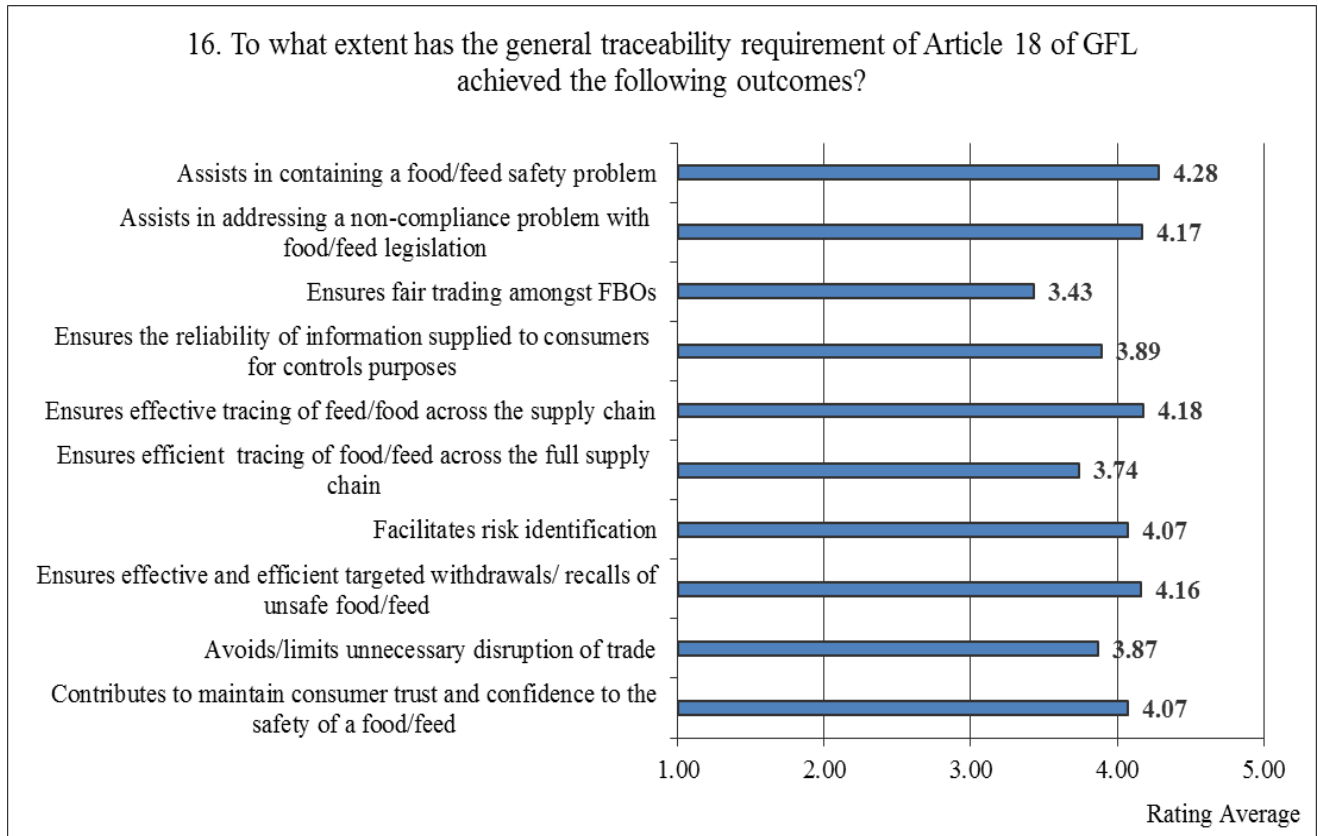
**EQ 3, EQ 5, EQ 6, EQ 8, EQ 14, EQ 15**

<i>Stakeholders</i>	1	2	3	4	5	Don't know	Rating Average
Assists in containing a food/feed safety problem	0	3	6	23	29	6	4.28
Assists in containing/addressing a non-compliance problem with food/feed legislation (not safety-related)	0	3	5	29	21	9	4.17
Ensures fair trading amongst FBOs	1	6	20	12	8	20	3.43
Ensures the reliability of information supplied to consumers for controls purposes ( <i>i.e.</i> FBOs have to substantiate their claims to consumers)	4	2	9	21	19	12	3.89

<i>Stakeholders</i>	1	2	3	4	5	Don't know	Rating Average
Ensures effective tracing of feed/food across the full ‘farm to table’ supply chain in the EU	3	1	7	20	29	7	4.18
Ensures efficient (i.e. at lowest possible administrative burden) tracing of food/feed across the full supply chain in the EU ‘from farm to table’	0	7	13	26	12	9	3.74
Facilitates risk identification	0	3	9	24	19	12	4.07
Ensures effective and efficient targeted withdrawals/ recalls of unsafe food/feed	3	0	6	25	24	9	4.16
Avoids/limits unnecessary disruption of trade	0	4	13	24	14	12	3.87
Contributes to maintain consumer trust and confidence to the safety of a food/feed	3	1	10	18	25	10	4.07
Other, please specify	1	0	3	3	1	59	3.38

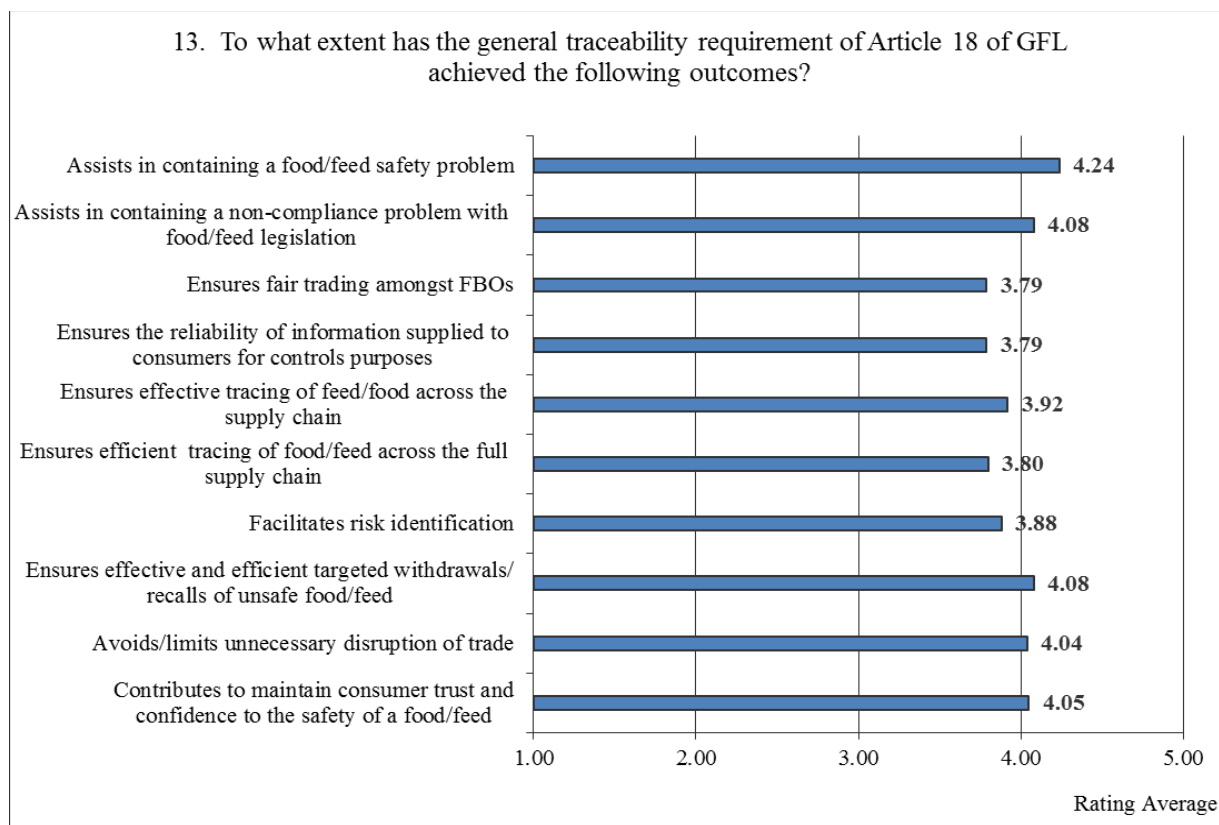
<i>MS CAs</i>	1	2	3	4	5	Don't know	Rating Average
Assists in containing a food/feed safety problem	0	0	2	15	8	0	4.24
Assists in containing/addressing a non-compliance problem with food/feed legislation (not safety-related)	0	0	5	13	7	0	4.08
Ensures fair trading amongst FBOs	1	1	6	10	6	1	3.79
Ensures the reliability of information supplied to consumers for controls purposes (i.e. FBOs have to substantiate their claims to consumers)	0	2	7	9	6	1	3.79
Ensures effective tracing of feed/food across the full ‘farm to table’ supply chain in the EU	0	2	3	15	5	0	3.92
Ensures efficient (i.e. at lowest possible administrative burden) tracing of food/feed across the full supply chain in the EU ‘from farm to table’	1	1	4	15	4	0	3.80
Facilitates risk identification	1	0	7	9	7	1	3.88
Ensures effective and efficient targeted withdrawals/ recalls of unsafe food/feed	0	0	3	17	5	0	4.08
Avoids/limits unnecessary disruption of trade	0	1	4	12	7	1	4.04
Contributes to maintain consumer trust and confidence to the safety of a food/feed	1	0	2	13	6	3	4.05
Other, please specify	0	0	0	0	1	24	5.00

**Stakeholders**



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment

**MS CAs**



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

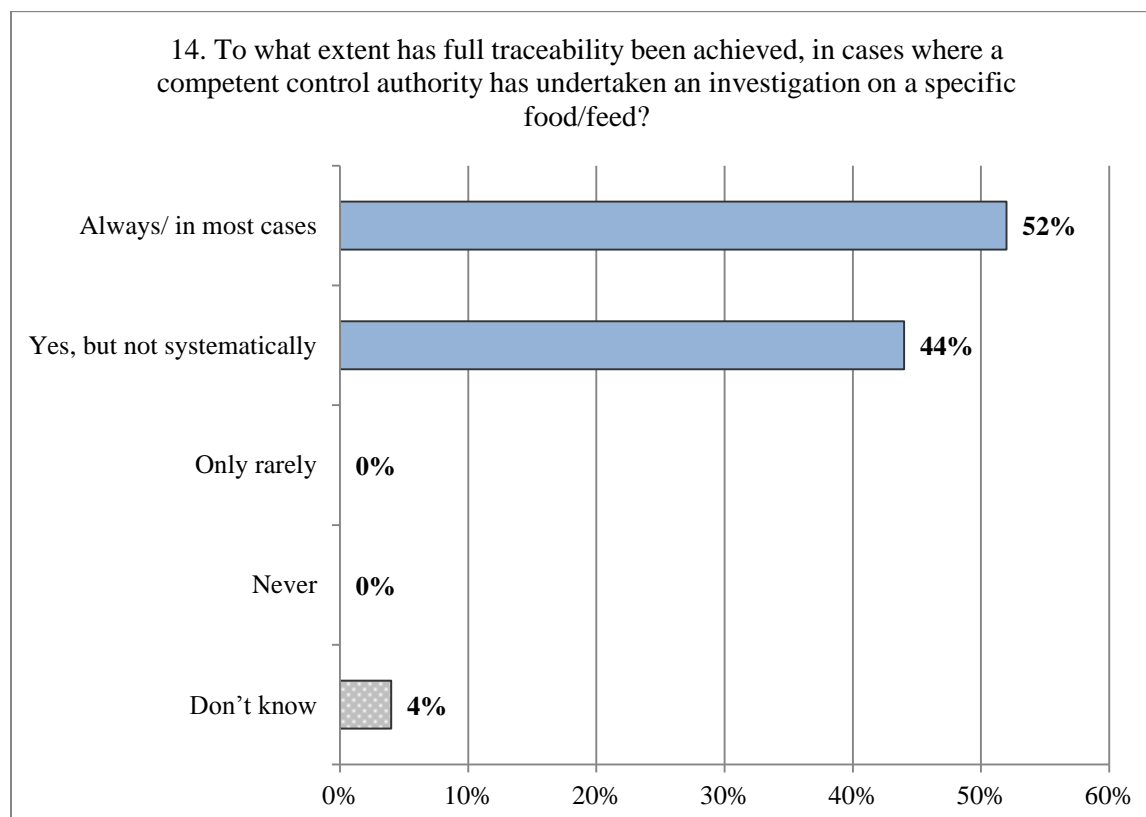
Survey results (Q13) indicate that the general traceability requirement of Article 18 of GFL (“one step back – one step forward” approach and own systems/procedures in place to provide relevant information to the competent authorities) overall achieved the outcomes listed. Both stakeholders and MS CAs provided average ratings above midpoint (3.00), on a scale from 1 to 5. For stakeholders, the outcomes that have been most achieved by Article 18 were that it assisted in containing a food/feed safety problem (rating average: 4.28, on a scale from 1 to 5), ensured effective tracing of feed/food across the full ‘farm to table’ supply chain in the EU (4.18), assisted in containing/addressing a non-compliance problem with food/feed legislation (not safety-related) (4.17), ensured effective and efficient targeted withdrawals/ recalls of unsafe food/feed (4.16) and contributed to maintain consumer trust and confidence to the safety of a food/feed (4.07). For MS CAs, Article 18 has particularly contributed to assist in containing a food/feed safety problem (4.24), assist in containing/addressing a non-compliance problem with food/feed legislation (not safety-related) (4.08), ensure effective and efficient targeted withdrawals/ recalls of unsafe food/feed (4.08), maintain consumer trust and confidence to the safety of a food/feed (4.05) and avoid/limit unnecessary disruption of trade (4.04).

14. To what extent has full traceability been achieved, in cases where a competent control authority has undertaken an investigation on a specific food/feed?

**EQ 14**

<i>MS CAs</i>	<b>Response Percent</b>	<b>Response Count</b>
Always/ in most cases	52.0%	13
Yes, but not systematically	44.0%	11
Only rarely	0.0%	0
Never	0.0%	0
Don't know	4.0%	1

*MS CAs*



Source: Agra CEAS Consulting.

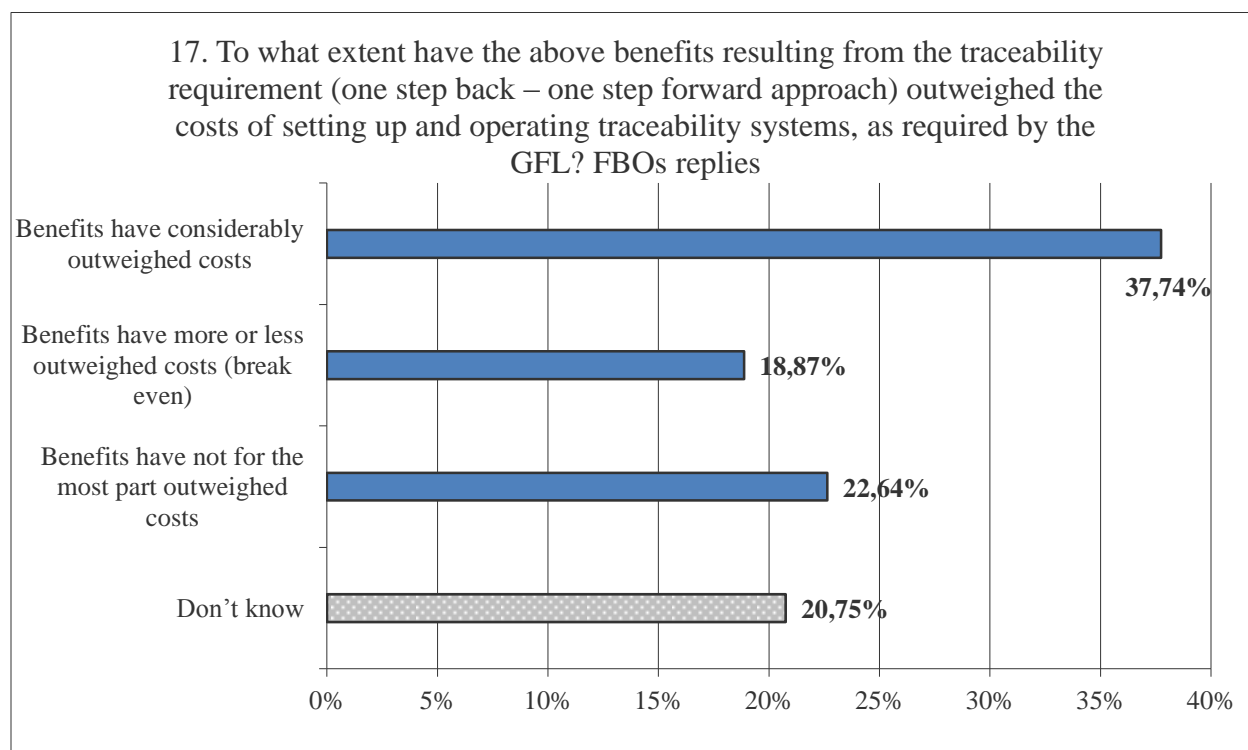
Survey results (Q14) indicate that, in cases where a competent control authority has undertaken an investigation on a specific food/feed, full traceability has been achieved always/in most cases (13 of 25 MS CAs) or has been achieved but not systematically (11 of 25 MS CAs).

15. To what extent have the above benefits resulting from the traceability requirement (one step back – one step forward approach) outweighed the costs of setting up and operating traceability systems, as required by the GFL?

**EQ 15**

<i>Stakeholders</i>	<b>Response Percent</b>	<b>Response Count</b>	<b>Response Percent (FBOs)</b>	<b>Response Count (FBOs)</b>
Benefits have considerably outweighed costs	37.3%	25	37.74%	20
Benefits have more or less outweighed costs (break even)	19.4%	13	18.87%	10
Benefits have not for the most part outweighed costs	22.4%	15	22.64%	12
Don't know	20.9%	14	20.75%	11

*Stakeholders*



Source: Agra CEAS Consulting.

Survey results (Q15) indicate that the benefits resulting from the traceability requirement (one step back – one step forward approach) have considerably outweighed the costs of setting up and operating traceability systems, as required by the GFL for over a third (37.74%) of stakeholders and have more or less outweighed costs for an additional 18.87%. Nonetheless 22.64% of stakeholders indicated that benefits have not for the most part outweighed costs while it is noted

that 20.75% of stakeholders did not provide an answer largely because they were not in a position to know.

### 3.5 Withdrawals and recalls

#### Introduction

**Articles 19 and 20** of the GFL oblige food/feed business operators to withdraw or recall unsafe food, notify accordingly national competent authorities and collaborate fully on any further action taken to avoid or reduced risks posed by a food supplied.

**Withdrawal** is the process by which a product is removed from the supply chain, with the exception of a production that is in the possession of consumers.

**Recall** is the process by which consumers are asked to take the product back to the place of purchase or destroy it.

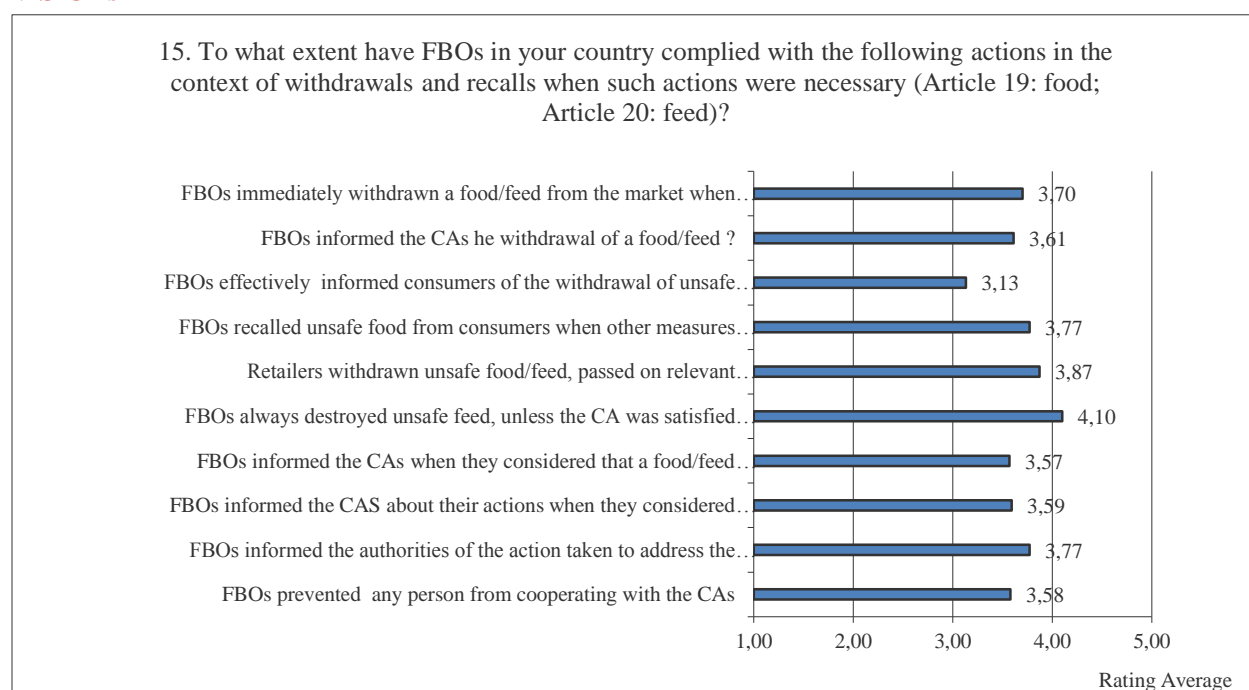
16. To what extent have FBOs in your country complied with the following actions in the context of withdrawals and recalls when such actions were necessary (Article 19: food; Article 20: feed)? *To score on a scale 1-5 (1=not complied; 5=fully complied)*

#### ***EQ 8, EQ 9***

<b><i>MS CAs</i></b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>Don't know</b>	<b>Rating Average</b>
Have FBOs immediately withdrawn a food/feed from the market when they considered or suspected that it was unsafe (i.e. injurious to health or unfit for human/animal consumption) and had left their immediate control?	0	2	6	12	3	2	3.70
Have FBOs immediately informed the competent authorities of the withdrawal of a food/feed from the market?	0	1	9	11	2	2	3.61
Have FBOs effectively and accurately informed consumers of the withdrawal of unsafe food, when such products might have reached them?	1	5	9	6	2	2	3.13
Have FBOs recalled unsafe food from consumers when other measures were not sufficient to achieve a high level of health protection?	0	0	10	7	5	3	3.77
Have retailers or distributors withdrawn unsafe food/feed from the market, passed on relevant information necessary to trace unsafe food/feed and cooperated with other relevant FBOs along the food chain?	0	1	7	9	6	2	3.87
Have FBOs always destroyed unsafe feed, unless the competent authority was satisfied otherwise?	0	0	5	9	7	4	4.10
Have FBOs immediately informed the competent authorities when they considered or suspected that a	0	1	10	10	2	2	3.57

<i>MS CAs</i>	1	2	3	4	5	Don't know	Rating Average
food/feed placed on the market was “injurious to health”, regardless if the food/feed was under their immediate control?							
Have FBOs informed the competent authorities of the actions taken to prevent risks to the final consumer when they considered or suspected that a food/feed placed on the market was “injurious to health”, regardless if the food/feed was under their immediate control?	0	0	11	9	2	3	3.59
Have FBOs informed the authorities of the action taken to address the potential risk arising from the food/feed? (Art. 19.3)	0	0	10	7	5	3	3.77
Have FBOs prevented or discouraged any person from cooperating with the authorities in the action taken	0	0	7	3	2	13	3.58

*MS CAs*



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

Survey results (Q16) indicate that FBOs overall complied with all the actions foreseen in the context of withdrawals and recalls when such actions were necessary (Article 19: food; Article 20: feed). MS CAs provided ratings that on average were above midpoint (3.00, on a scale from 1 to 5). Key requirements that FBOs for the most part appear to comply with include: FBOs always destroy unsafe feed, unless the competent authority is satisfied otherwise (4.10); retailers or distributors withdraw unsafe food/feed from the market, pass on relevant information



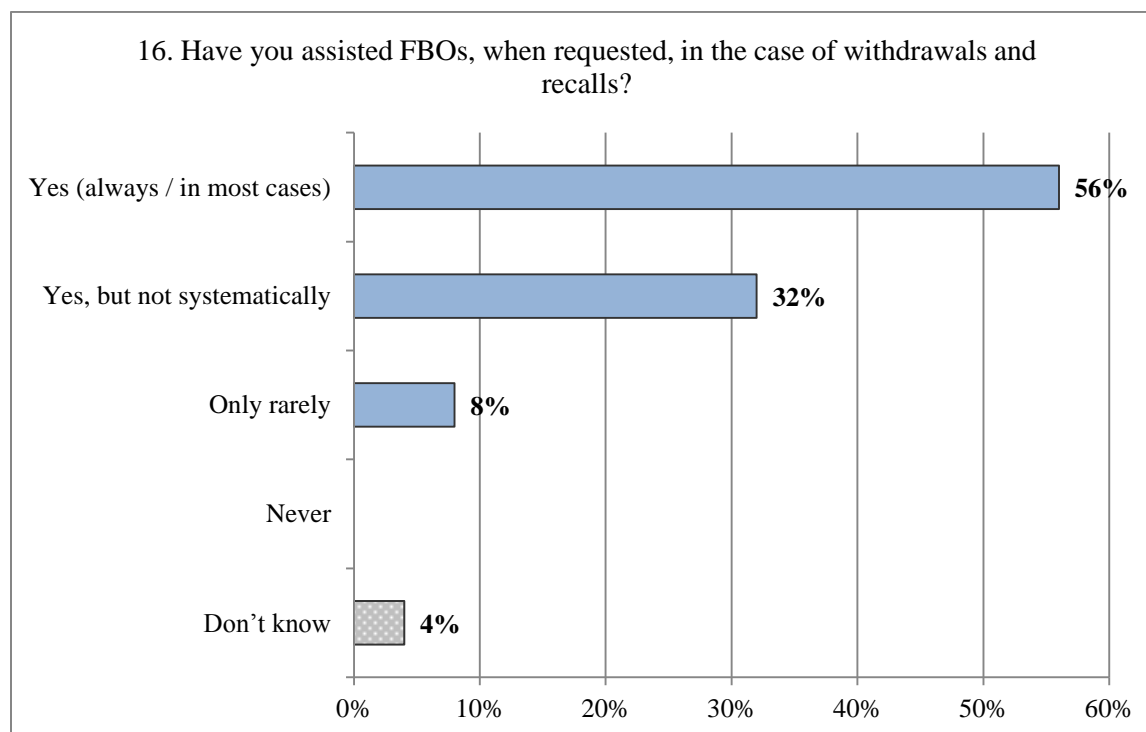
necessary to trace unsafe food/feed and cooperate with other relevant FBOs along the food chain (3.87); FBOs recall unsafe food from consumers when other measures are not sufficient to achieve a high level of health protection (3.77); and, FBOs inform the authorities of the action taken to address the potential risk arising from the food/feed (4.77). The action that appears to be posing more problems, although compliance is still achieved for the most part, is the requirement for FBOs to effectively and accurately inform consumers of the withdrawal of unsafe food, when such products might have reached them (3.13); 6 of the 25 responding MS CAs indicated that FBOs do not comply with this requirement (while 2 MS CAs did not provide an answer).

17. Have you assisted FBOs, when requested, in the case of withdrawals and recalls?

**EQ 9**

<i>MS CAs</i>	<b>Response Percent</b>	<b>Response Count</b>
Yes (always/ in most cases)	56.0%	14
Yes, but not systematically	32.0%	8
Only rarely	8.0%	2
Never	0.0%	0
Don't know	4.0%	1

*MS CAs*



Source: Agra CEAS Consulting.

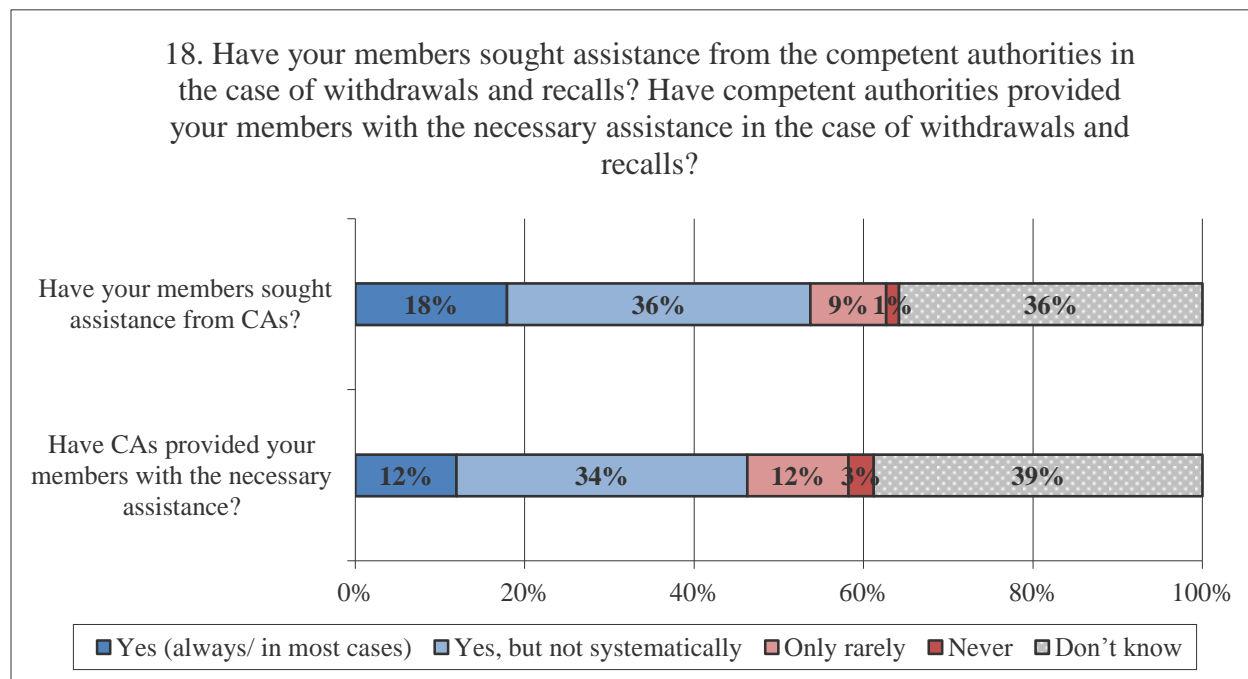
Survey results (Q17) indicate that MS CAs have assisted FBOs, when requested, in the case of withdrawals and recalls always/in most cases for 14 of 25 responding MS CAs, or they have but not systematically (8 of 25 MS CAs).

18. Have your members sought assistance from the competent authorities in the case of withdrawals and recalls? Have competent authorities provided your members with the necessary assistance in the case of withdrawals and recalls?

**EQ 9**

<i>Stakeholders</i>	<b>Yes (always / in most cases)</b>	<b>Yes, but not system atically</b>	<b>Only rarely</b>	<b>Never</b>	<b>Don't know</b>
Have your members sought assistance from CAs?	12 18%	24 36%	6 9%	1 1%	24 36%
Have CAs provided your members with the necessary assistance?	8 12%	23 34%	8 12%	2 3%	26 39%

*Stakeholders*



Source: Agra CEAS Consulting.

Survey results (Q18) indicate that of those stakeholders that have sought assistance (54%) from the competent authorities in the case of withdrawals and recalls (‘always/in most cases’: 18% and ‘yes but not systematically’: 36%), competent authorities have for the most part provided the

necessary assistance (46%, i.e. ‘always/in most cases’: 12% and ‘yes but not systematically’: 34%). The large number of ‘don’t know’ responses is noted in both cases, due to the profile of responding stakeholders for some of whom this question was not applicable.

**If only the responses of operators are considered:** the majority of operators (62%, or 33 of 53) have sought assistance from MS CAs in the case of withdrawals and recalls; of these, one third (11) has done so always/in most cases, and two thirds (22) not systematically. When this has been the case, MS CAs have for the most part provided the necessary assistance to operators (55%, or 28 of 53 operators have indicated this has happened, or 85% of those that have sought assistance, of which about a quarter (7) ‘always/in most cases’ and three quarters (21) ‘yes but not systematically’).

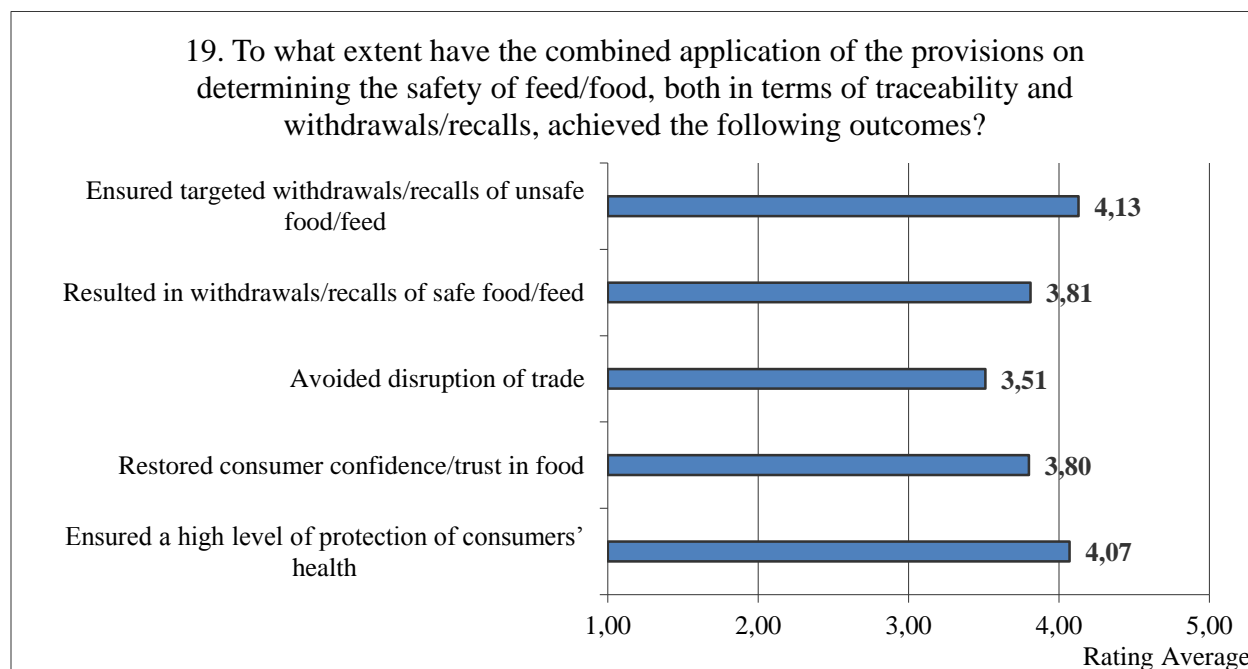
19. To what extent have the combined application of the provisions on determining the safety of feed/food, both in terms of traceability and withdrawals/recalls, achieved the following outcomes: *To score on a scale 1-5 (1=not achieved; 5=fully achieved)*

***EQ 3, EQ 5, EQ 8***

<i>Stakeholders</i>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>Don't know</b>	<b>Rating Average</b>
Ensured targeted withdrawals/recalls of unsafe food/feed	0	0	10	28	17	12	4.13
Resulted in withdrawals/recalls of safe food/feed	0	3	13	15	11	25	3.81
Avoided disruption of trade	0	9	10	26	4	18	3.51
Restored consumer confidence/trust in food	3	5	12	16	20	11	3.80
Ensured a high level of protection of consumers' health	0	5	10	19	24	9	4.07
Other, please specify	1	0	3	2	2	59	3.50

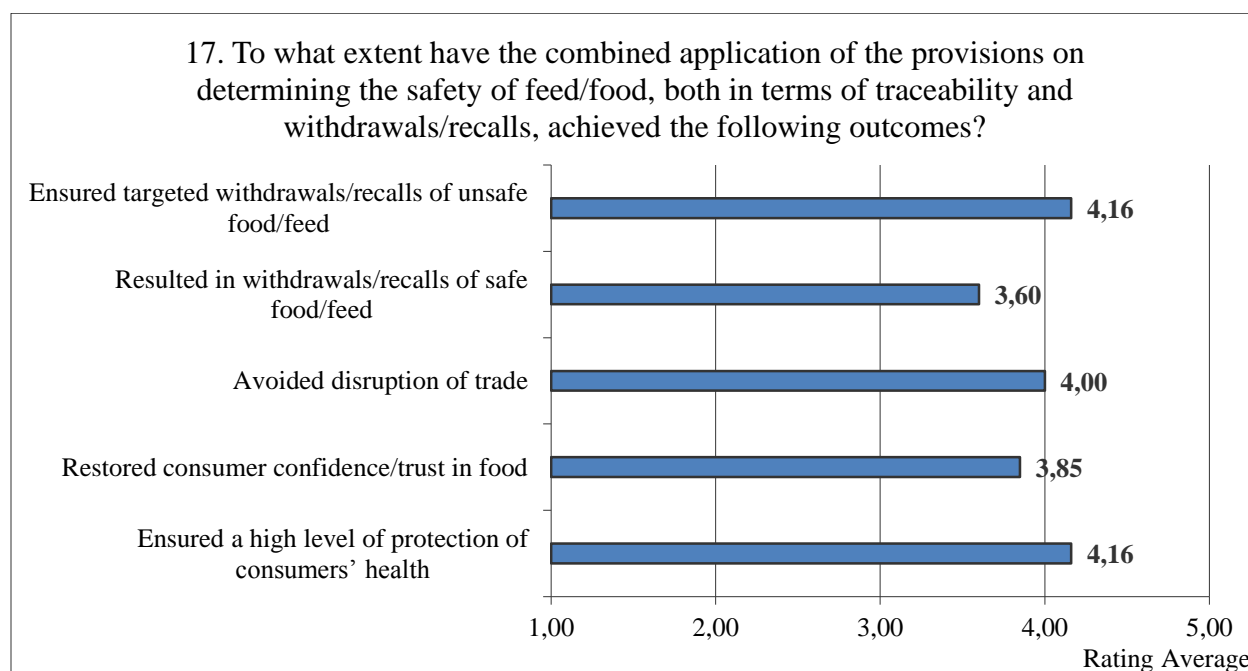
<i>MS CAs</i>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>Don't know</b>	<b>Rating Average</b>
Ensured targeted withdrawals/recalls of unsafe food/feed	0	0	3	15	7	0	4.16
Resulted in withdrawals/recalls of safe food/feed	2	3	4	10	6	0	3.60
Avoided disruption of trade	0	1	4	13	6	1	4.00
Restored consumer confidence/trust in food	0	1	6	8	5	5	3.85
Ensured a high level of protection of consumers' health	0	0	3	15	7	0	4.16
Other, please specify	0	0	0	0	2	23	5.00

**Stakeholders**



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

**MS CAs**



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

Survey results (Q19) indicate that the combined application of the provisions on determining the safety of feed/food, both in terms of traceability and withdrawals/recalls, has for the most part

achieved positive outcomes (indicated outcomes scored in all cases above midpoint (3.00), on a scale from 1 to 5). In particular, both stakeholders and MS CAs indicated that it has ensured targeted withdrawals/recalls of unsafe food/feed (average ratings: 4.13 for stakeholders; 4.16 for MS CAs) and a high level of protection of consumers’ health (4.07 for stakeholders; 4.16 for MS CAs).

It should be noted that a negative outcome (‘resulted in withdrawals/recalls of safe food/feed’) was included in this question and this has appeared to confuse respondents in scoring that outcome. This issue was highlighted in subsequent interviews with stakeholders and MS CAs which in most cases corrected the scoring although this correction cannot be introduced in the aggregated average result and therefore is not reflected in the above results. For the most part MS CAs and stakeholders agree that the combined application of the relevant provisions of the GFL has not resulted in withdrawals/recalls of safe food/feed.

### 3.6 Penalties and other measures applicable to infringements

#### Introduction

**Article 17.2** of the GFL requires Member States to lay down rules on penalties and other measures applicable to infringements of feed and food law.

20. What types of measures and penalties are applicable in your legal system for infringements relating to the following core obligations imposed on food business operators by the GFL?  
*Please specify the type of measures/penalties for infringements*

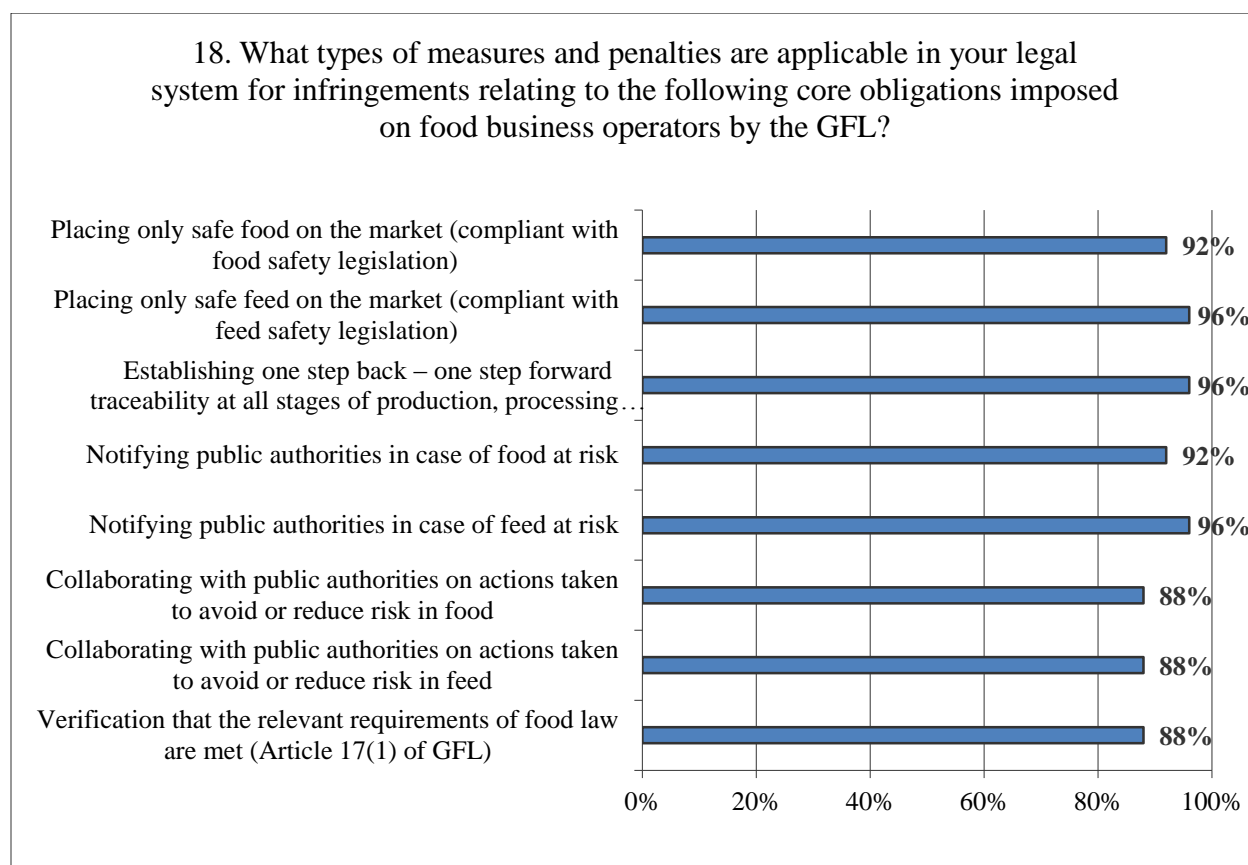
*Note: This question was a multiple text box question, i.e. for each option, respondents could add text or not. This question was not mandatory. **The statistics below show where respondents have added text but not (necessarily) whether they adopted measures and penalties for the different options provided.***

#### EQ 13

<i>MS CAs</i> GFL core obligations	Response Percent	Response Count
Placing only safe food on the market (compliant with food safety legislation)	92.0%	23
Placing only safe feed on the market (compliant with feed safety legislation)	96.0%	24
Establishing one step back – one step forward traceability at all stages of production, processing and distribution	96.0%	24
Notifying public authorities in case of food at risk	92.0%	23
Notifying public authorities in case of feed at risk	96.0%	24
Collaborating with public authorities on actions taken to avoid or reduce risk in food	88.0%	22

<i>MS CAs</i>	<b>Response Percent</b>	<b>Response Count</b>
<b>GFL core obligations</b>		
Collaborating with public authorities on actions taken to avoid or reduce risk in feed	88.0%	22
Verification that the relevant requirements of food law are met (Article 17(1) of GFL)	88.0%	22

*MS CAs*



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

Survey results (Q20) indicate the MS CAs have largely put in place measures and penalties in their legal systems against infringements relating to the core obligations imposed on food/feed business operators by the GFL. For all of these obligations, between 20 and 24 of the 25 responding MS CAs indicated to have measures and penalties in place.

21. What has been the impact of the GFL on your national rules laying down measures other than remedial measures and penalties applicable to infringements of feed and food law? Please consider measures **other than the remedial measures foreseen in the context of Regulation (EC) 882/2004**.

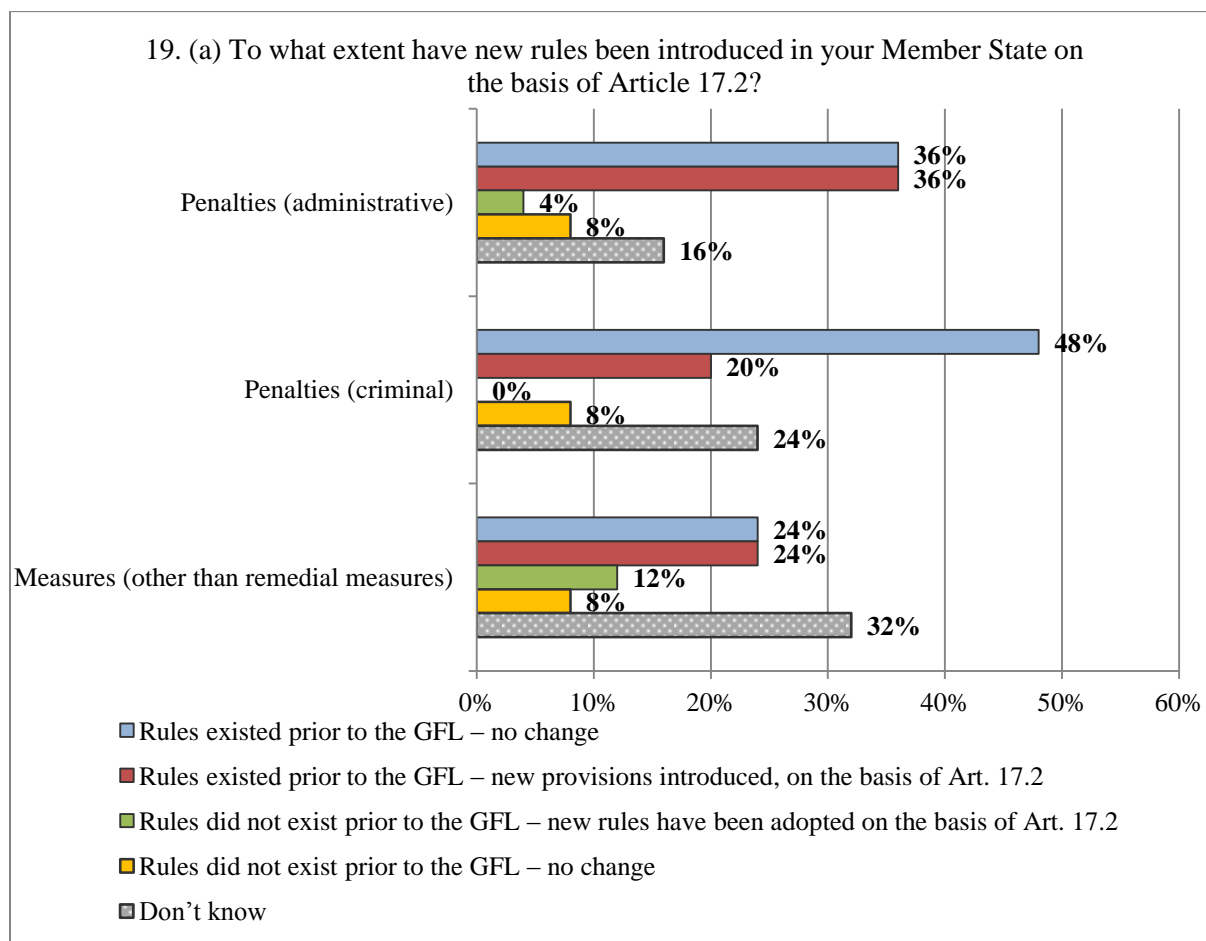
Note: remedial measures are measures implementing Article 54 of Regulation (EC) 882/2004 on official controls

**EQ 3, EQ 13**

(a) To what extent have new rules been introduced in your Member State on the basis of Article 17.2?

<i>MS CAs</i>	<b>Rules existed prior to the GFL – no change</b>	<b>Rules existed prior to the GFL – new provisions introduced, on the basis of Art. 17.2</b>	<b>Rules did not exist prior to the GFL – new rules have been adopted on the basis of Art. 17.2</b>	<b>Rules did not exist prior to the GFL – no change</b>	<b>Don’t know</b>
Penalties (administrative)	9	9	1	2	4
	36%	36%	4%	8%	16%
Penalties (criminal)	12	5	0	2	6
	48%	20%	0%	8%	24%
Measures (other than remedial measures)	6	6	3	2	8
	24%	24%	12%	8%	32%

**MS CAs**



Source: Agra CEAS Consulting.

In terms on the extent to which new rules have been introduced in Member States on the basis of Article 17.2, survey results (Q21a) indicate that for the most part rules existed prior to the GFL and changes only partly occurred with the adoption of the GFL in the Member State. In particular, no change occurred in 12 of the 25 responding MS in terms of criminal penalties, in 9 MS in administrative penalties () and in 6 MS in measures other than remedial measures (). For a second group of Member States, rules existed prior to the GFL but new provisions have nonetheless been introduced at the time of the adoption of the GFL on the basis of Article 17.2. This has been the case for administrative penalties in 9 MS, for measures other than remedial measures in 6 MS and for criminal penalties in 5 MS. In Member States where rules did not exist prior to the GFL, some have adopted new rules on the basis of Article 17.2 while others (2 of the 25 MS) have not.

It is noted that between 4 and 8 MS CAs did not answer this question (‘don’t know’); it was established during interviews that the lack of a response in some of these cases was because MSs had not introduced any new rules on the basis of Art. 17.2. For example, the UK CA indicated

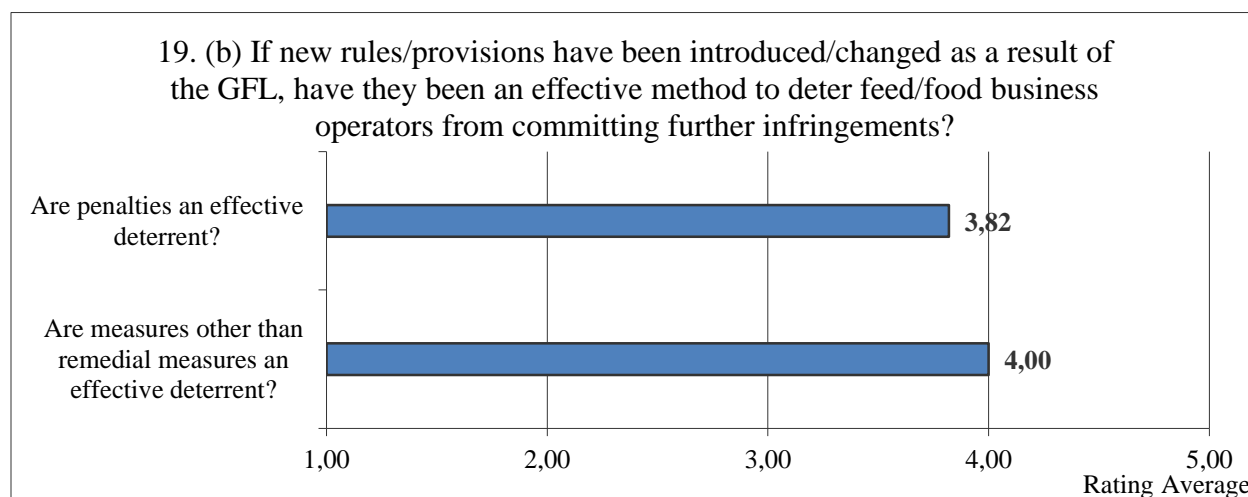


that the UK Food Safety Act (1990) already had a well-defined set of rules and sanctions in place.

(b) If new rules/provisions have been introduced/changed as a result of the GFL, have they been an effective method to deter feed/food business operators from committing further infringements? *To score on a scale 1-5 (1=not effective; 5=fully effective)*

<i>MS CAs</i>	1	2	3	4	5	Don't know	Rating Average
Are penalties an effective deterrent?	0	1	4	9	3	8	3.82
Are measures other than remedial measures an effective deterrent?	0	0	4	7	4	10	4.00

*MS CAs*



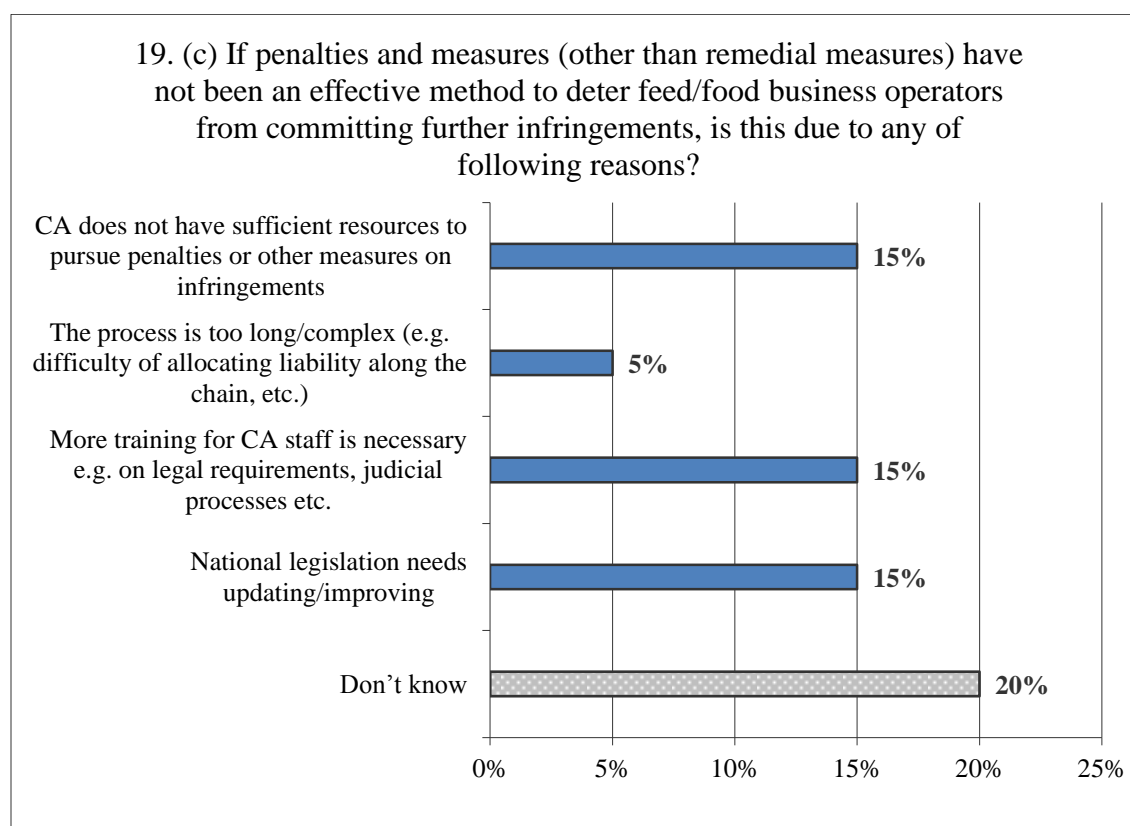
Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

Survey results (Q21b) further indicate that where new rules/provisions have been introduced/changed as a result of the GFL, both penalties (rating average: 3.82, on a scale from 1 to 5) and measures other remedial measures (4.00) are considered by MS CAs to have been an effective method to deter feed/food business operators from committing further infringements. It is noted that between 8 and 10 MS CAs did not answer this question (‘don’t know’); no further reason was provided in these cases in the survey.

(c) If penalties and measures (other than remedial measures) have not been an effective method to deter feed/food business operators from committing further infringements, is this due to any of following reasons?

<i>MS CAs</i>	<b>Response Percent</b>	<b>Response Count</b>
CA does not have sufficient resources to pursue penalties or other measures on infringements	15.0%	3
The process is too long/complex (e.g. difficulty of allocating liability along the chain, etc.)	5.0%	1
More training for CA staff is necessary e.g. on legal requirements, judicial processes etc.	15.0%	3
National legislation needs updating/improving	15.0%	3
Other (please specify)	30.0%	6
Don't know	20.0%	4

### *MS CAs*



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment. This question totals 20 MS CA responses (of 25 respondents to the MS CA survey).

Where penalties and measures (other than remedial measures) have not been an effective method to deter feed/food business operators from committing further infringements, MS CAs indicated (Q21c) this was due to the following reasons: CA does not have sufficient resources to pursue penalties or other measures on infringements (3 of the 20 responding MS CAs); more training for

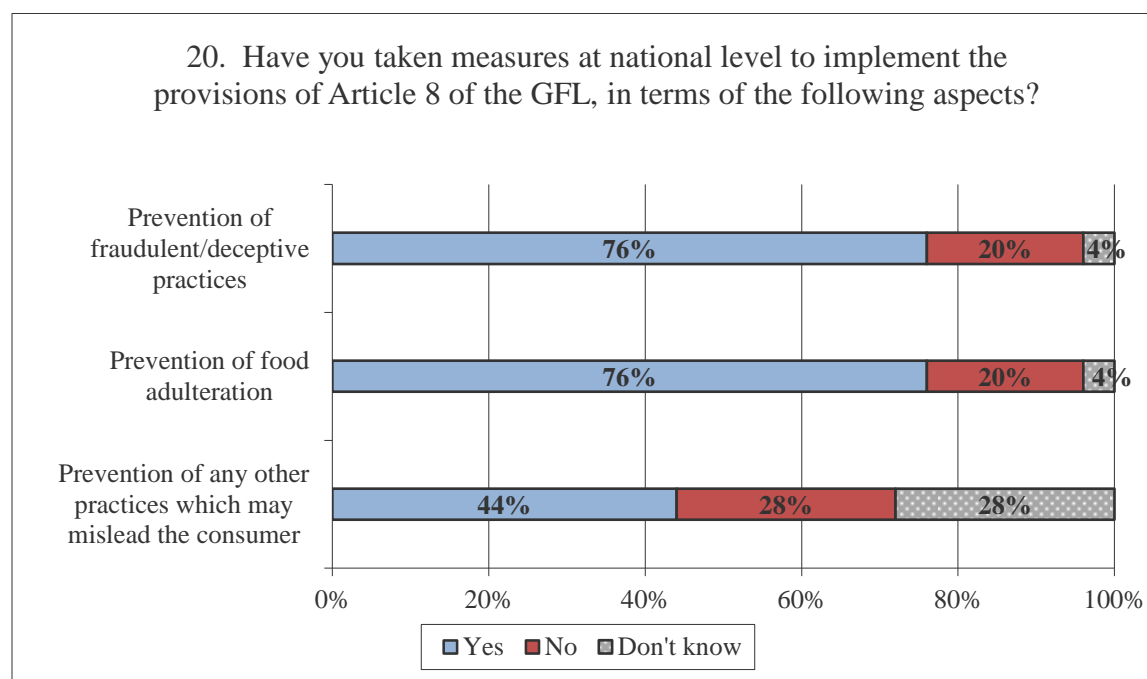
CA staff is necessary e.g. on legal requirements, judicial processes etc. (3 of the 20 responding MS CAs); and because national legislation needs updating/improving (3 of the 20 responding MS CAs).

22. Have you taken measures at national level to implement the provisions of Article 8 of the GFL, in terms of the following aspects?

**EQ 3, EQ 6**

<i>MS CAs</i>	Yes	No	Don't know
Prevention of fraudulent/deceptive practices	19 76%	5 20%	1 4%
Prevention of food adulteration	19 76%	5 20%	1 4%
Prevention of any other practices which may mislead the consumer: please specify	11 44%	7 28%	7 28%

*MS CAs*



Source: Agra CEAS Consulting.

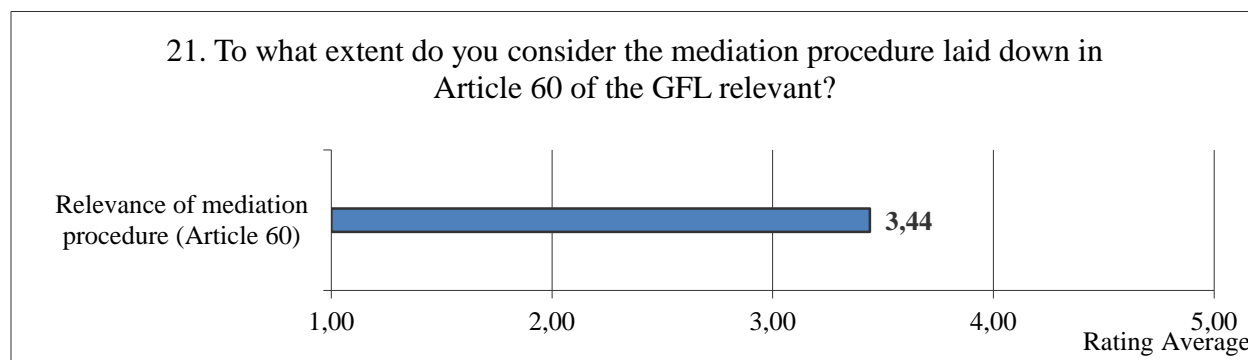
Survey results (Q22) indicate that MS CAs have for the most part taken measures at national level to implement the provisions of Article 8 of the GFL. In particular 19 of the 25 responding MS CAs have taken measures for the prevention of fraudulent/deceptive practices and the prevention of food adulteration, while 5 MS CAs have not taken any measures and 1 MS CA did

not provide an answer. 11 MS CAs have also taken measures for the prevention of any other practices which may mislead the consumer, while 7 MS CAs have not and 7 MS CAs did not provide an answer.

Article 60 of the GFL sets out a mediation procedure where a Member State considers that a measure taken by another Member State relating to feed/food safety is either incompatible with the GFL or is likely to affect the functioning of the internal market. To what extent, do you consider this procedure relevant? *To score on a scale 1-5 (1=not relevant; 5=fully relevant)*

<i>MS CAs</i>	1	2	3	4	5	Don't know	Rating Average
Relevance of mediation procedure (Article 60)	2	1	4	6	3	9	3.44

### *MS CAs*



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

According to survey results (Q23), MS CAs consider relevant the mediation procedure set out in Article 60 (average rating: 3.44, on a scale from 1 to 5). The mediation procedure applies when a Member State considers that a measure taken by another Member State relating to feed/food safety to be either incompatible with the GFL or likely to affect the functioning of the internal market.

## 4 International trade

### Introduction

Article 11 of GFL requires food and feed imported into the EU to comply with the EU requirements (also to be found in sectoral legislation) or to provisions considered equivalent to those or to requirements contained in specific agreements. Article 12 of GFL requires food/feed exported/re-exported from the EU to a third country to comply with EU requirements or with the requirements of the third country. In other circumstances, except in the case of food injurious to health or unsafe feed, food/feed can only be exported/re-exported if the competent authorities of the third country of destination have expressly agreed.

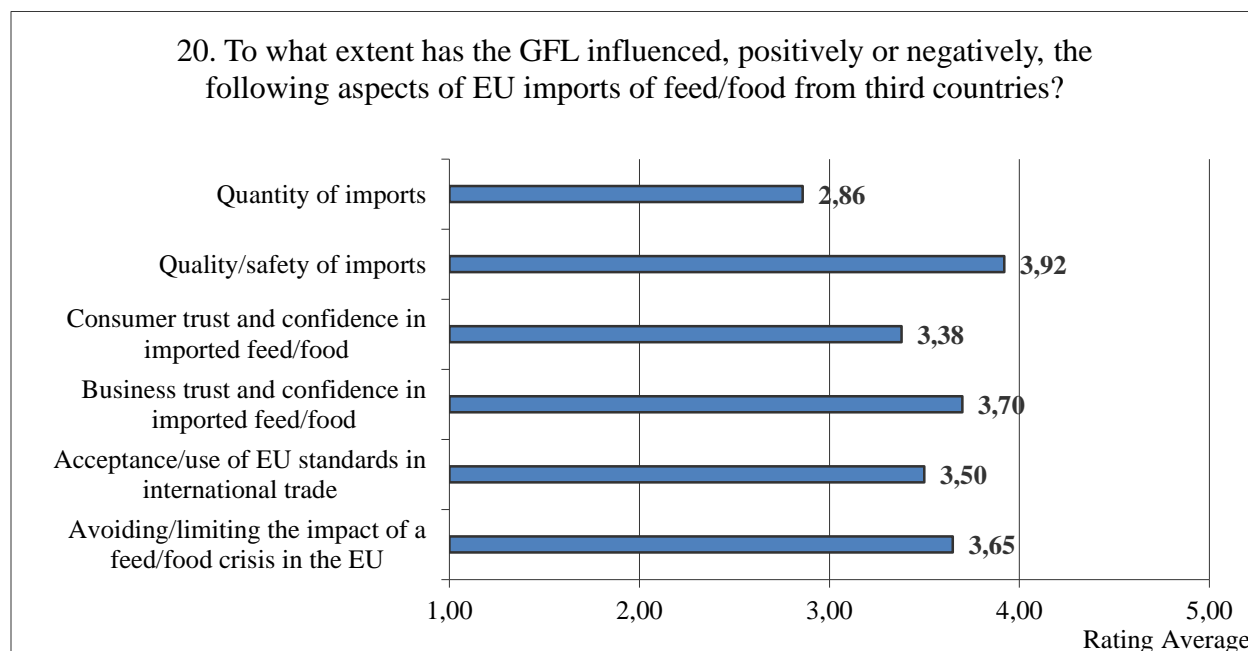
*Note:* The following questions refer to the impact of the GFL core responsibilities/requirements as such on the imports of food/feed into the EU and the international competitiveness of EU food/feed .

24. To what extent has the GFL influenced, positively or negatively, the following aspects of EU imports of feed/food from third countries? *To score on a scale 1-5 (1=very negative; 2=negative; 3=neutral; 4=positive; 5=very positive)*

#### **EQ 3, EQ 16**

<i>Stakeholders</i>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>Don't know</b>	<b>Rating Average</b>
Quantity of imports	0	8	26	3	0	30	2.86
Quality/safety of imports	0	3	7	33	9	15	3.92
Consumer trust and confidence in imported feed/food	3	5	16	22	4	17	3.38
Business trust and confidence in imported feed/food	0	4	12	25	6	20	3.70
Acceptance/use of EU standards in international trade	0	5	22	22	5	13	3.50
Avoiding/limiting the impact of a feed/food crisis in the EU	0	5	16	22	8	16	3.65
Other (please specify)	1	1	3	2	1	59	3.13

**Stakeholders**



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

Survey results (Q24) indicate that, according to stakeholders, the GFL influenced rather positively EU imports of feed/food from third countries. In particular, stakeholders provided ratings above midpoint (3.00, on a scale from 1 to 5) for most of the aspects considered, including quality/safety of imports (3.92), business trust and confidence in imported feed/food (3.70), avoiding/limiting the impact of a feed/food crisis in the EU (3.65), the acceptance/use of EU standards in international trade (3.50) and consumer trust and confidence in imported feed/food (3.38). The only aspect that received a rather negative scoring is the quantity of imports (2.86) but one should note the high number of “don’t know” responses and the fact that many comments considered that the quantity of trade is influenced mostly by market/economic factors rather than food safety policy or the GFL as such. This is also indicated by the fact that nearly half of the responses provided a neutral rating to this question (3.00).

The relatively large number of ‘don’t know’ responses is noted (13-30 of 67 stakeholders, depending on the aspect considered).

25. To what extent has the GFL influenced, positively or negatively, the following aspects of EU exports of feed/food to third countries? *To score on a scale 1-5 (1=very negative; 2=negative; 3=neutral; 4=positive; 5=very positive)*

**EQ 16**

<i>Stakeholders</i>	1	2	3	4	5	Don't know	Rating Average
Quantity of exports	0	2	10	21	4	30	3.73
Quality/safety of exports	0	3	5	29	15	15	4.08
Consumer trust and confidence in EU exported feed/food	3	0	2	32	13	17	4.04
Business trust and confidence in exported feed/food	0	0	5	29	14	19	4.19
Acceptance/use of EU standards in international trade	0	3	12	34	3	15	3.71
Avoiding/limiting the impact of a feed/food crisis on international trade	0	1	16	28	3	19	3.69
Competitiveness of EU feed/food exports in international markets	0	8	15	18	8	18	3.53
Other (please specify)	0	0	1	3	2	61	4.17

*Stakeholders*



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

Survey results (Q25) indicate that the GFL positively influenced EU exports of feed/food to third countries. In particular, stakeholders provided ratings above midpoint (3.00) for all of the aspects considered, including business trust and confidence in exported feed/food (4.19), quality/safety of exports (4.08), consumer trust and confidence in exported feed/food (4.04), quantity of exports (3.73), acceptance/use of EU standards in international trade (3.71) and

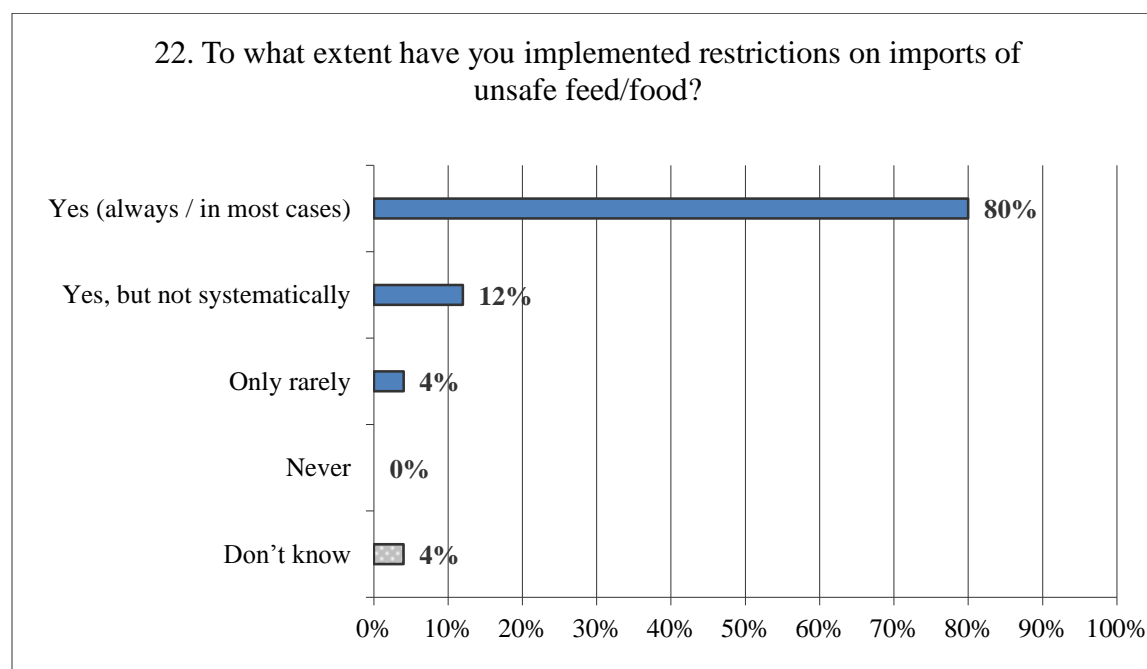
avoiding/limiting the impact of a feed/food crisis on international trade (3.69) and competitiveness of EU exports in international markets(3.53). The relatively large number of “don’t know” responses is noted (15-30 of 67 stakeholders, depending on the aspect considered). It should be noted that there was a high number of “don’t know” responses in particular on the impact of the GFL on the quantity of exports and that many stakeholders commented that the quantity of trade is influenced mostly by market/economic factors rather than food safety policy or the GFL as such.

26. What extent have you implemented restrictions on imports of unsafe feed/food?

**EQ 3, EQ 16**

<i>MS CAs</i>	<b>Response Percent</b>	<b>Response Count</b>
Yes (always/ in most cases)	80.0%	20
Yes, but not systematically	12.0%	3
Only rarely	4.0%	1
Never	0.0%	0
Don’t know	4.0%	1

*MS CAs*



Source: Agra CEAS Consulting.

For the most part, MS CAs have implemented restrictions on imports of unsafe feed/food (Q26). In particular, 20 of 25 responding MS CAs indicated that they have always/in most cases



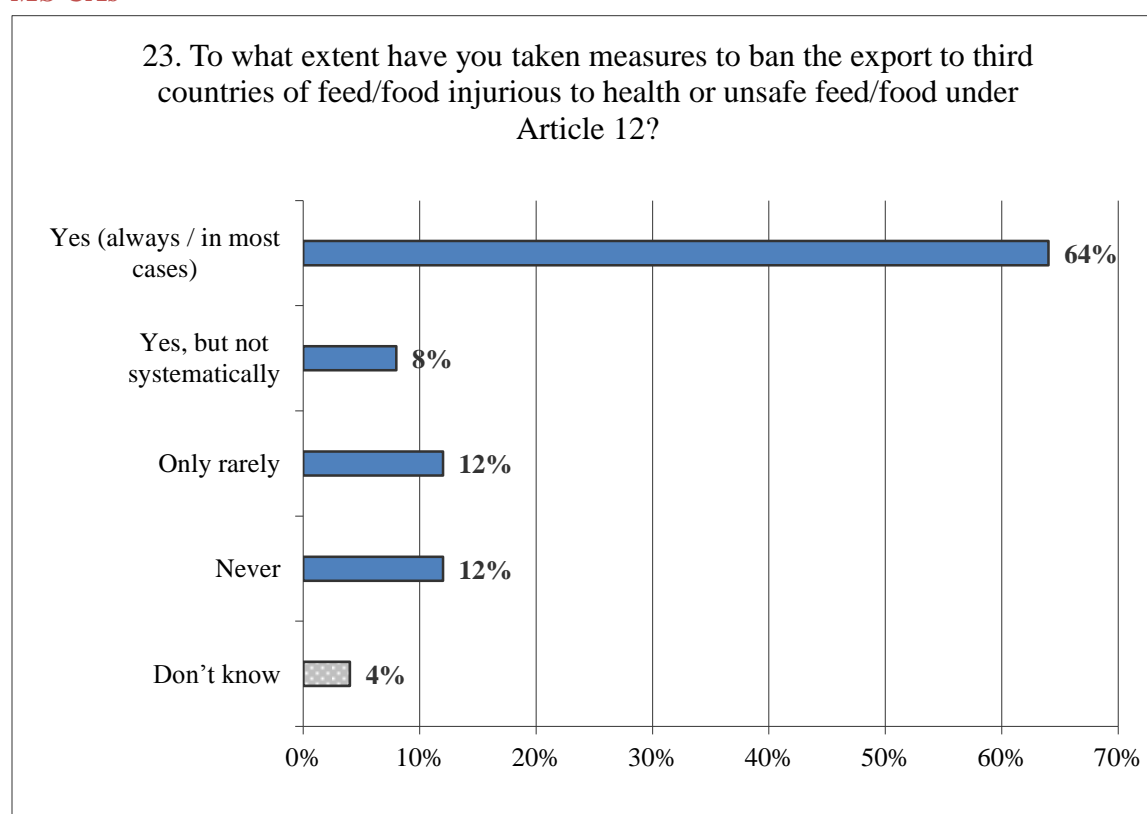
implemented restrictions while a further 3 MS CAs have implemented restrictions but not systematically.

27. To what extent have you taken measures to ban the export to third countries of feed/food injurious to health or unsafe feed/food under Article 12?

**EQ 17**

<i>MS CAs</i>	<b>Response Percent</b>	<b>Response Count</b>
Yes (always/ in most cases)	64.0%	16
Yes, but not systematically	8.0%	2
Only rarely	12.0%	3
Never	12.0%	3
Don't know	4.0%	1

*MS CAs*



Source: Agra CEAS Consulting.

For the most part, MS CAs have taken measures to ban the export to third countries of unsafe/injurious to health feed/food under Article 12 (Q27). In particular, 16 of 25 responding

MS CAs indicated that they have always/in most cases taken measures while a further 2 MS CAs have taken measures but not systematically.

## 5 Risk analysis and precautionary principle

### Introduction

The GFL (Article 6) requires that national and EU measures on feed/food should be based on risk analysis, except where this is not appropriate to the circumstances or the nature of the measure. Risk analysis is composed of three elements: (a) risk assessment, which is to be carried out in an independent, objective and transparent manner on the basis of available scientific information and data, (b) risk management which takes into account the risk assessment as well as other legitimate factors and, where relevant, the precautionary principle, and (c) risk communication. The precautionary principle (Article 7) should be triggered in specific circumstances where a risk to life or health exists and there is scientific uncertainty.

28. To what extent have EU measures on feed and food been adopted on the basis of a risk analysis, as laid down in Article 6?

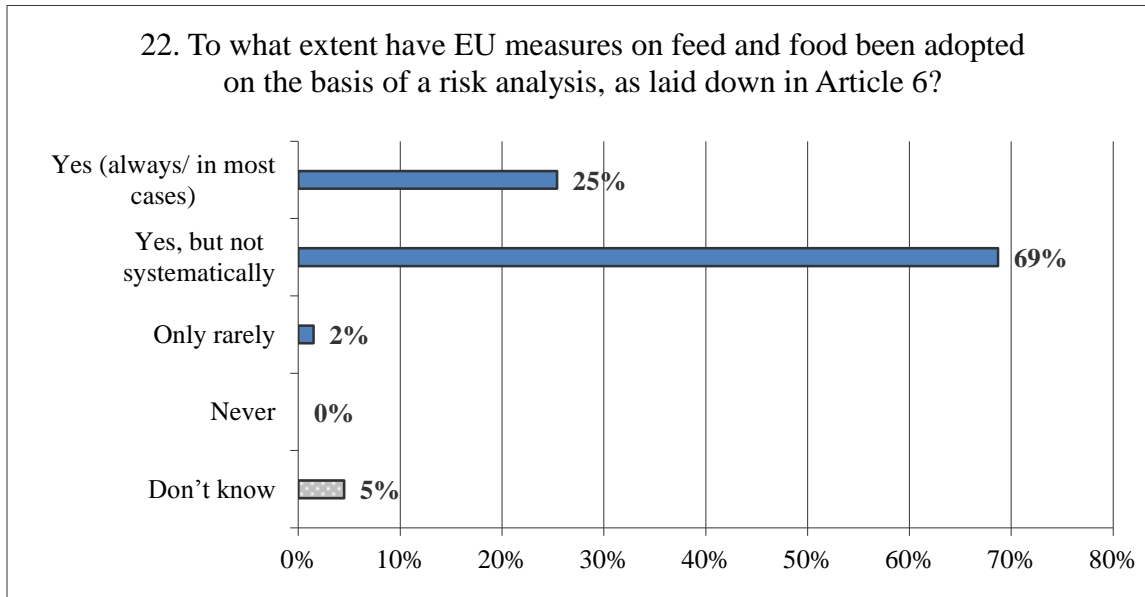
#### **EQ 20**

<i>Stakeholders</i>	<b>Response Percent</b>	<b>Response Count</b>
Yes (always/ in most cases)	25.4%	17
Yes, but not systematically	68.7%	46
Only rarely	1.5%	1
Never	0.0%	0
Don't know	4.5%	3

*Percentages may not total 100% due to rounding.*

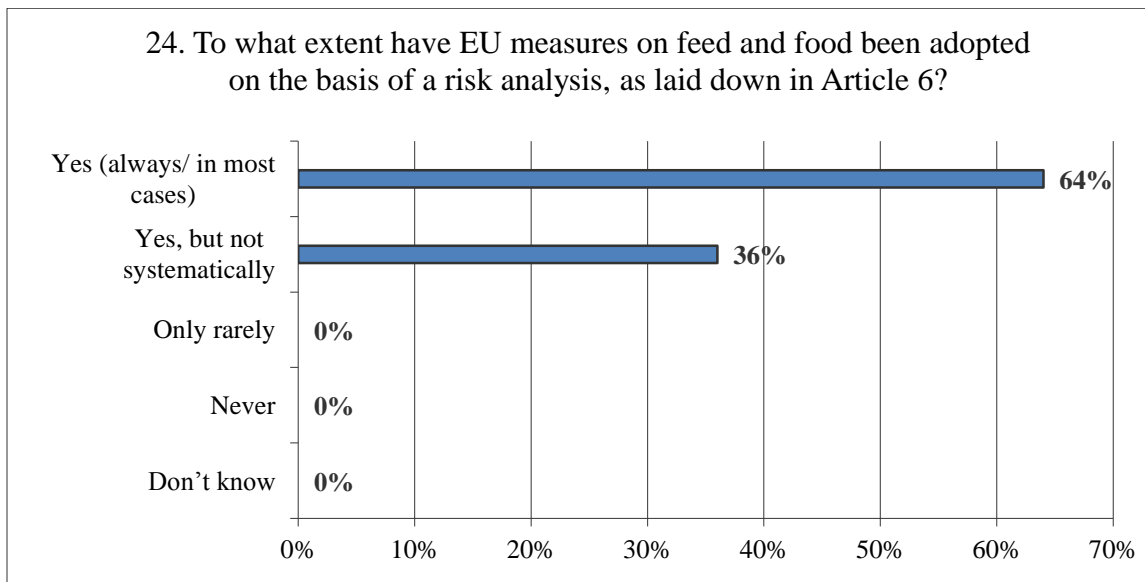
<i>MS CAs</i>	<b>Response Percent</b>	<b>Response Count</b>
Yes (always/ in most cases)	64.0%	16
Yes, but not systematically	36.0%	9
Only rarely	0.0%	0
Never	0.0%	0
Don't know	0.0%	0

### Stakeholders



Source: Agra CEAS Consulting.

### MS CAs



Source: Agra CEAS Consulting.

Survey results (Q28) indicate that for the most part EU measures on feed and food have been adopted on the basis of a risk analysis, as laid down in Article 6. Nonetheless, while for MS CAs this has occurred always/in most cases (16 of 25 MS CAs), the majority of stakeholders (69%, i.e. over two thirds) indicate that this has not occurred systematically.

29. To what extent have national (Member State) measures on feed and food been adopted on the basis of a risk analysis, as laid down in Article 6?

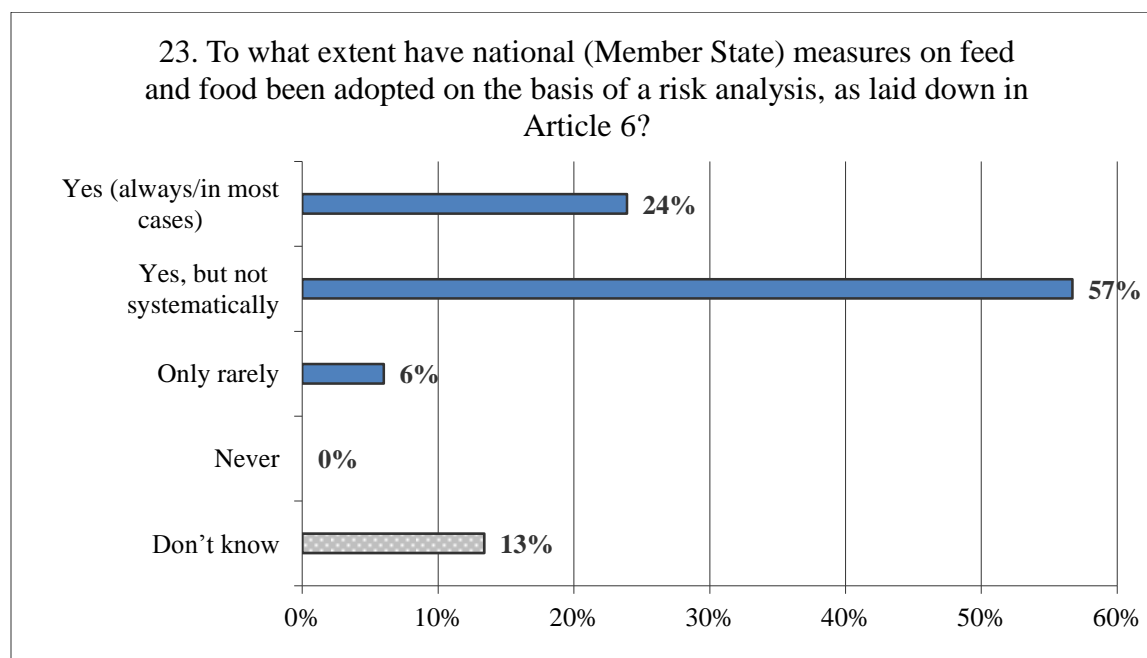
**EQ 20**

<i>Stakeholders</i>	<b>Response Percent</b>	<b>Response Count</b>
Yes (always/ in most cases)	23.9%	16
Yes, but not systematically	56.7%	38
Only rarely	6.0%	4
Never	0.0%	0
Don't know	13.4%	9

<i>MS CAs</i>	<b>Response Percent</b>	<b>Response Count</b>
Yes (always/ in most cases)	56.0%	14
Yes, but not systematically	40.0%	10
Only rarely	0.0%	0
Never	4.0%	1
Don't know	0.0%	0

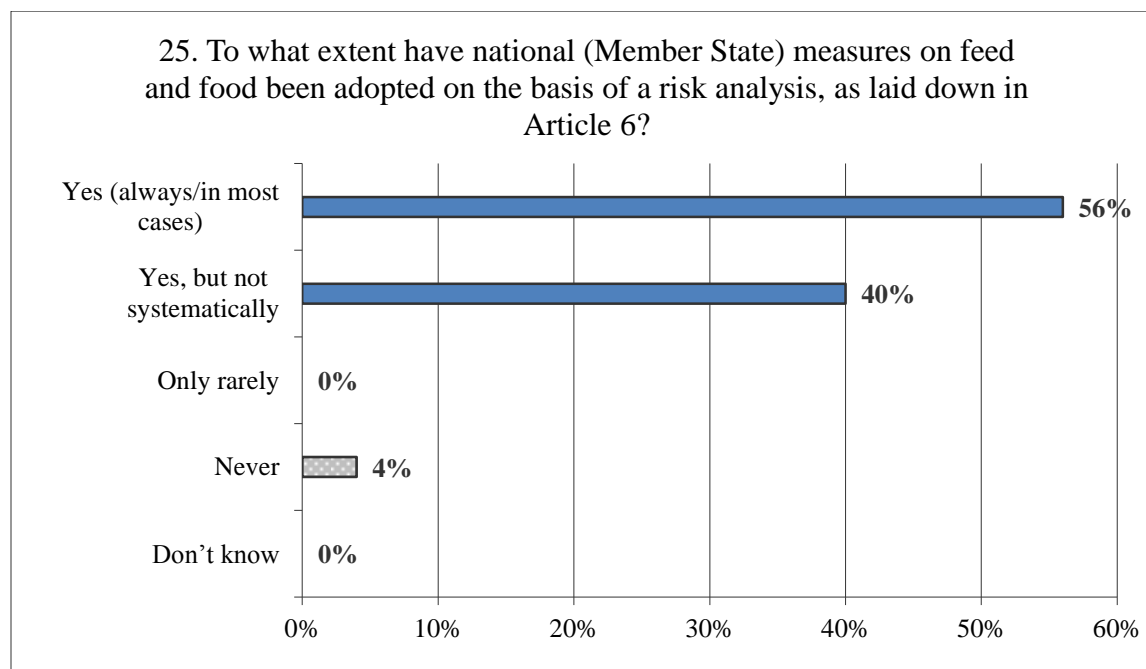
Percentages may not total 100% due to rounding.

*Stakeholders*



Source: Agra CEAS Consulting.

**MS CAs**



Source: Agra CEAS Consulting.

Survey results (Q29) indicate that for the most part national (Member State) measures on feed and food have been adopted on the basis of a risk analysis, as laid down in Article 6. According to 81% of stakeholders and 21 of the 25 responding MS CAs, national measures have been adopted on the basis of a risk analysis, either always/in most cases or not systematically. Nonetheless, while for MS CAs this has occurred always/in most cases (14 of 25 MS CAs), the majority of stakeholders (57%) indicate that this has not occurred systematically.

30. Where national and EU measures on feed/food have been adopted on the basis of a risk analysis, to what extent have the following outcomes been achieved? *To score on a scale 1-5 (1=not achieved; 5=fully achieved)*

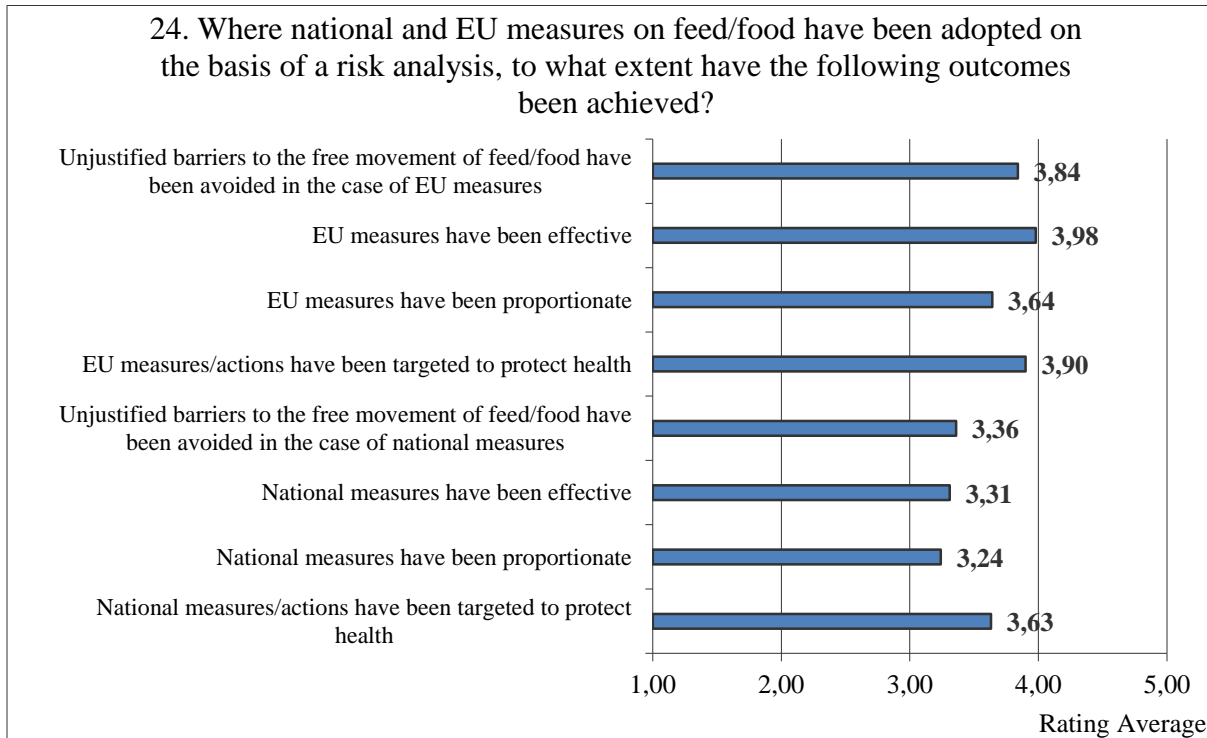
**EQ 20**

<i>Stakeholders</i>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>Don't know</b>	<b>Rating Average</b>
Unjustified barriers to the free movement of feed/food have been avoided in the case of EU measures	0	6	13	22	16	10	3.84
EU measures have been effective	0	0	17	27	16	7	3.98
EU measures have been proportionate	1	5	16	36	6	3	3.64
EU measures/actions have been targeted to protect health	1	1	12	37	11	5	3.90
Unjustified barriers to the free movement of feed/food have been avoided in the case of	2	9	12	23	4	17	3.36

<i>Stakeholders</i>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>Don't know</b>	<b>Rating Average</b>
national measures							
National measures have been effective	1	8	23	19	4	12	3.31
National measures have been proportionate	1	12	22	18	5	9	3.24
National measures/actions have been targeted to protect health	1	9	13	24	12	8	3.63
Other (please specify)	0	1	5	0	1	60	3.14

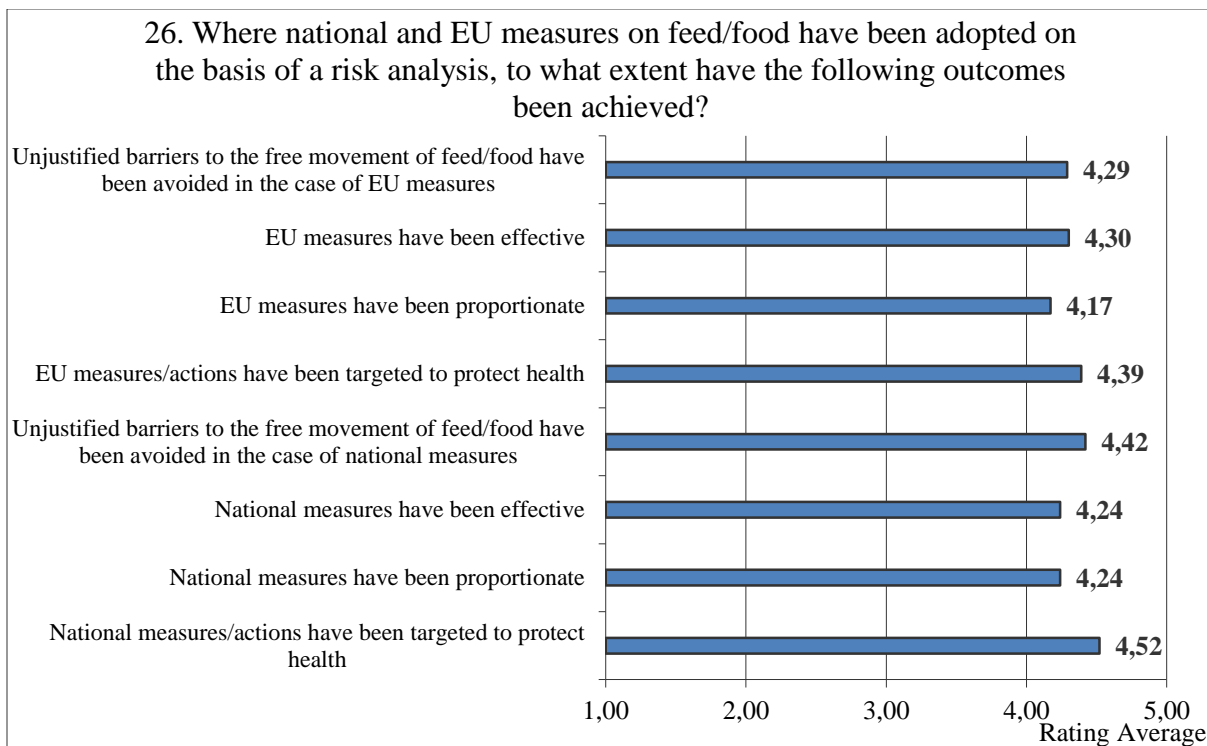
<i>MS CAs</i>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>Don't know</b>	<b>Rating Average</b>
Unjustified barriers to the free movement of feed/food have been avoided in the case of EU measures	0	0	1	13	7	4	4.29
EU measures have been effective	0	0	0	16	7	2	4.30
EU measures have been proportionate	0	0	2	15	6	2	4.17
EU measures/actions have been targeted to protect health	0	0	1	12	10	2	4.39
Unjustified barriers to the free movement of feed/food have been avoided in the case of national measures	0	0	0	11	8	6	4.42
National measures have been effective	0	1	0	13	7	4	4.24
National measures have been proportionate	0	0	2	12	7	4	4.24
National measures/actions have been targeted to protect health	0	0	0	10	11	4	4.52
Other (please specify)	0	1	0	0	1	23	3.50

**Stakeholders**



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

**MS CAs**



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.



Survey results (Q30) indicate that where national and EU measures on feed/food have been adopted on the basis of a risk analysis, positive outcomes have been achieved. In particular, stakeholders provided for all outcomes assessments above midpoint (3.00) while MS CAs provided higher ratings, i.e. above 4 (on a scale from 1 to 5). Generally stakeholders provided higher assessments for outcomes achieved by EU measures compared to those achieved by national measures. More particularly:

- EU measures have been effective (stakeholders: 3.98; MS CAs: 4.30), proportionate (stakeholders: 3.64; MS CAs: 4.17), targeted to protect public health (stakeholders: 3.90; MS CAs: 4.39) and avoided unjustified barriers to the free movement of feed/food (stakeholders: 3.84; MS CAs: 4.29);
- National measures have been effective (stakeholders: 3.31; MS CAs: 4.24), proportionate (stakeholders: 3.24; MS CAs: 4.24), targeted to protect public health (stakeholders: 3.63; MS CAs: 4.52) and avoided unjustified barriers to the free movement of feed/food (stakeholders: 3.36; MS CAs: 4.42).

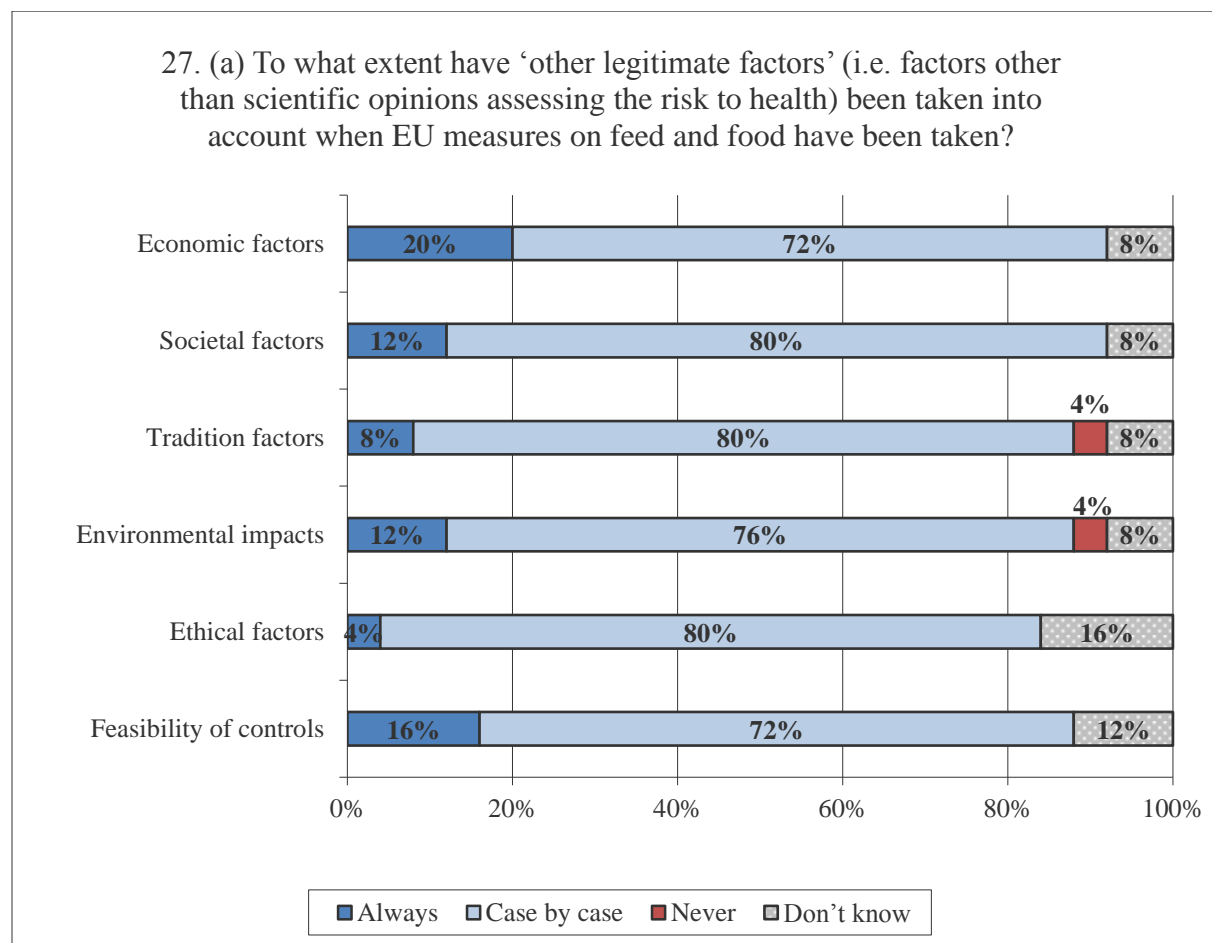
### 30. MS CAs

#### EQ 20

(a) To what extent have ‘other legitimate factors’ (i.e. factors other than scientific opinions assessing the risk to health) been taken into account when **EU measures** on feed and food have been taken?

<b>MS CAs</b>	<b>Always</b>	<b>Case by case</b>	<b>Never</b>	<b>Don't know</b>
Economic factors	5	18	0	2
	20%	72%	0%	8%
Societal factors	3	20	0	2
	12%	80%	0%	8%
Tradition factors	2	20	1	2
	8%	80%	4%	8%
Environmental impacts	3	19	1	2
	12%	76%	4%	8%
Ethical factors	1	20	0	4
	4%	80%	0%	16%
Feasibility of controls	4	18	0	3
	16%	72%	0%	12%

**MS CAs**



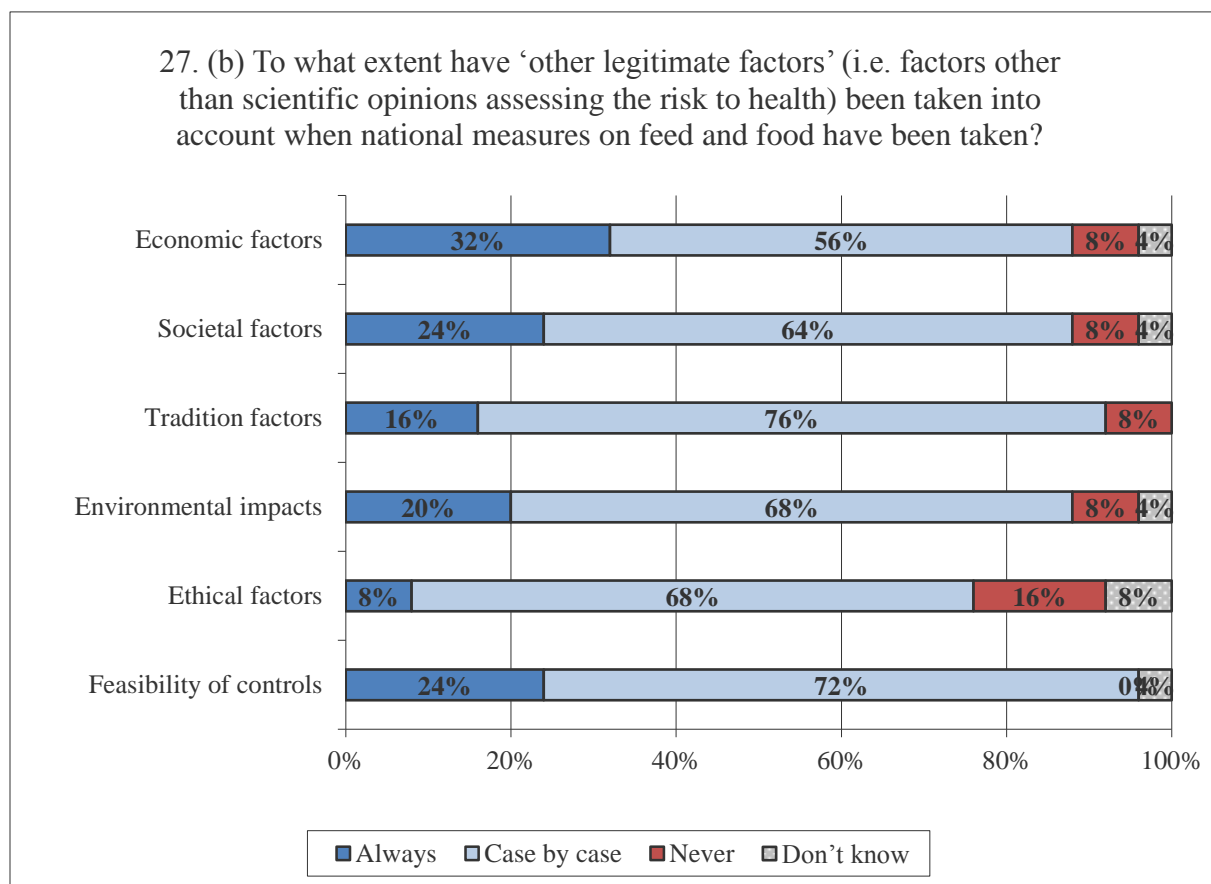
Source: Agra CEAS Consulting.

Survey results (Q31a) indicate that ‘other legitimate factors’ (i.e. factors other than scientific opinions assessing the risk to health) have been taken into account mostly on a case by case basis when **EU measures** on feed and food have been adopted. In particular, 18 to 20 MS CAs indicated that all of the examined legitimate factors were taken into account on a case by case basis. 5 MS CAs indicated that economic factors are always taken into account, 4 MS CAs indicated the feasibility of controls while 3 MS CAs indicated societal factors and environmental impacts are always taken into account.

(b) To what extent have ‘*other legitimate factors*’ (i.e. factors other than scientific opinions assessing the risk to health) been taken into account when **national measures** on feed and food have been taken?

<i>MS CAs</i>	<b>Always</b>	<b>Case by case</b>	<b>Never</b>	<b>Don't know</b>
Economic factors	8	14	2	1
	32%	56%	8%	4%
Societal factors	6	16	2	1
	24%	64%	8%	4%
Tradition factors	4	19	2	0
	16%	76%	8%	0%
Environmental impacts	5	17	2	1
	20%	68%	8%	4%
Ethical factors	2	17	4	2
	8%	68%	16%	8%
Feasibility of controls	6	18	0	1
	24%	72%	0%	4%
Other, please specify	0	2	0	23
	0%	8%	0%	92%

*MS CAs*



Source: Agra CEAS Consulting.

Survey results (Q31b) indicate that ‘other legitimate factors’ (i.e. factors other than scientific opinions assessing the risk to health) have been taken into account mostly on a case by case basis when **national measures** on feed and food have been adopted. In particular, 14 to 19 MS CAs indicated that all of the examined legitimate factors were taken into account on a case by case basis. 8 MS CAs indicated that economic factors are always taken into account, 6 MS CAs indicated the feasibility of controls and societal factors, 5 MS CAs indicated environmental impacts while 4 MS CAs indicated tradition factors are always taken into account. It is noted that 4 MS CAs indicated that they never take into account ethical factors and 2 MS CAs never take into account economic, societal, environmental or tradition factors.

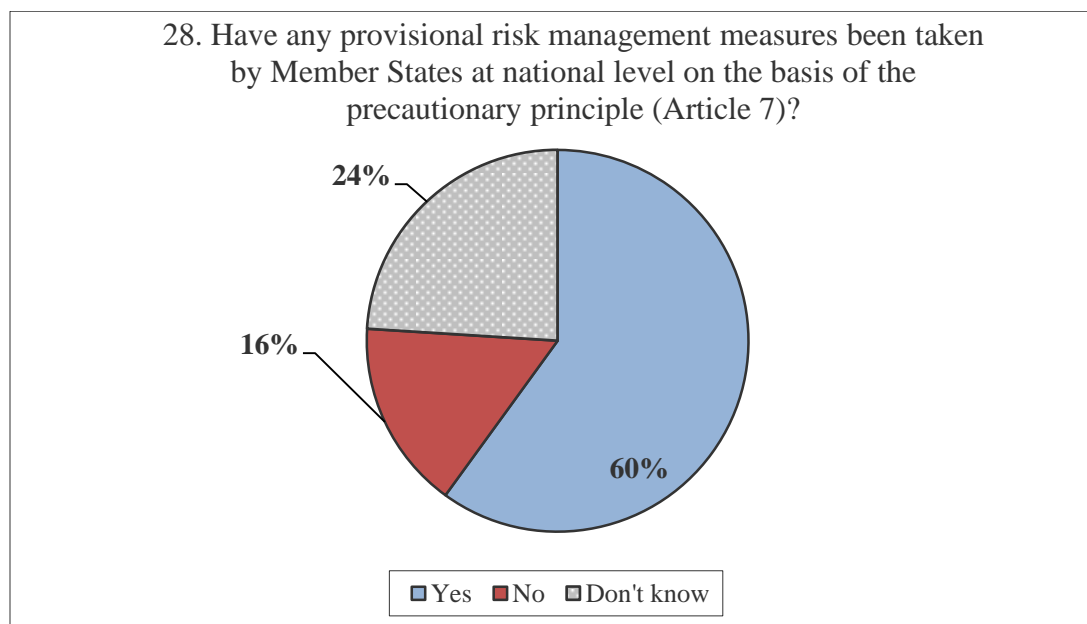
32. Have any provisional risk management measures been taken by Member States at national level on the basis of the precautionary principle (Article 7)?

**EQ 21**

<i>MS CAs</i>	<b>Response Percent</b>	<b>Response Count</b>
Yes	60.0%	15
No	16.0%	4
Don't know	24.0%	6

Percentages may not total 100% due to rounding.

**MS CAs**



Source: Agra CEAS Consulting.

According to survey results (Q32), 15 of the 25 responding MS CAs indicated that provisional risk management measures have been taken at national level on the basis of the precautionary principle (Article 7), while 4 MS CAs indicated that provisional measures have not been taken and 6 MS CAs did not know.

### 33. MS CAs

#### EQ 21

(a) If the answer to the previous question is yes, please identify up to three most important cases of measures taken on the basis of the precautionary principle (Article 7), and provide a detailed description

An overview of the three most important measures taken on the basis of the precautionary principle (Article 7), according to MS CA responses, is provided in the table below.

	Measure 1	Measure 2	Measure 3
MT	2013: Issued an Emergency Prohibition order on grounds of risk of contamination due to unhygienic conditions until premises were cleaned.	2013: Sealed food items until laboratory results were received.	2013: Issued an Emergency Control Order on ground of risk of contamination due to unhygienic conditions in part of a premises until they were cleaned.
LU	2009: clause de sauvegarde des OGM		
IT	2008: Ordinance of Ministry of health (2008) : Compulsory information about raw milk. Now replaced by D.M. 12 Dic 2012	2013 : Compulsory information about raw fish	2014: the Ministry of health with an interministerial decree, has decided to prohibit the marketing of foods (so called Terra dei Fuochi- Campania)
SI	2013: HMF in compound feeds for bees (HMF content of more than 40 ppm constitutes a health risk in feed for honeybees)		
LT	2014: Prohibition to sell energy drinks to children under 18 years of age		
IE	2013: Risk management of norovirus in oysters (in view of no legislative limit) <a href="https://www.fsai.ie/publications_norovirus_opinion/">www.fsai.ie/https://www.fsai.ie/publications_norovirus_opinion/</a>	2010: Microorganisms in bottled water – see <a href="http://www.fsai.ie">www.fsai.ie</a>	
SE	2012: According to the national Food Regulation (2006:813) by the Swedish government, the use of bisphenol A and compounds consisting of bisphenol A is prohibited in materials that come into contact with food for children under 3 years.		
AT	2009: Regulation on trans fatty acids	2011: Bisphenol A in soothers and teething	
BE	2005: Isopropyl Thioxanthone (ITX)	2009: Methylbenzophenone	2003: Semicarbazide in egg powder
EL	2013: Ministerial Decision 9769/121592/08-10-2013 (national Gazette B/2566/11-10-2013): “Trade restriction in the Hellenic territory, of maize-hybrids seeds bearing the		

	genetic modification MON810”.		
FI	<2002: The use of antimicrobial feedingstuffs was stopped in Finland ten years earlier than those were banned in the EU-legislation.	2012: National requirements for raw milk: restrictions for sale, requirements of own-checks and requirements for information to be given for the consumer.	
CY	2014: Determination of specific dates and specific hours of the selling of non-prepacked minced meat in the butcheries.		
LV	(in process): Law on energy drinks - establish the restrictions for marketing and advertisement	2012: Nutritional norms for educates of educational institutions, clients of social care and social rehabilitation institutions and patients of medical treatment institutions - defines the energy and dietary standards in schools, kindergartens, long-term social care institutions and hospitals in Latvia. The Regulation defines the amount of added salt and sugar to meals and also food products that need to be included or excluded from daily diet	(in process): Regulation on trans-fatty acids - limited amount of trans-fatty acids in food
SK	2012: during the "methanol crises" SR applied precautionary principle for CZ products	2012: during the " thawing salt" crises SR applied precautionary principle for table salt from PL	2013: SR applied precautionary principle for waffles made with milk powder from PL

### MS CAs

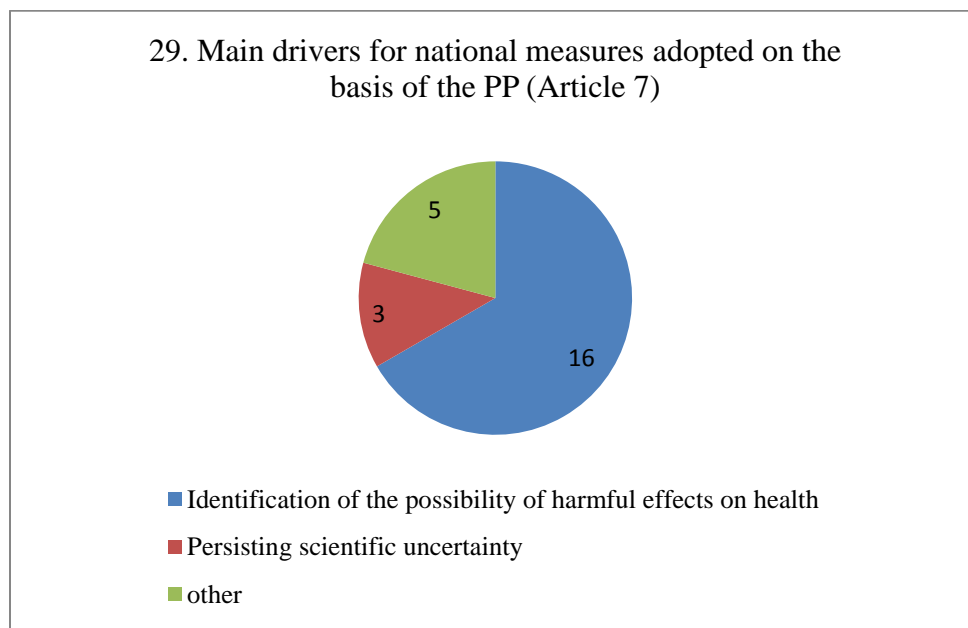
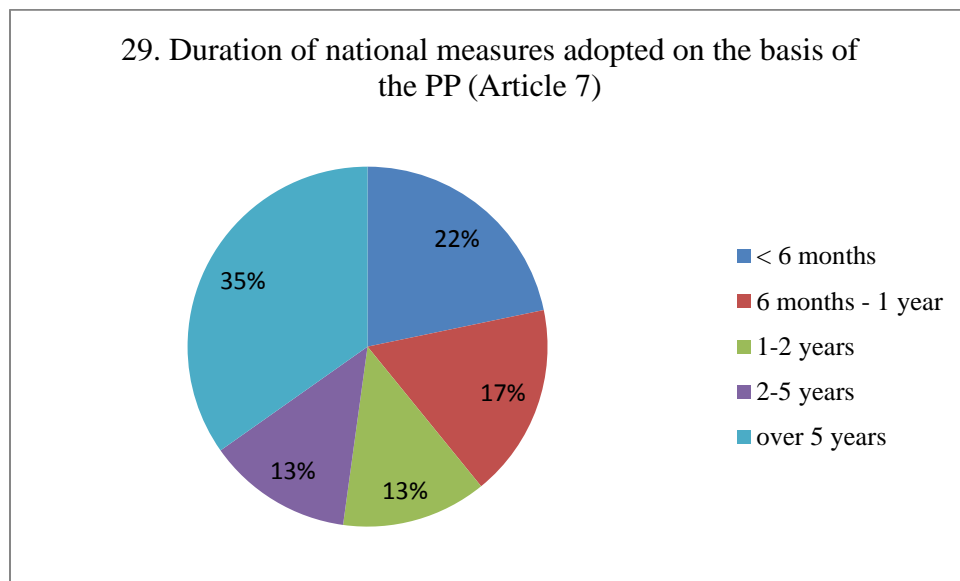
(b) For the three measures taken on the basis of the precautionary principle (Article 7) listed in the previous question, please provide the following information for each measure:

Date of adoption?	
How long has this measure been in place?	
Has it been reviewed?	
What were the main drivers for the adoption of this measure?	Please select amongst the following drivers: <ul style="list-style-type: none"> <li>- Identification of the possibility of harmful effects on health</li> <li>- Persisting scientific uncertainty</li> <li>- Other, please specify</li> </ul>

### Duration of the MS measures (summary data):

Duration	Number of measures
< 6 months	5
6 months - 1 year	4
1-2 years	3

2-5 years	3
over 5 years	8
<b>TOTAL</b>	<b>23</b>



According to survey results (Q33b), out of the 23 measures provided by MS CAs as examples of national measures taken on the basis of the PP, the majority (61%) have had a duration of more than 1 year. It is noted that some of the measures that were indicated to have a more limited duration (<1 year) were adopted recently, therefore their final duration is not yet definite. Only about half of these measures were reviewed. The main driver for the adoption of the measures was the identification of the possibility of harmful effects on health (15 measures), with

persisting scientific uncertainty raised only for few (3) measures; other factors were raised for few (5) measures e.g. environmental reasons for the trade restrictions for transgenic maize adopted in two MS.

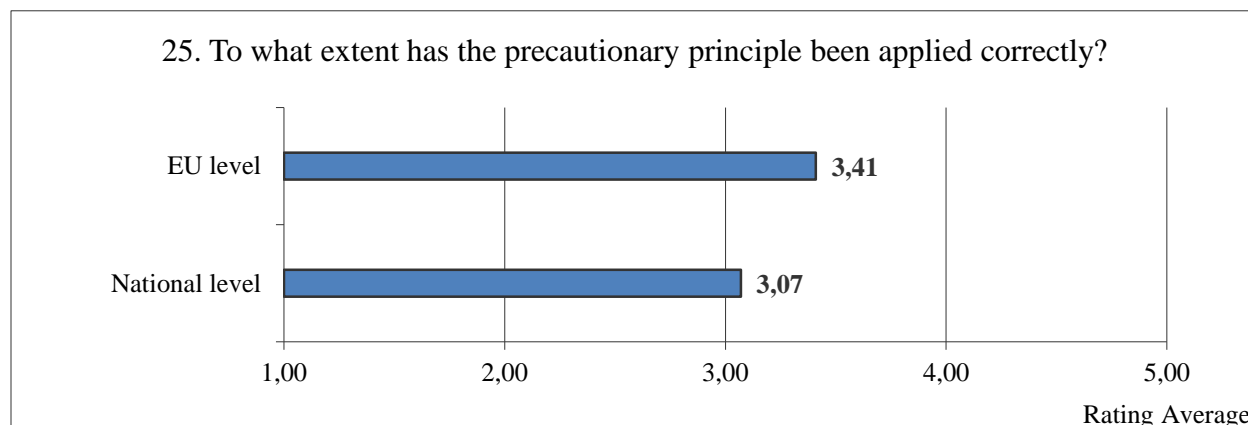
34. To what extent has the precautionary principle been applied correctly? *To score on a scale 1-5 (1=not correctly applied; 5=correctly applied)*

**EQ 21**

<i>Stakeholders</i>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>Don't know</b>	<b>Rating Average</b>
EU level	0	9	20	25	4	9	3.41
National level	0	21	15	17	4	10	3.07

<i>MS CAs</i>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>Don't know</b>	<b>Rating Average</b>
EU level	1	2	4	5	5	8	3.65
National level	0	1	2	6	6	10	4.13

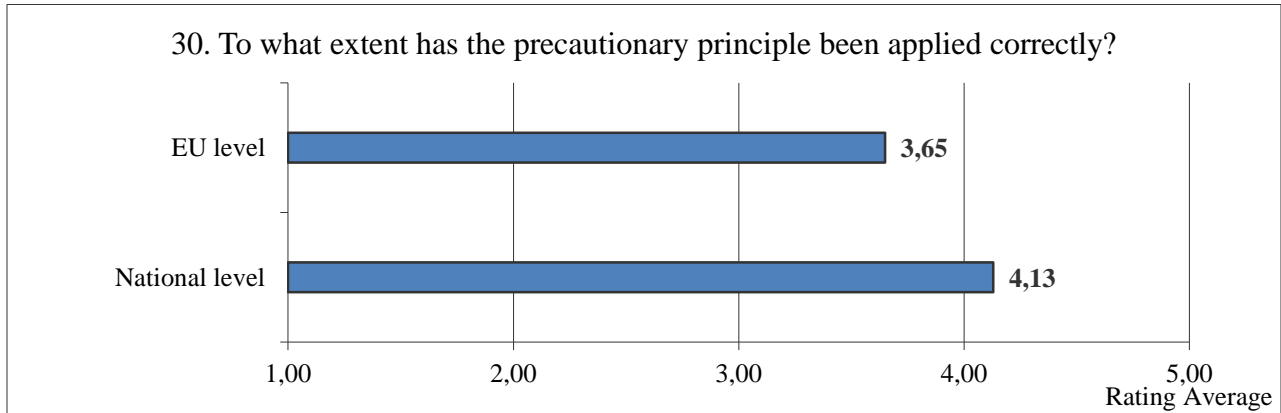
*Stakeholders*



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.



**MS CAs**



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

Survey results (Q34) indicate that for the most part the precautionary principle has been applied correctly both at EU and national level. Generally stakeholders considered the principle to have been applied correctly mostly for measures taken at EU level (average rating: 3.41, on a scale from 1 to 5) and to a lesser extent for measures taken at national level (3.07), while MS CAs considered this to be the case mostly for measures taken at national level (4.13) and to a lesser extent for measures taken at EU level (3.65).

The high number of “don’t know” responses for MS CAs is noted (8 of 25 MS CAs for EU level measures and 10 of 25 MS CAs for national level measures). The large number of “don’t know” responses could be attributed to the fact that respondents did not have views and due to high complexity of the subject matter.

## 6 Transparency

### 6.1 Public consultation

35. To what extent has there been an open and transparent public consultation for EU feed/food legislation, during the following phases of its development?

#### **EQ 22**

(a) Open and transparent public consultation during **preparation** of EU legislation

<i>Stakeholders</i>	<b>Response Percent</b>	<b>Response Count</b>
Yes (always/ in most cases)	32.8%	22
Yes, but not systematically - <i>Justify your answer</i>	37.3%	25
Only rarely - <i>Justify your answer</i>	7.5%	5
Never - <i>Justify your answer</i>	1.5%	1
Don't know	20.9%	14

<i>MS CAs</i>	<b>Response Percent</b>	<b>Response Count</b>
Yes (always/ in most cases)	72.0%	18
Yes, but not systematically - <i>Justify your answer</i>	16.0%	4
Only rarely - <i>Justify your answer</i>	4.0%	1
Never - <i>Justify your answer</i>	0.0%	0
Don't know	8.0%	2

*Percentages may not total 100% due to rounding.*

(b) Open and transparent public consultation during **evaluation** of EU legislation

<i>Stakeholders</i>	<b>Response Percent</b>	<b>Response Count</b>
Yes (always/ in most cases)	52.2%	35
Yes, but not systematically - <i>Justify your answer</i>	20.9%	14
Only rarely - <i>Justify your answer</i>	7.5%	5
Never - <i>Justify your answer</i>	0.0%	0
Don't know	19.4%	13

<i>MS CAs</i>	<b>Response Percent</b>	<b>Response Count</b>
Yes (always/ in most cases)	64.0%	16
Yes, but not systematically - <i>Justify your answer</i>	16.0%	4
Only rarely - <i>Justify your answer</i>	0.0%	0
Never - <i>Justify your answer</i>	4.0%	1
Don't know	16.0%	4

*Percentages may not total 100% due to rounding.*

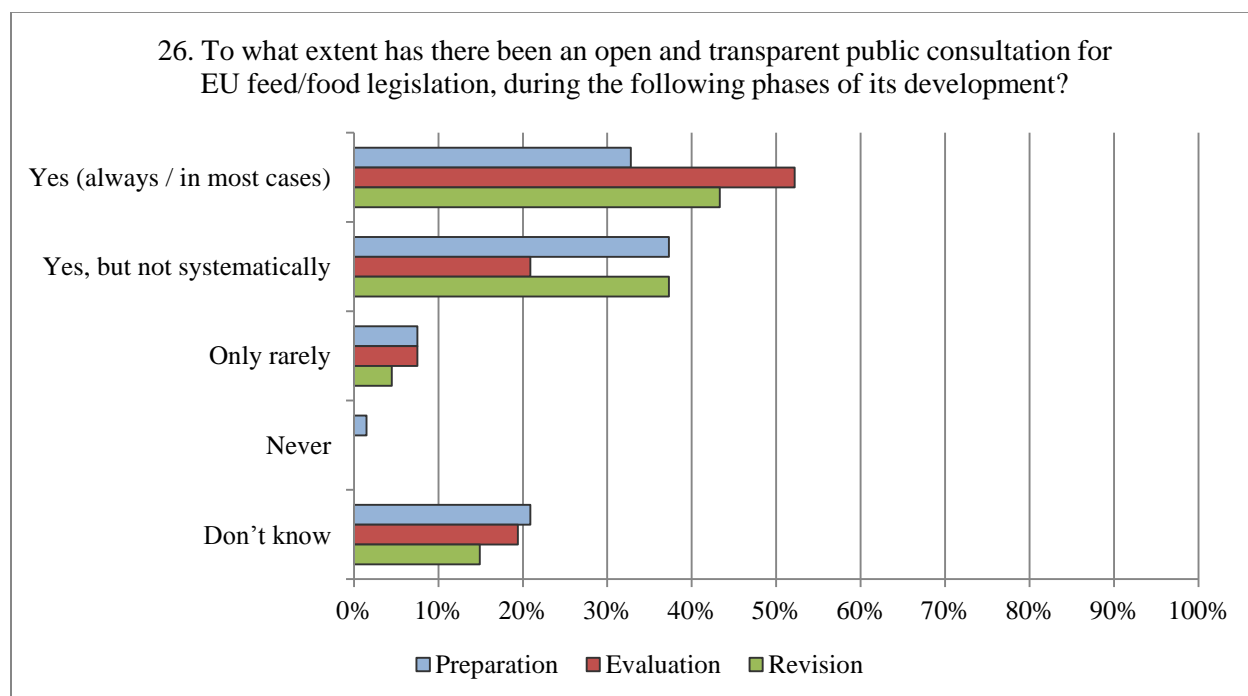
(c) Open and transparent public consultation during **revision** of EU legislation

<i>Stakeholders</i>	<b>Response Percent</b>	<b>Response Count</b>
Yes (always/ in most cases)	43.3%	29
Yes, but not systematically - <i>Justify your answer</i>	37.3%	25
Only rarely - <i>Justify your answer</i>	4.5%	3
Never - <i>Justify your answer</i>	0.0%	0
Don't know	14.9%	10

<i>MS CAs</i>	<b>Response Percent</b>	<b>Response Count</b>
Yes (always/ in most cases)	68.0%	17
Yes, but not systematically - <i>Justify your answer</i>	16.0%	4
Only rarely - <i>Justify your answer</i>	0.0%	0
Never - <i>Justify your answer</i>	4.0%	1
Don't know	12.0%	3

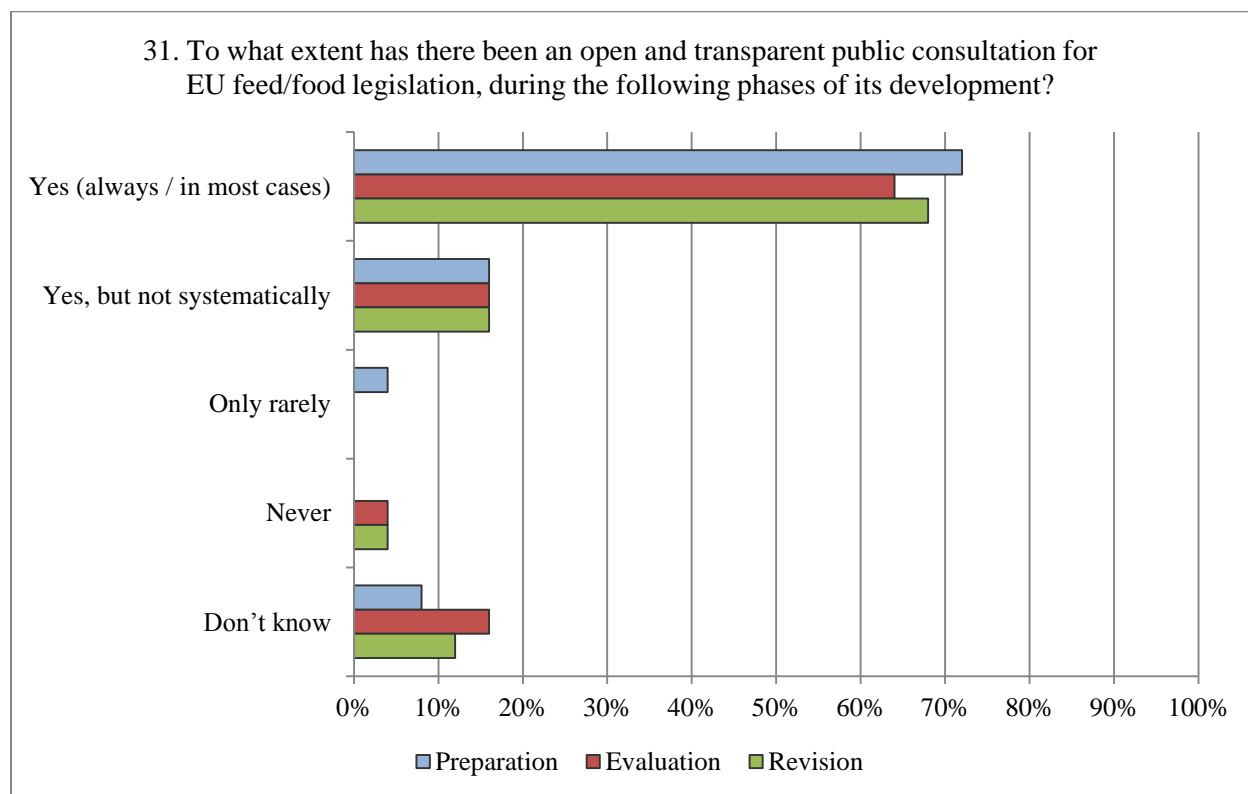
Percentages may not total 100% due to rounding.

*Stakeholders*



Source: Agra CEAS Consulting.

**MS CAs**



Source: Agra CEAS Consulting.

Survey results (Q35) indicate that there has been an open and transparent public consultation for EU feed/food legislation, during the three phases of its development (preparation, evaluation and revision). A large majority of stakeholders indicate that there has been an open and transparent public consultation during the preparation (70% have replied ‘yes, always/in most cases’ and ‘yes but not systematically’), evaluation (73%) and revision (71%) of EU feed/food legislation. In the case of MS CAs, an even larger majority indicate that there has been an open and transparent public consultation during the preparation (22 of 25 MS CAs have replied ‘yes, always/in most cases’ and ‘yes but not systematically’), evaluation (20 MS CAs) and revision (21 MS CAs) of EU feed/food legislation. It is noted that a large number of stakeholders in particular did not provide an answer, i.e. replied ‘don’t know’. For example 21% of stakeholders did not know whether there has been an open and transparent public consultation for the preparation of EU feed/food legislation, 19% for the evaluation and 15% for the revision. Some MS CAs also replied ‘don’t know’ to this question.

36. To what extent has there been an open and transparent public consultation for national feed/food legislation, during the following phases of its development? *For national organisations: please reply with regards to measures taken in your Member State.*

**EQ 22**

(a) Open and transparent public consultation during **preparation** of national legislation

<i>Stakeholders</i>	<b>Response Percent</b>	<b>Response Count</b>
Yes (always/ in most cases)	23.9%	16
Yes, but not systematically - <i>Justify your answer</i>	19.4%	13
Only rarely - <i>Justify your answer</i>	20.9%	14
Never - <i>Justify your answer</i>	0.0%	0
Don't know	35.8%	24

<i>MS CAs</i>	<b>Response Percent</b>	<b>Response Count</b>
Yes (always/ in most cases)	92.0%	23
Yes, but not systematically - <i>Justify your answer</i>	4.0%	1
Only rarely - <i>Justify your answer</i>	0.0%	0
Never - <i>Justify your answer</i>	4.0%	1
Don't know	0.0%	0

*Percentages may not total 100% due to rounding.*

(b) Open and transparent public consultation during **evaluation** of national legislation

<i>Stakeholders</i>	<b>Response Percent</b>	<b>Response Count</b>
Yes (always/ in most cases)	22.4%	15
Yes, but not systematically - <i>Justify your answer</i>	13.4%	9
Only rarely - <i>Justify your answer</i>	19.4%	13
Never - <i>Justify your answer</i>	4.5%	3
Don't know	40.3%	27

<i>MS CAs</i>	<b>Response Percent</b>	<b>Response Count</b>
Yes (always/ in most cases)	80.0%	20
Yes, but not systematically - <i>Justify your answer</i>	8.0%	2
Only rarely - <i>Justify your answer</i>	0.0%	0
Never - <i>Justify your answer</i>	4.0%	1
Don't know	8.0%	2

*Percentages may not total 100% due to rounding.*

(c) Open and transparent public consultation during **revision** of national legislation

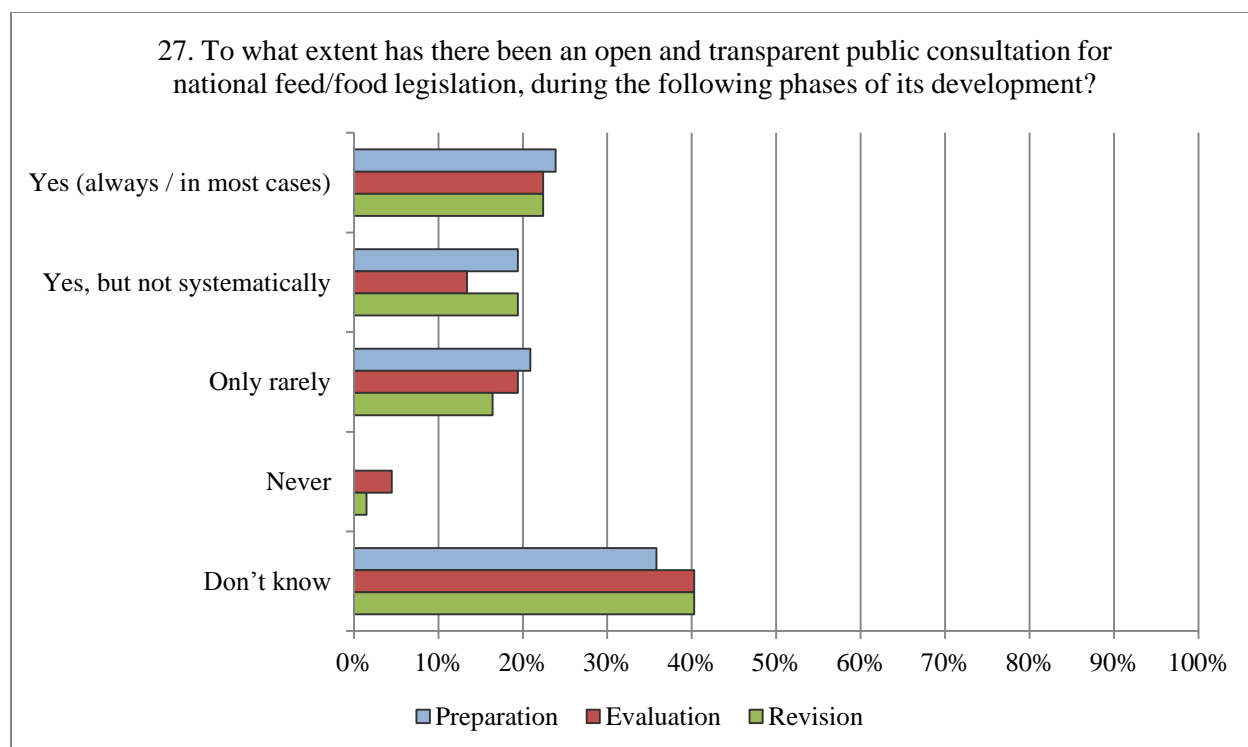
<i>Stakeholders</i>	<b>Response</b>	<b>Response</b>
---------------------	-----------------	-----------------

	Percent	Count
Yes (always/ in most cases)	22.4%	15
Yes, but not systematically - <i>Justify your answer</i>	19.4%	13
Only rarely - <i>Justify your answer</i>	16.4%	11
Never - <i>Justify your answer</i>	1.5%	1
Don't know	40.3%	27

<i>MS CAs</i>	Response Percent	Response Count
Yes (always/ in most cases)	92.0%	23
Yes, but not systematically - <i>Justify your answer</i>	4.0%	1
Only rarely - <i>Justify your answer</i>	0.0%	0
Never - <i>Justify your answer</i>	4.0%	1
Don't know	0.0%	0

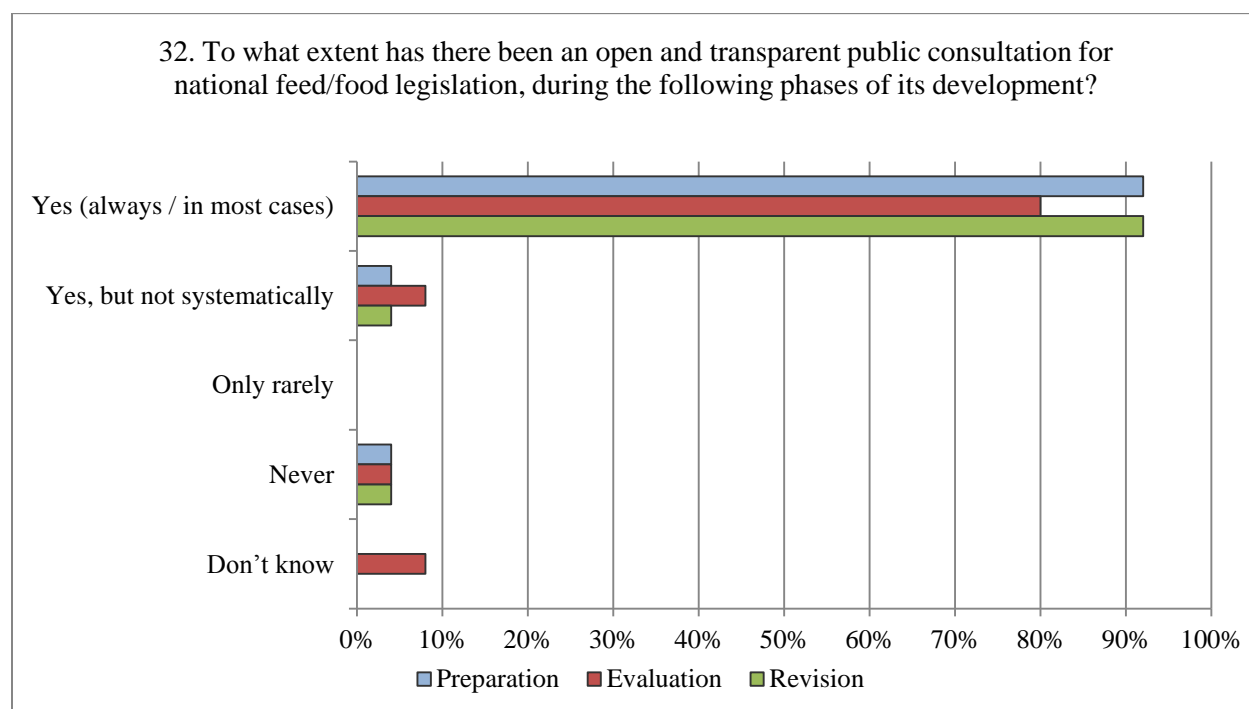
Percentages may not total 100% due to rounding.

### Stakeholders



Source: Agra CEAS Consulting.

**MS CAs**



Source: Agra CEAS Consulting.

Survey respondents (Q36) had mixed views on whether there has been an open and transparent public consultation for national feed/food legislation, during the three phases of its development (preparation, evaluation and revision). This is contrasting with the results of the same question for EU legislation. In particular, stakeholders were divided on this while nearly 40% replied ‘don’t know’ for all three phases of legislative development. Of those that replied, roughly two thirds indicated that there has been an open and transparent public consultation during the preparation (43% have replied ‘yes, always/in most cases’ and ‘yes but not systematically’), evaluation (36%) and revision (42%) of national feed/food legislation. However, nearly all MS CAs (between 22 and 24 of the 25 MS CAs) indicated that there has been an open and transparent public consultation during the preparation, evaluation and revision of national feed/food legislation.

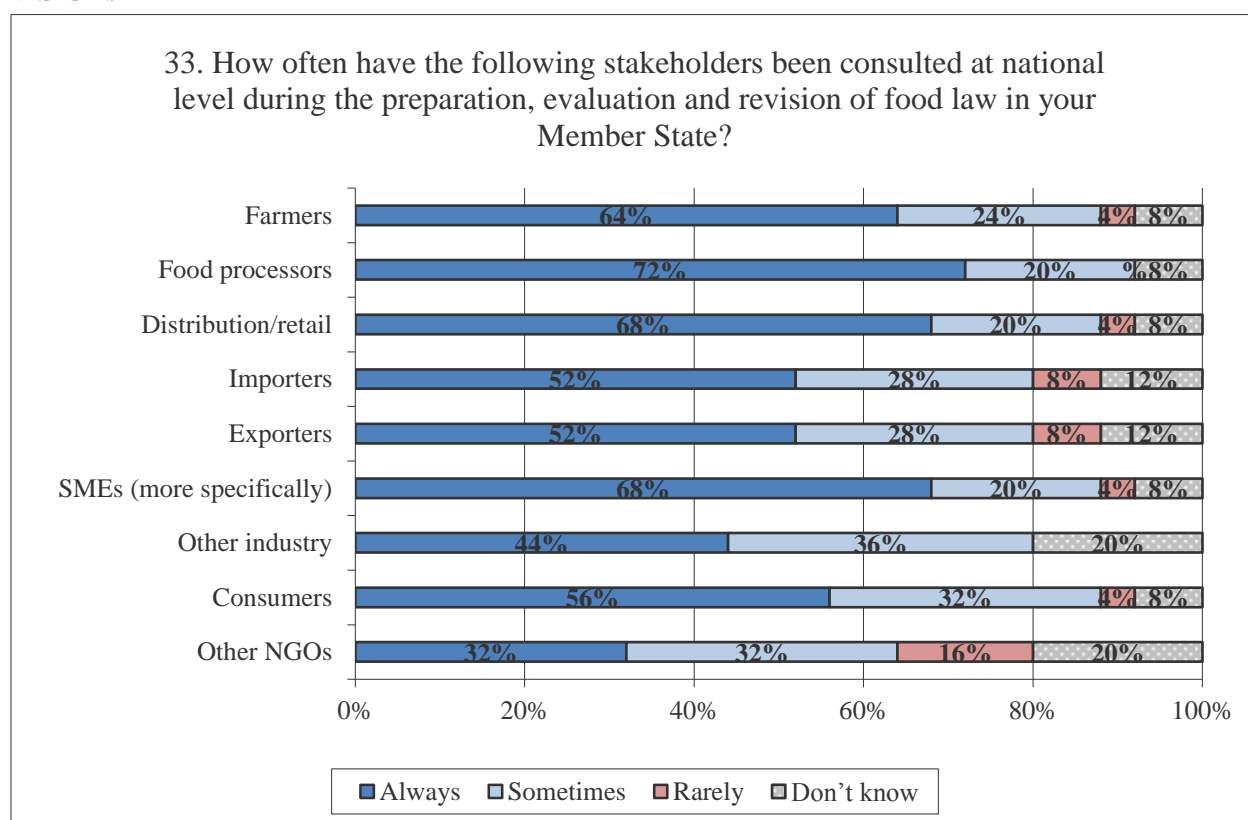
37. How often have the following stakeholders been consulted at national level during the preparation, evaluation and revision of food law in your Member State?

**EQ 22**

<b>MS CAs</b>	<b>Always</b>	<b>Sometimes</b>	<b>Rarely</b>	<b>Don't know</b>
Farmers	16	6	1	2
	64%	24%	4%	8%
Food processors	18	5	0	2

<i>MS CAs</i>	<b>Always</b>	<b>Sometimes</b>	<b>Rarely</b>	<b>Don't know</b>
	72%	20%	0%	8%
Distribution/retail	17	5	1	2
	68%	20%	4%	8%
Importers	13	7	2	3
	52%	28%	8%	12%
Exporters	13	7	2	3
	52%	28%	8%	12%
SMEs (more specifically)	17	5	1	2
	68%	20%	4%	8%
Other industry	11	9	0	5
	44%	36%	0%	20%
Consumers	14	8	1	2
	56%	32%	4%	8%
Other NGOs	8	8	4	5
	32%	32%	16%	20%

*MS CAs*



Source: Agra CEAS Consulting.



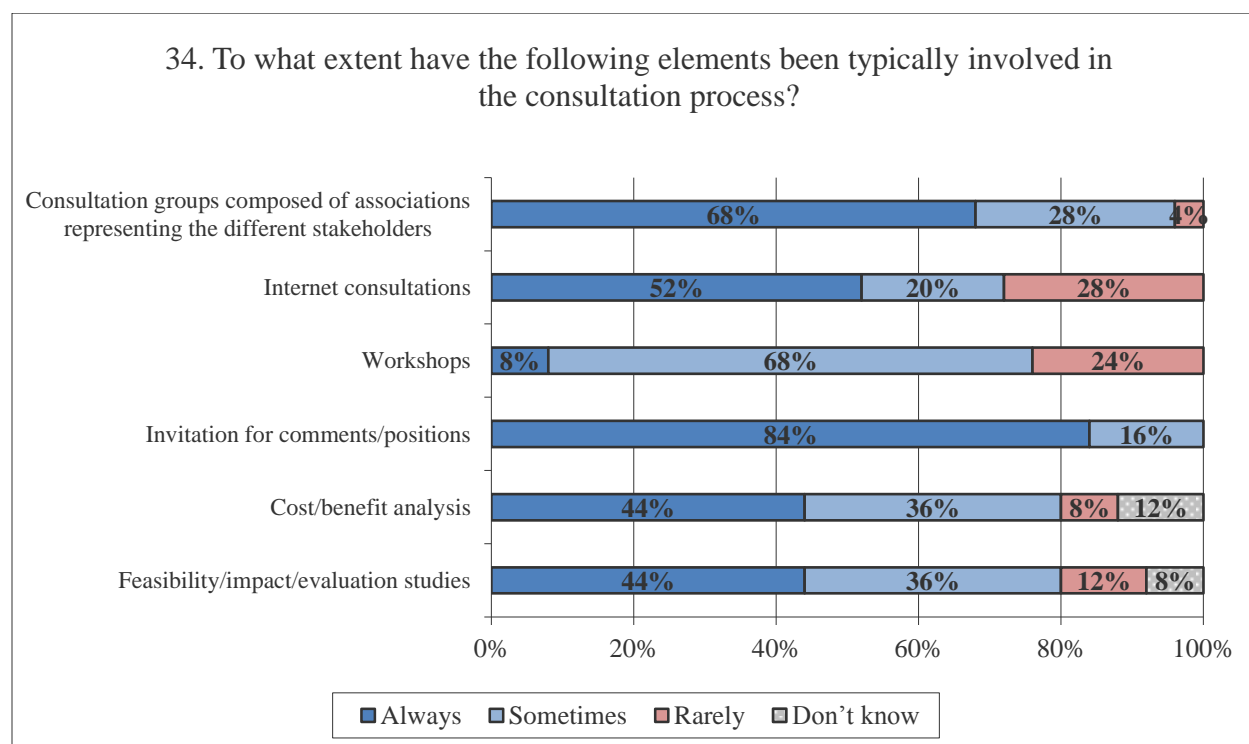
According to MS CAs (Q37) all major groups of stakeholders have been consulted at national level during the preparation, evaluation and revision of food law always/sometimes. A majority of MS CAs indicated that the groups they tend to always consult are farmers, food processors, distribution/retail, SMEs, consumers, importers and exporters.

38. To what extent have the following elements been typically involved in the consultation process?

**EQ 22**

<b>MS CAs</b>	<b>Always</b>	<b>Sometimes</b>	<b>Rarely</b>	<b>Don't know</b>
Consultation groups composed of associations representing the different stakeholders of the food chain (specify whether these are permanent or ad hoc groups established by public authorities)	17 68%	7 28%	1 4%	0 0%
Internet consultations	13 52%	5 20%	7 28%	0 0%
Workshops	2 8%	17 68%	6 24%	0 0%
Invitation for comments/positions	21 84%	4 16%	0 0%	0 0%
Cost/benefit analysis	11 44%	9 36%	2 8%	3 12%
Feasibility/impact/evaluation studies	11 44%	9 36%	3 12%	2 8%
Other: please specify	1 4%	1 4%	0 0%	23 92%

**MS CAs**



Source: Agra CEAS Consulting.

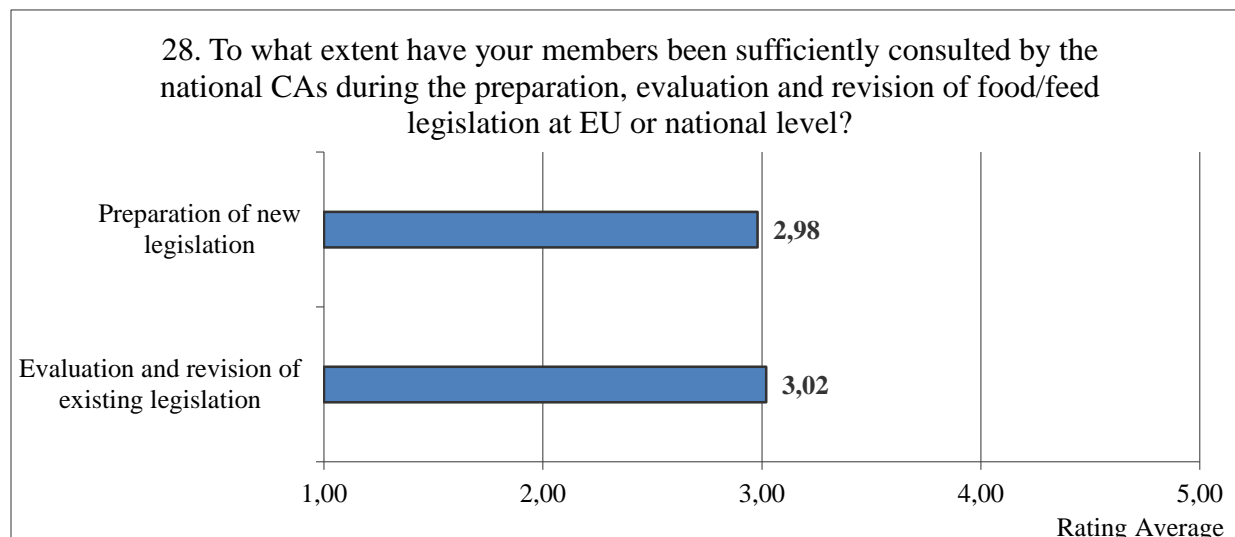
Survey results (Q38) indicate that the elements that have been most typically involved in the consultation process by MS CAs are invitations for comments/positions (21 of the 25 responding MS CAs indicated they always do it and another 4 MS CAs that they sometimes do it), consultation groups composed of associations representing the different stakeholders of the food chain (17 of 25 MS CAs: ‘always’; 7 MS CAs: ‘sometimes’), internet consultations (13 of 25 MS CAs: ‘always’; 5 MS CAs: ‘sometimes’), cost/benefit analysis and feasibility/impact/evaluation studies (11 of 25 MS CAs: ‘always’; 9 MS CAs: ‘sometimes’).

39. To what extent have your members been sufficiently consulted by the national CAs during the preparation, evaluation and revision of food/feed legislation at EU or national level? *Sufficient = your input has been sought in a structured manner and has been taken into account by the CAs in a balanced way. To score on a scale 1-5 (1=not sufficiently consulted; 5=fully sufficiently consulted)*

**EQ 22**

<i>Stakeholders</i>	1	2	3	4	5	Don't know	Rating Average
Preparation of new legislation	2	13	17	12	2	21	2.98
Evaluation and revision of existing legislation	2	12	17	13	2	21	3.02

### Stakeholders



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

Stakeholders (Q39) indicate they have not always been sufficiently consulted by the national CAs during the preparation, evaluation and revision of food/feed legislation at EU or national level. In particular, on a scale from 1 to 5, the average rating was around midpoint (3.00) for the preparation of new legislation (2.98) and for the evaluation and revision of existing legislation (3.02). It is noted that a large number of stakeholders (nearly a third) replied ‘don’t know’ to this question. The large number of ‘don’t know’ responses can be attributed to the fact that respondents did not have a view on the subject matter.

## 6.2 Public information

### Introduction

**Article 10** of GFL obliges national authorities to inform the general public where there are reasonable grounds to suspect that a food or feed may present a risk to human or animal health.

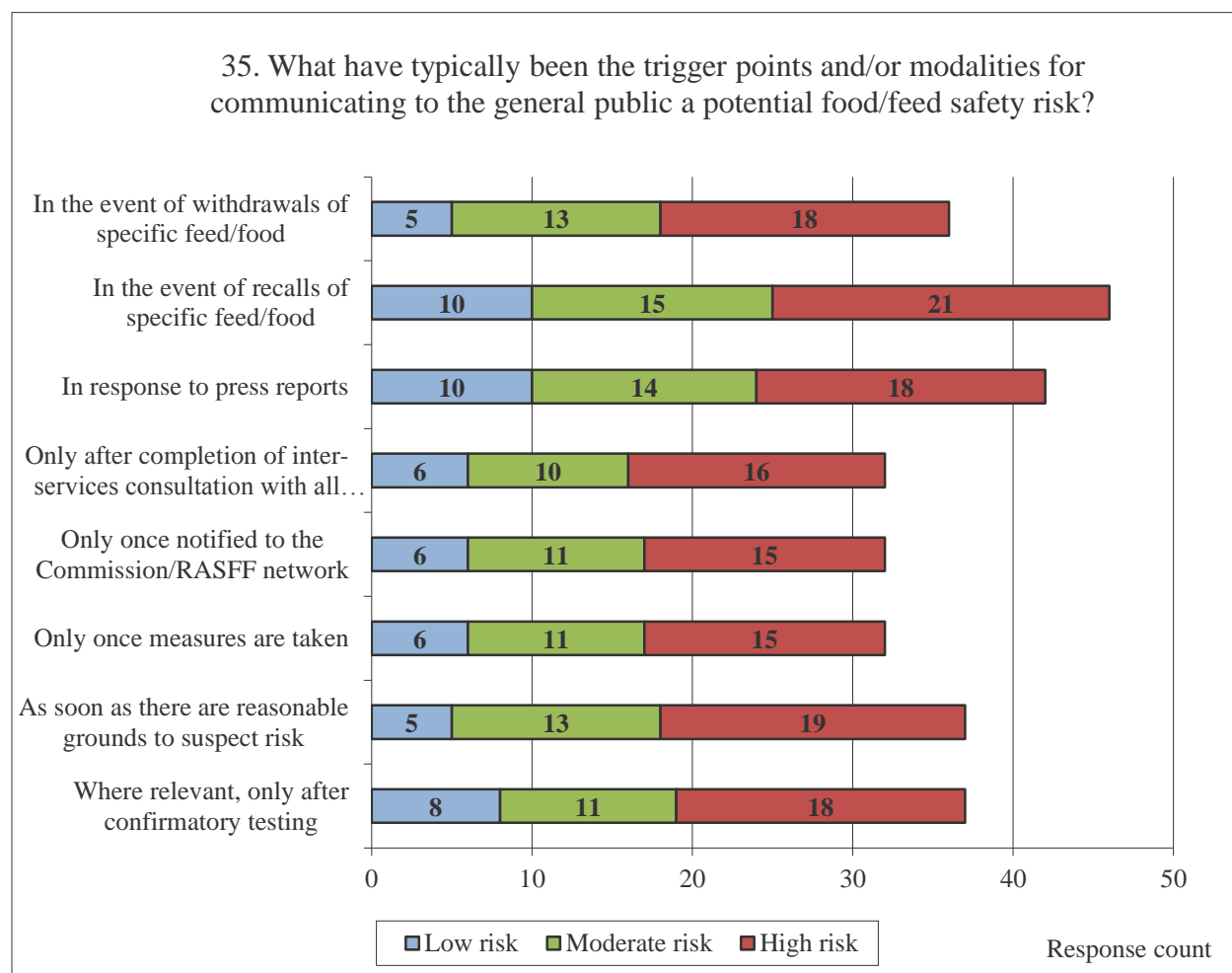
40. What have typically been the trigger points and/or modalities for communicating to the general public a potential food/feed safety risk? *Please indicate trigger points and/or modalities by level of risk, rather than by level of public perception. The question allows more than one tick per row*

#### EQ 23

<i>MS CAs</i>	Low risk	Moderate risk	High risk
In the event of withdrawals of specific feed/food	5	13	18
In the event of recalls of specific feed/food	10	15	21

In response to press reports	10	14	18
Only after completion of inter-services consultation with all competent authorities involved	6	10	16
Only once notified to the Commission/RASFF network	6	11	15
Only once measures are taken	6	11	15
As soon as there are reasonable grounds to suspect risk	5	13	19
Where relevant, only after confirmatory testing	8	11	18

**MS CAs**



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

**Note:** A total of 22 respondents (MS CAs) replied to this question. Results are expressed as response count given that more than one answer was possible for each row (i.e. percentages are less representative).

Survey results (Q40) indicate that MS CAs communicate to the general public in an order of priority that is generally defined and is proportionate to the level of the potential food/feed safety risk. In particular, MS CAs communicate to the public mostly in the event of recalls of specific feed/food (this received the highest number of counts: 46 response counts), in response to press reports (42 response counts), as soon as there are reasonable grounds to suspect risk and where relevant, only after confirmatory testing (37 response counts respectively) and in the event of withdrawals of specific feed/food (36 response counts). In all cases (for all trigger points), the communication tends to occur mostly in situations of high risk and least in situations of low risk.

41.To what extent has the process of risk information improved over time, in particular taking into account lessons learnt from previous crises (e.g. dioxin, *E. coli*, etc.)?

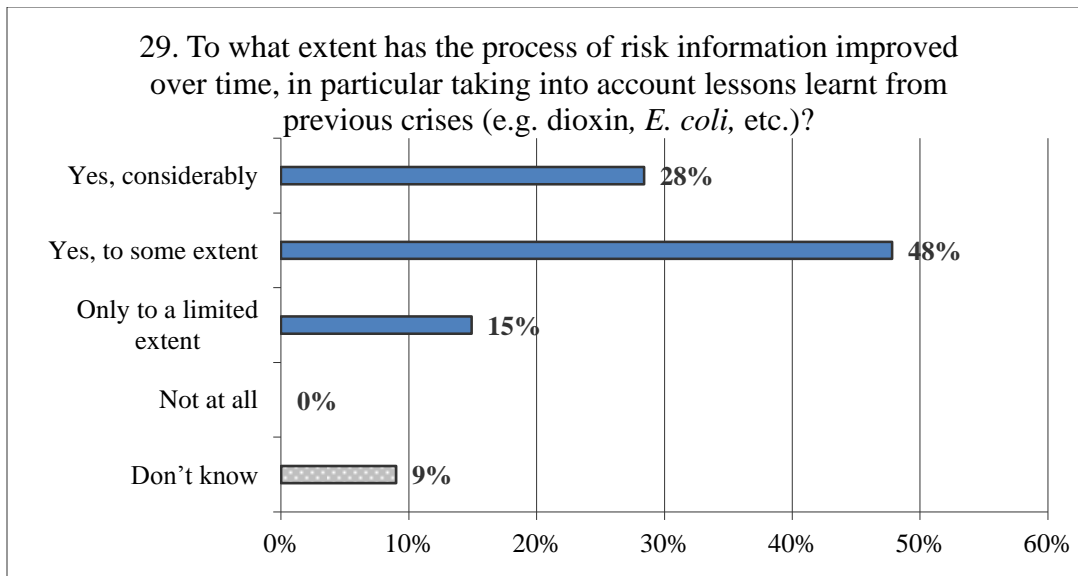
**EQ 23**

<i>Stakeholders</i>	<b>Response Percent</b>	<b>Response Count</b>
Yes, considerably	28.4%	19
Yes, to some extent	47.8%	32
Only to a limited extent	14.9%	10
Not at all	0.0%	0
Don't know	9.0%	6

<i>MS CAs</i>	<b>Response Percent</b>	<b>Response Count</b>
Yes, considerably	44.0%	11
Yes, to some extent	52.0%	13
Only to a limited extent	0.0%	0
Not at all	0.0%	0
Don't know	4.0%	1

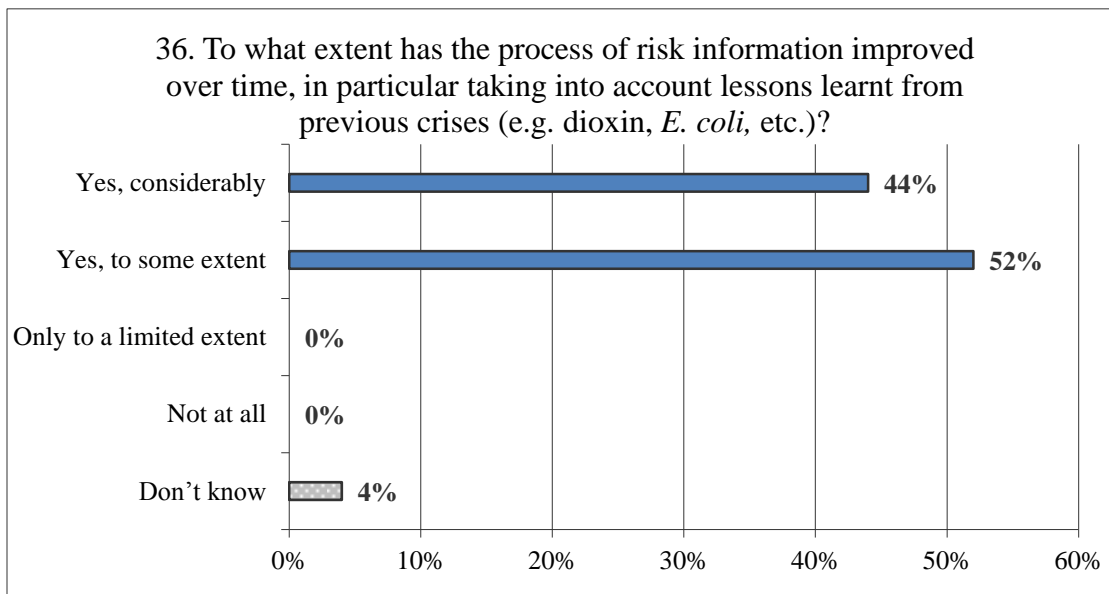
*Percentages may not total 100% due to rounding,*

*Stakeholders*



Source: Agra CEAS Consulting.

### MS CAs



Source: Agra CEAS Consulting.

Survey results (Q41) largely indicate that the process of risk information has improved over time, in particular taking into account lessons learnt from previous crises (e.g. dioxin, *E. coli*, etc.). Some 76% of stakeholders indicated that this has improved, either ‘considerably’ (28%) or ‘to some extent’ (48%) while all MS CAs that provided an assessment (24 of the 25 responding MS CAs) indicated it has improved, either ‘considerably’ (11 MS CAs) or ‘to some extent’ (13 MS CAs).

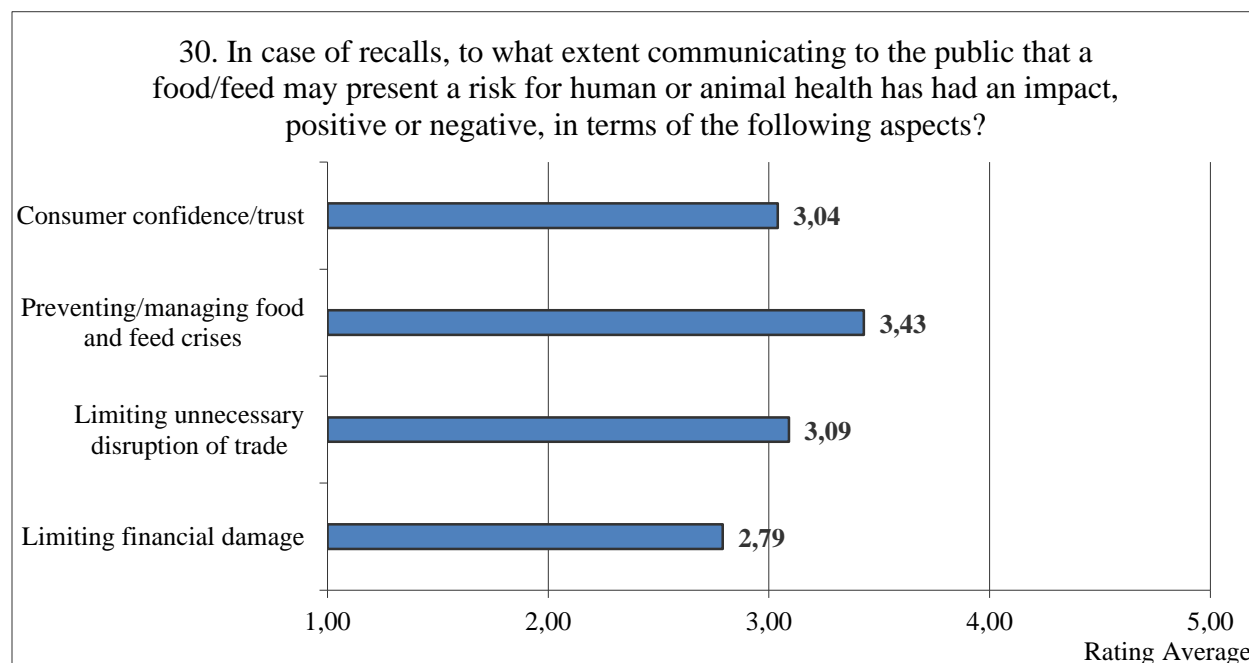
42. In the case of recalls that have occurred in the last five years in your country, to what extent communicating to the public that a food/feed may present a risk for human or animal health has had an impact, positive or negative, in terms of the following aspects? *To score on a scale 1-5 (1=very negative; 2=negative; 3=neutral; 4=positive; 5=very positive)*

**EQ 23**

<i>Stakeholders</i>	1	2	3	4	5	Don't know	Rating Average
Consumer confidence/trust	1	15	13	17	1	20	3.04
Preventing/managing food and feed crises	0	7	18	17	5	20	3.43
Limiting unnecessary disruption of trade	0	10	21	12	1	23	3.09
Limiting financial damage	0	19	15	8	1	24	2.79
Other (please specify)	0	0	2	0	1	64	3.67

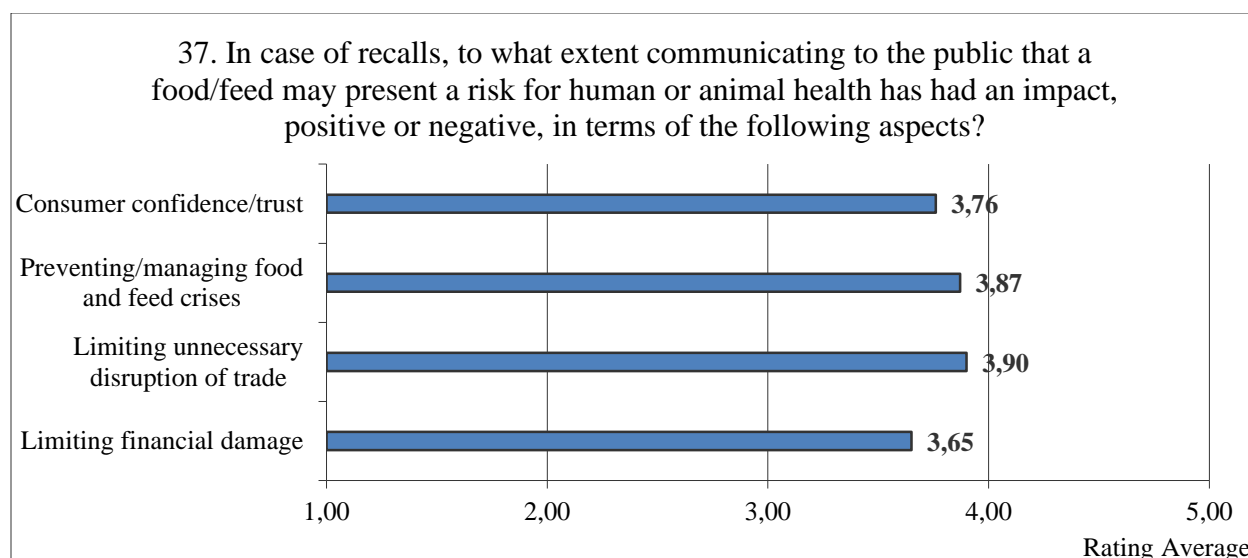
<i>MS CAs</i>	1	2	3	4	5	Don't know	Rating Average
Consumer confidence/trust	0	3	4	9	5	4	3.76
Preventing/managing food and feed crises	1	0	4	14	4	2	3.87
Limiting unnecessary disruption of trade	0	1	5	10	5	4	3.90
Limiting financial damage	0	3	5	8	4	5	3.65
Other (please specify)	0	0	0	0	1	24	5.00

*Stakeholders*



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment

*MS CAs*



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

Survey results (Q42) indicate that, in the case of recalls that have occurred in the last five years in your country, the impacts of communicating to the public that a food/feed may present a risk for human or animal health have generally been positive, although more so according to MS CAs than stakeholders. In particular, all of the examined benefits of the communication have received a rating above midpoint (3.00), on a scale from 1 to 5. Preventing/managing food and feed crises is an aspect that both MS CAs and stakeholders have rated positively (MS CAs: 3.87; stakeholders: 3.43). On the other hand, for all other aspects, stakeholders have not seen a definite benefit unlike the feedback received from MS CAs: limiting unnecessary disruption of trade (MS CAs: 3.90; stakeholders: 3.09); consumer confidence/trust (MS CAs: 3.76; stakeholders: 3.04) and limiting financial damage (MS CAs: 3.65; stakeholders: 2.79).

For all aspects, it is noted that over a quarter of stakeholders responded ‘don’t know’. The large number of ‘don’t know’ responses can be attributed to the high complexity of the subject matter and to the fact that many stakeholders did not have a view.

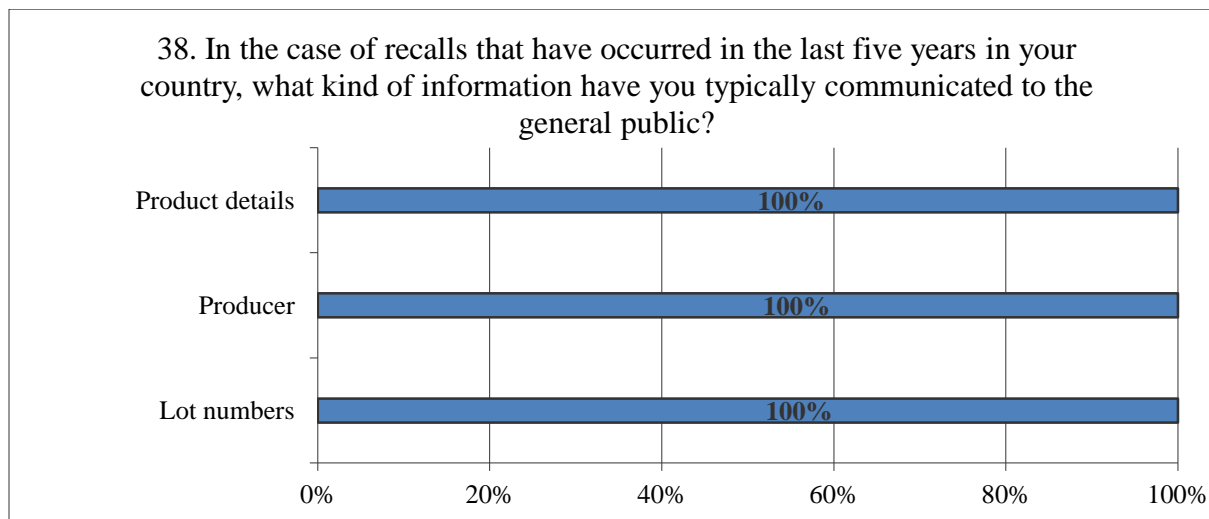
43. In the case of recalls that have occurred in the last five years in your country, what kind of information have you typically communicated to the general public?

**EQ 23**

<i>MS CAs</i>	<b>Response Percent</b>	<b>Response Count</b>
Product details	100.0%	24
Producer	100.0%	24
Lot numbers	100.0%	24
Other, please specify	41.7%	10



## MS CAs



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

Survey results (Q43) indicate that, in the case of recalls that have occurred in the last five years, all MS CAs (25 MS CAs) have typically communicated to the general public the following information: product details, producer, lot numbers.

## 7 Administrative costs and burden for food/feed business operators

### Introduction

Administrative costs are defined as the costs incurred by economic operators in meeting the legal obligations stemming from the GFL, and secondary legislation based on the GFL, to provide information in the context of these obligations, either to public authorities or to private parties. Information is understood in a broad sense, i.e. including labelling, reporting, registration, monitoring and assessment needed to provide the information (see next question on types of information obligations).

In some cases, the information has to be transferred to public authorities or private parties. In others, it only has to be available for inspection or to be supplied on request. These costs include:

- Recurring administrative costs; and,
- Where significant, one-off administrative costs.

The administrative costs include business-as-usual (BAU) costs and administrative burdens. The business-as-usual costs correspond to the costs resulting from collecting and processing information which would be done in any case, even in the absence of the legislation e.g. having a book-keeping system. The administrative burdens stem from the part of the process which is done solely because of a legal obligation stemming from the GFL, e.g. adjusting an existing

book-keeping system, or changing the book-keeping system, in order to be able to provide information to meet a legal obligation required by the GFL and secondary legislation based on the GFL. In the questions below, a distinction should be made between costs to provide information that would be collected and processed by businesses even in the absence of the legislation (which generates **BAU costs excluded from the analysis**) and information that is solely collected because of the legal obligation (which generates administrative burdens).

44. What have been, typically, the most burdensome Information Obligations (IOs) stemming from the provisions of EU food law (i.e. the GFL and secondary legislation based on the GFL)?

*Please rank the most burdensome IOs, in terms of the administrative actions\* typically involved to fulfil these obligations and associated administrative costs (excluding BAU costs). Please start by ranking the most burdensome of all IOs (this should rank #1), followed by the second most burdensome (rank #2), and so on.*

**EQ 25, EQ 29**

<i>Stakeholders</i>	Average rank order	"1"	"2"	"3"	Sub total "1"+"2"+"3"	Don't know counts	Total responses	Share of "1"+"2"+"3" among respondents
Certification of products or processes**	<b>1</b>	9	4	5	18	18	35	51.43%
Cooperation with audits and inspection by public authorities (GFL)*	<b>2</b>	1	9	7	17	15	38	44.74%
Information labelling for third parties	<b>3</b>	6	4	3	13	16	37	35.14%
Cooperation with audits and inspection by public authorities (secondary legislation)*	<b>4</b>	6	2	9	17	15	38	44.74%
Application for individual authorisation or exemption**	<b>5</b>	1	7	5	13	22	31	41.94%
Information, other than labelling, for third parties	<b>6</b>	3	2	1	6	17	36	16.67%
Registration**	<b>7</b>	3	0	2	5	23	30	16.67%
Application for general authorisation or exemption	<b>8</b>	1	4	4	9	22	31	29.03%
Notification of (specific) activities or events stemming from secondary legislation**	<b>9</b>	3	2	0	5	20	33	15.15%
Notification of (specific)	<b>10</b>	3	4	1	8	22	31	25.81%

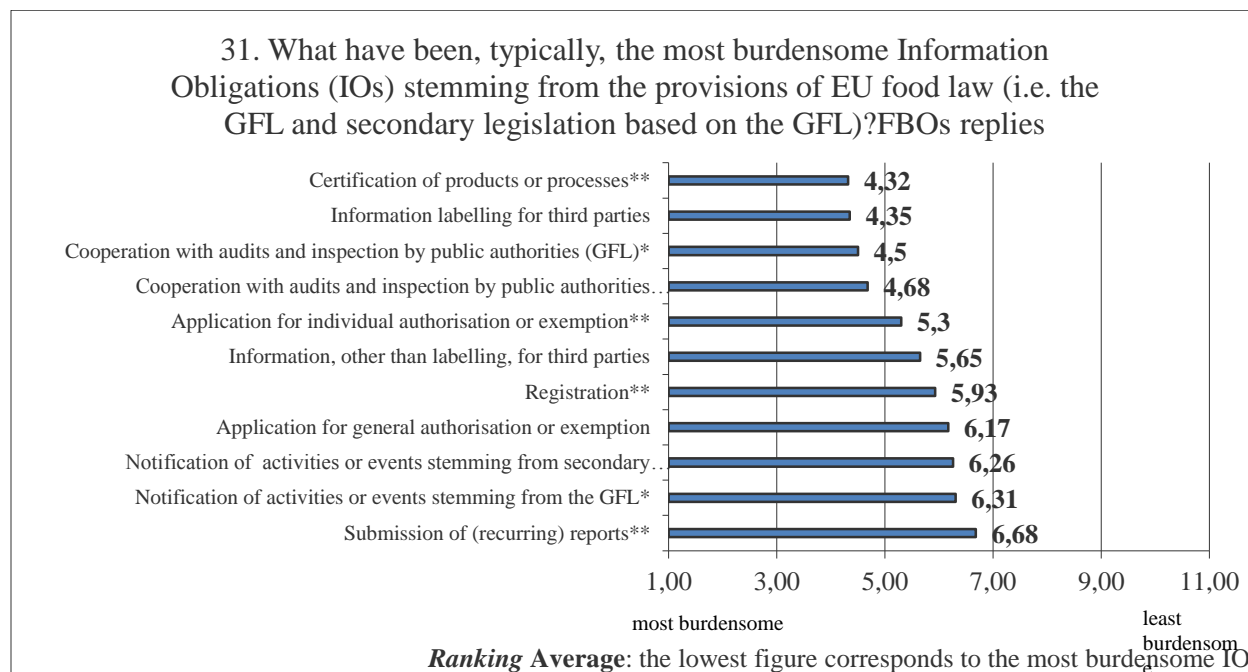
activities or events stemming from the GFL*								
Submission of (recurring) reports**	<b>11</b>	3	1	2	6	23	30	20.00%

\* The information obligations will imply various administrative actions including: familiarisation with IOs; record keeping; staff training; putting into place ICT systems and equipment etc. The costs associated to these activities should exclude business-as-usual (BAU) costs, i.e. costs that would have been incurred anyway, even in the absence of the information obligation.

\*\* There is no direct provision on this in the GFL. This is generated by secondary legislation, e.g. registration of operators in the context of hygiene rules (Hygiene Package).

<sup>a</sup> Total number of respondents that ranked the IO, excluding the “don’t know” responses.

### Stakeholders



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

Survey results (Q44) indicate that the most burdensome Information Obligations (IOs) for FBOs stemming from the provisions of EU food law (i.e. the GFL and secondary legislation based on the GFL) involve: certification of products or processes (ranking average: 4.32 of the 11 IOs considered), cooperation with audits and inspection by public authorities in the context of GFL (ranking average: 4.35), information labelling for third parties (ranking average: 4.5), cooperation

with audits and inspection by public authorities in the context of the secondary legislation (ranking average: 4.68), application for individual authorization or exemption (ranking average: 5.3). These five IOs received the highest share of rank ‘1’, ‘2’, and ‘3’ responses from stakeholders. Of those that responded, between 51.43% and 41.94% of stakeholders ranked these IOs as one of the three most burdensome obligations.

It is noted that nearly half of stakeholders replied ‘don’t know’ to this question. In comments and during interviews, it was pointed out that this is due to the high complexity of the subject matter.

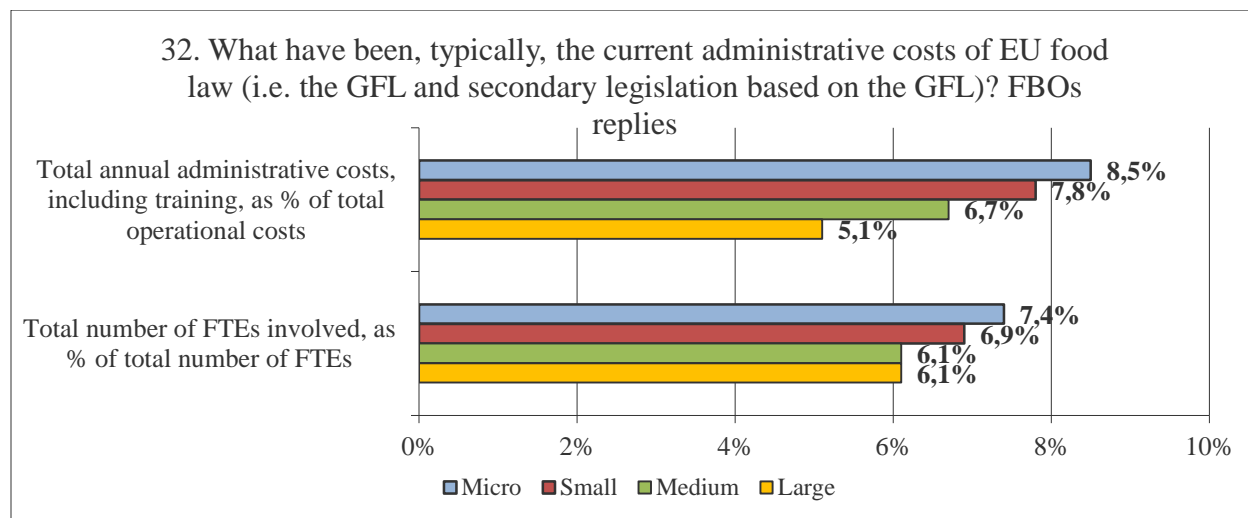
45. What have been, typically, the current administrative costs of EU food law (i.e. the GFL and secondary legislation based on the GFL)? Please estimate the costs typically involved, in % of total operational costs and in % of total staff numbers, by size of company, excluding business-as-usual (BAU) costs. In view of the range of companies your organisation may represent, please indicate the typical costs involved, on average, for representative companies in your sector, depending also on their size.

**EQ 25, EQ 30, EQ 31**

<i>Stakeholders ( FBOs)</i>	Micro	Small	Medium	Large
Total annual administrative costs, including training, as % of total operational costs	8.5	7.8	6.7	5.1
Total number of FTEs involved, as % of total number of FTEs	7.4	13.6	6.1	6.1

Note: the survey offers, for each cell in the table above, a drop-down menu to choose between: 0-5%; 5-10%; 10-20%; >20%.

**Stakeholders**



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

**Note:** There is a lower overall response rate for this question. Furthermore, respondents could reply to either or both of the sub questions.

Survey results (Q45) indicate that the administrative costs of EU food law (i.e. the GFL and secondary legislation based on the GFL), as a proportion of total operational costs and staff numbers, generally tend to decrease as the business size increases. In particular, annual administrative costs including training, as a share of total operational costs, represented on average 8.5 % for micro-enterprises, declining to 7.8% for small enterprises, 6.7% for medium enterprises and 5.1% for large enterprises. Similarly, the total number of FTEs involved, as a share of total staff numbers, represented on average 7.4% for micro-enterprises, 6.9 % for small enterprises, declining to 6.1% for medium and large enterprises. It is noted that more than half of stakeholders replied ‘don’t know’ to this question therefore these results have to be read with this observation in mind. In comments and during interviews, it was pointed out that this is due to the high complexity of the subject matter.

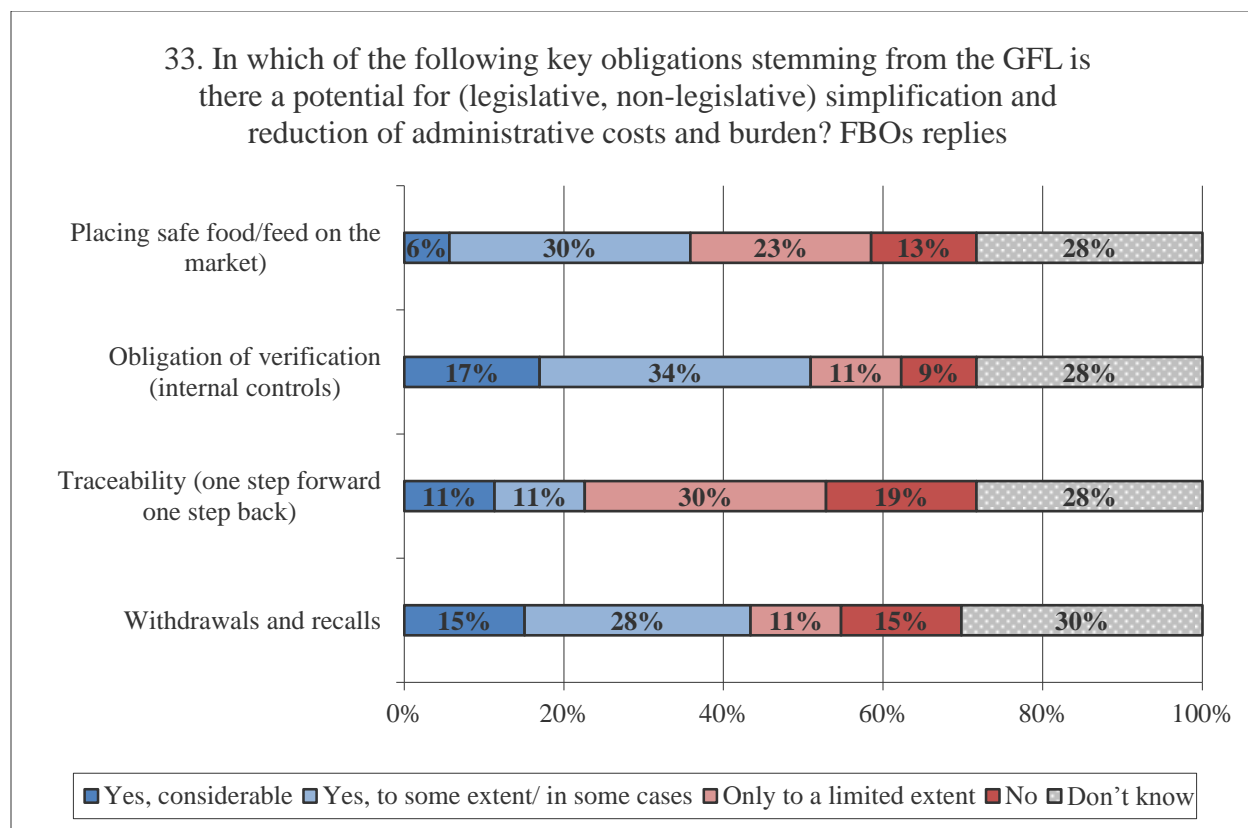
46. In which of the following key obligations stemming from the GFL is there a potential for (legislative, non-legislative) simplification and reduction of administrative costs and burden?

**EQ 30**

<i>Stakeholders (FBOs)</i>	<b>Yes, considerable</b>	<b>Yes, to some extent/ in some cases</b>	<b>Only to a limited extent</b>	<b>No</b>	<b>Don't know</b>
Placing safe food/feed on the market)	3 6%	16 30%	12 23%	7 13%	15 28%
Obligation of verification (internal controls)	9 17%	18 34%	6 11%	5 9%	15 28%
Traceability (one step forward one step back)	6 11%	6 11%	16 30%	10 19%	15 28%
Withdrawals and recalls	8 15%	15 28%	6 11%	8 15%	16 30%
Other	1 2%	2 4%	1 2%	1 2%	48 91%

Source: Agra CEAS Consulting

**Stakeholders**



Source: Agra CEAS Consulting

Survey results (Q46) indicate that, generally, there is limited potential for (legislative, non-legislative) simplification and reduction of administrative costs and burden in relation to the key obligations stemming from the GFL. In particular, some potential was noted by stakeholders in the area of obligation of verification (internal FBO controls) (51%, of which ‘considerable potential’: 17%; potential ‘to some extent/in some cases’: 34%), in the area of withdrawals and recalls (43%, of which ‘considerable potential’: 15%; potential ‘to some extent/in some cases’: 28%). In the case of placing safe food/feed on the markets and on traceability obligations, stakeholders saw less potential for simplification and reduction of administrative costs and burden as indicated by less than a third and a quarter of respondents respectively.

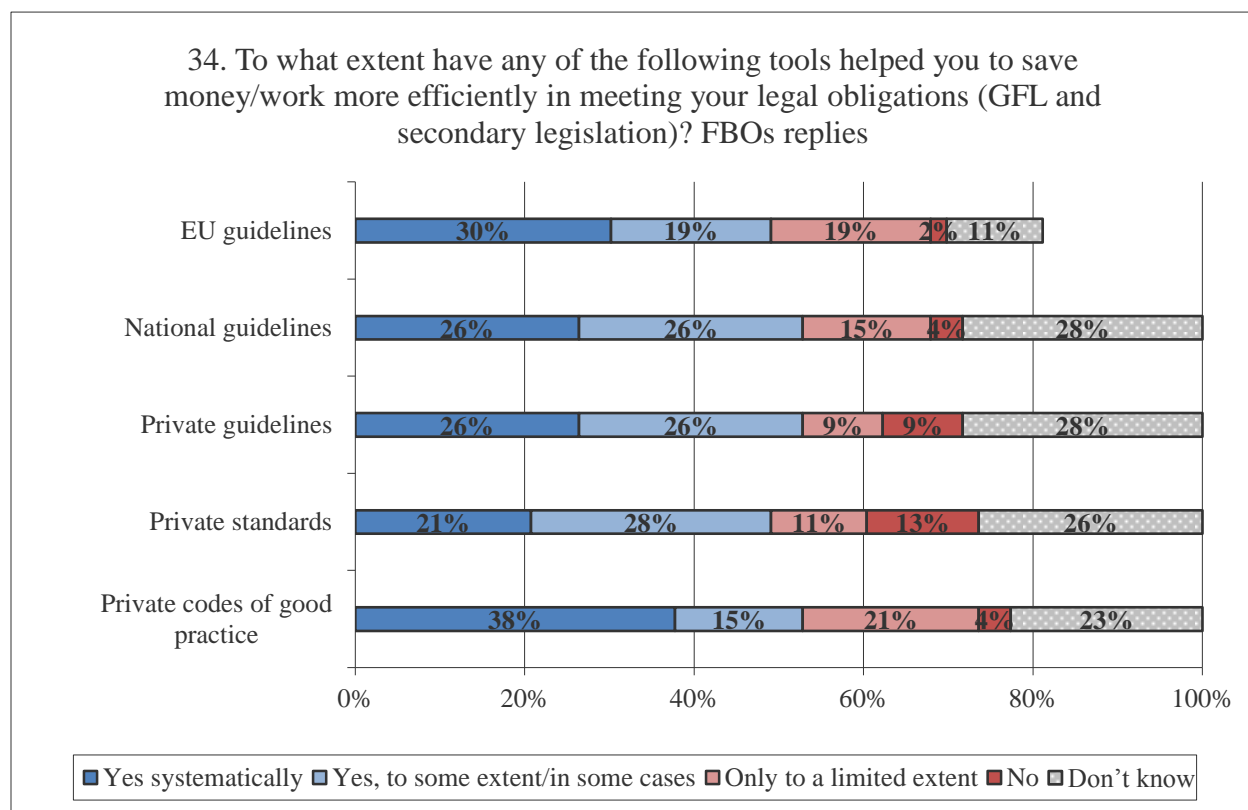
It is noted that about a third of stakeholders replied ‘don’t know’ to this question. From comments and during the interviews, this can be read as a sign that there is little concern amongst stakeholders on simplification and reduction of administrative costs and burden for the GFL as such.

47. To what extent have any of the following tools helped you to save money/work more efficiently in meeting your legal obligations (GFL and secondary legislation)?

**EQ 27**

<i>Stakeholders (FBOs)</i>	<b>Yes systematically</b>	<b>Yes, to some extent/ in some cases</b>	<b>Only to a limited extent</b>	<b>No</b>	<b>Don't know</b>
EU guidelines	16	10	10	1	6
	30%	19%	19%	2%	11%
National guidelines	14	14	8	2	15
	26%	26%	15%	4%	28%
Private guidelines	14	14	5	5	15
	26%	26%	9%	9%	28%
Private standards	11	15	6	7	14
	21%	28%	11%	13%	26%
Private codes of good practice	20	8	11	2	12
	38%	15%	21%	4%	23%
Other (please specify)	2	2	0	2	47
	4%	4%	0%	4%	89%

*Stakeholders*



Source: Agra CEAS Consulting.

Survey results (Q47) indicate that all of the examined tools have been useful to stakeholders in that they have helped them to save money/work more efficiently in meeting their legal obligations (GFL and secondary legislation). In particular, private codes of good practice have been most helpful (53% of stakeholders, of which 38% ‘yes, systematically’ and 15% ‘yes, to some extent/in some cases’), followed by national guidelines (52% of stakeholders, of which 26% ‘yes, systematically’ and 26% ‘yes, to some extent/in some cases’), private guidelines (51% of stakeholders, of which 26% ‘yes, systematically’ and 26% ‘yes, to some extent/in some cases’), EU guidelines (49% of stakeholders, of which 30% ‘yes, systematically’ and 19% ‘yes, to some extent/in some cases’), private standards (49% of stakeholders, of which 21% ‘yes, systematically’ and 28% ‘yes, to some extent/in some cases’).

It is noted that a large number of stakeholders replied ‘don’t know’ to this question (between 11% in the case of EU guidelines and 28% in the case of national and private guidelines), largely because they were not in a position to know (e.g. because these tools are not always applicable in their case).

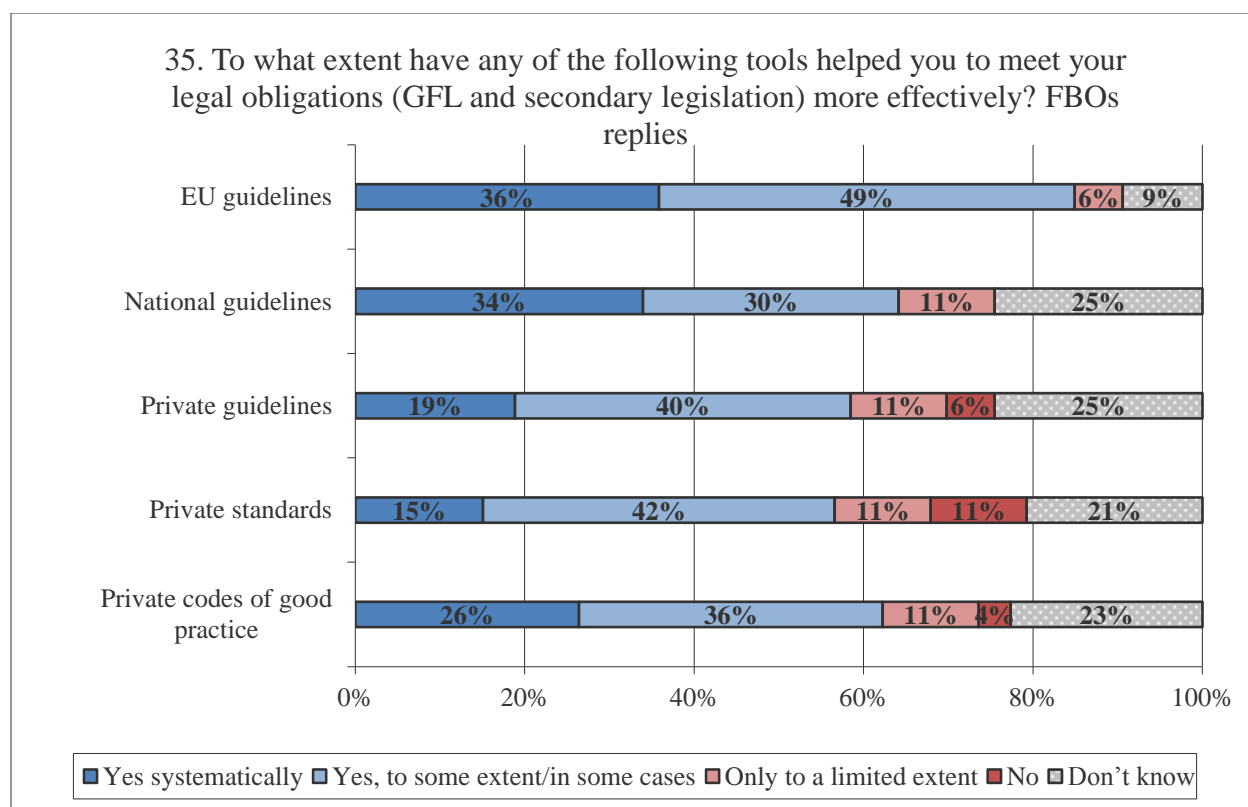
48. To what extent have any of the following tools helped you to meet your legal obligations (GFL and secondary legislation) more effectively?

**EQ 27**

<i>Stakeholders (FBOs)</i>	<b>Yes systematically</b>	<b>Yes, to some extent/ in some cases</b>	<b>Only to a limited extent</b>	<b>No</b>	<b>Don’t know</b>
EU guidelines	19	26	3	0	5
	36%	49%	6%	0%	9%
National guidelines	18	16	6	0	13
	34%	30%	11%	0%	25%
Private guidelines	10	21	6	3	13
	19%	40%	11%	6%	25%
Private standards	8	22	6	6	11
	15%	42%	11%	11%	21%
Private codes of good practice	14	19	6	2	12
	26%	36%	11%	4%	23%
Other (please specify)	1	3	1	1	47
	2%	6%	2%	2%	89%

*Stakeholders*





Source: Agra CEAS Consulting.

Survey results (Q48) indicate that all of the examined tools have been useful to stakeholders in that they have helped them to meet their legal obligations (GFL and secondary legislation) more effectively. In particular, EU guidelines have been most helpful (85% of stakeholders, of which 36% ‘yes, systemically’ and 49% ‘yes, to some extent/in some cases’), followed by national guidelines (64% of stakeholders, of which 34% ‘yes, systemically’ and 30% ‘yes, to some extent/in some cases’), private codes of good practice (62% of stakeholders, of which 26% ‘yes, systemically’ and 36% ‘yes, to some extent/in some cases’), private guidelines (59% of stakeholders, of which 19% ‘yes, systemically’ and 40% ‘yes, to some extent/in some cases’) and private standards (57% of stakeholders, of which 15% ‘yes, systemically’ and 42% ‘yes, to some extent/in some cases’).

It is noted that a large number of stakeholders replied ‘don’t know’ to this question (between 9% in the case of EU guidelines and 25% in the case of national and private guidelines). The high number of ‘don’t know’ replies can be attributed to the fact that many stakeholders did not have a view on the subject matter.

49. In which areas of the EU food law do you see alternative means/measures of ensuring compliance other than law (e.g. guidelines, private standards or codes of good practice).

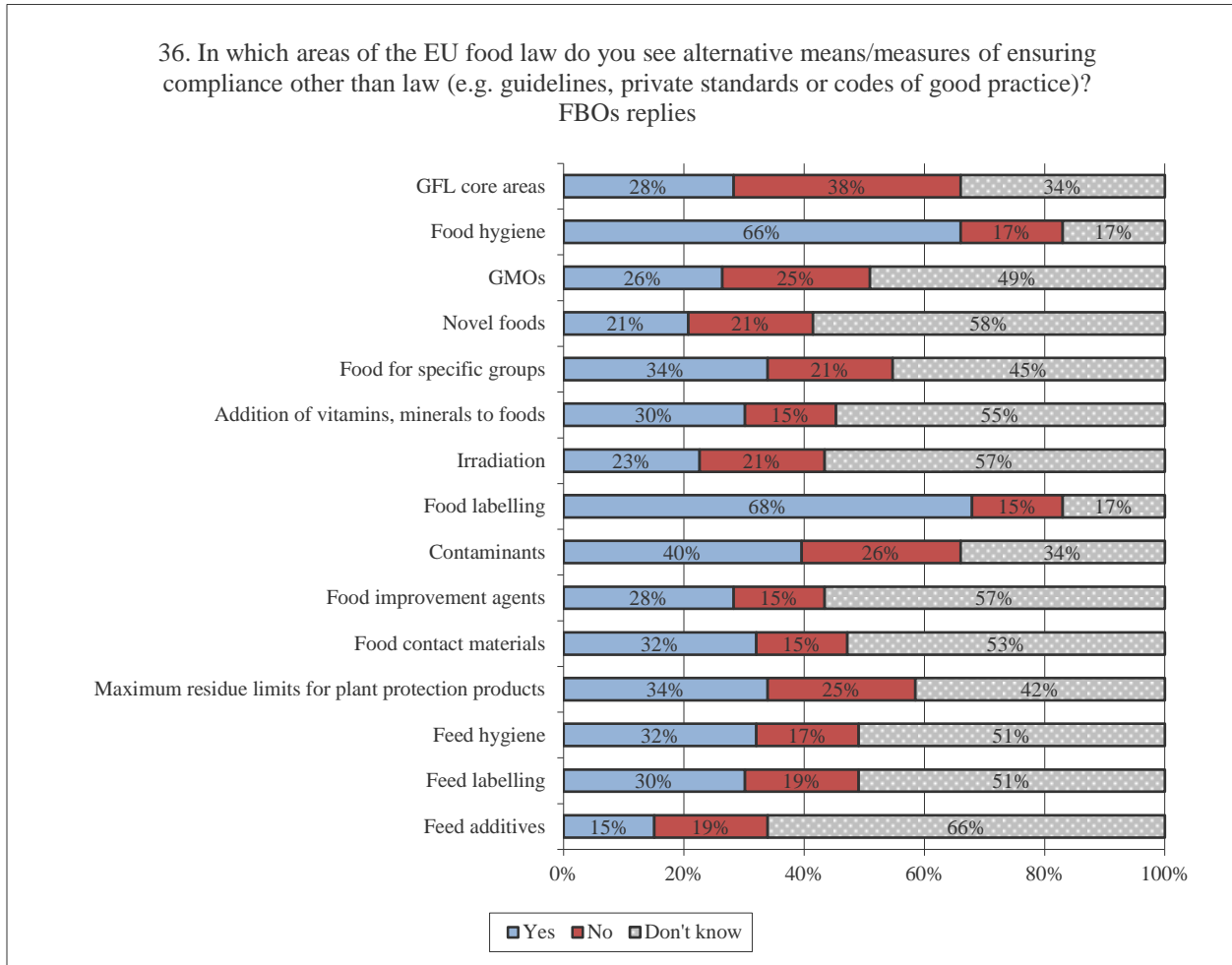
**EQ 27**

<i>Stakeholders (FBOs)</i>	<b>Yes</b>	<b>No</b>	<b>Don't know</b>
GFL core areas	15	20	18
	28%	38%	34%
Food hygiene	35	9	9
	66%	17%	17%
GMOs	14	13	26
	26%	25%	49%
Novel foods	11	11	31
	21%	21%	58%
Food for specific groups	18	11	24
	34%	21%	45%
Addition of vitamins, minerals to foods	16	8	29
	30%	15%	55%
Irradiation	12	11	30
	23%	21%	57%
Food labelling	36	8	9
	68%	15%	17%
Contaminants	21	14	18
	40%	26%	34%
Food improvement agents	15	8	30
	28%	15%	57%
Food contact materials	17	8	28
	32%	15%	53%
Maximum residue limits for plant protection products	18	13	22
	34%	25%	42%
Feed hygiene	17	9	27
	32%	17%	51%
Feed labelling	16	10	27
	30%	19%	51%
Feed additives	8	10	35
	15%	19%	66%
Other (please specify)	5	2	46
	9%	4%	87%

<i>MS CAs</i>	<b>Yes</b>	<b>No</b>	<b>Don't know</b>
GFL core areas	5	17	3
	20%	68%	12%
Food hygiene	9	14	2
	36%	56%	8%
GMOs	4	19	2
	16%	76%	8%

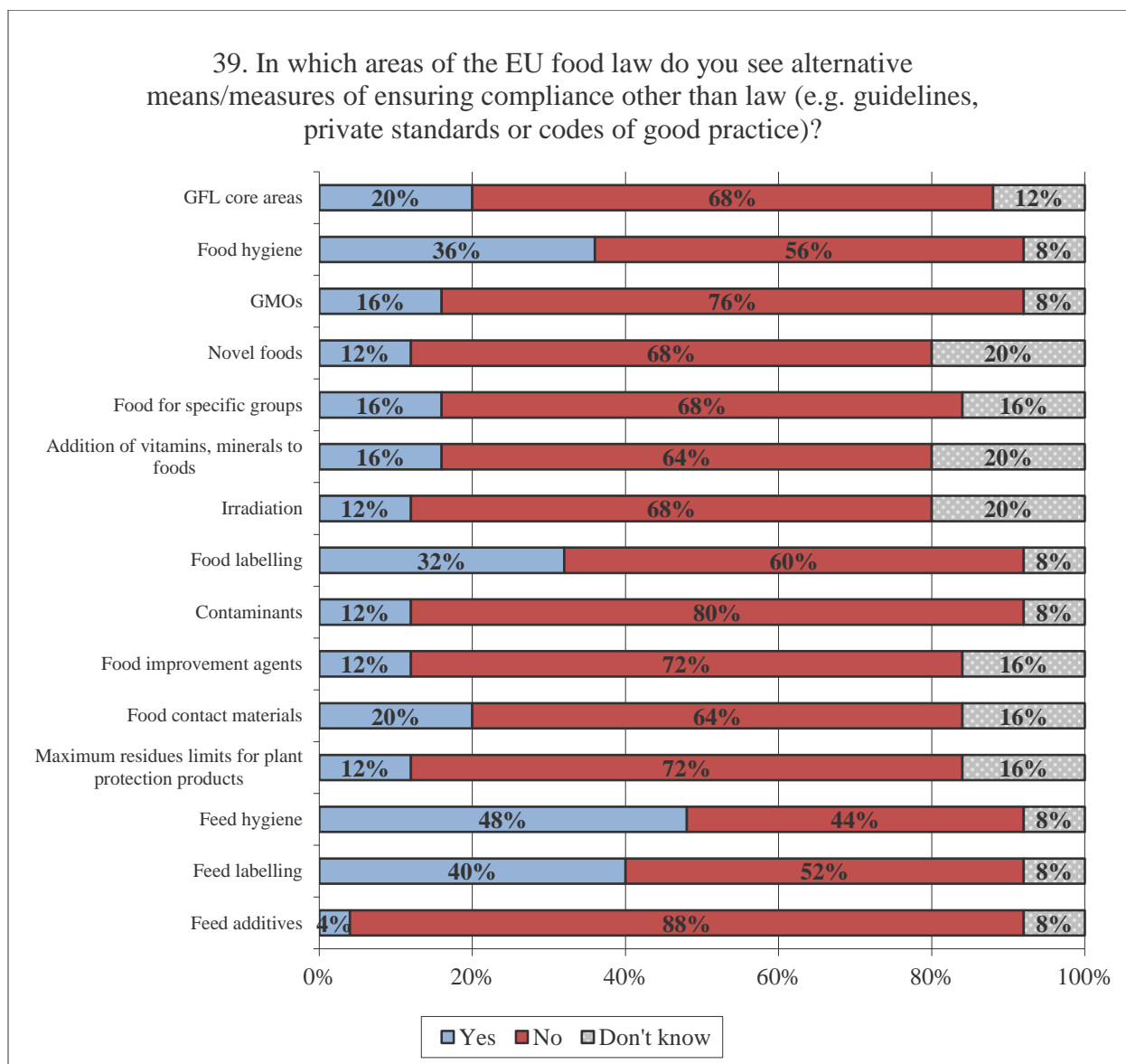
<i>MS CAs</i>	<b>Yes</b>	<b>No</b>	<b>Don't know</b>
Novel foods	3	17	5
	12%	68%	20%
Food for specific groups	4	17	4
	16%	68%	16%
Addition of vitamins, minerals to foods	4	16	5
	16%	64%	20%
Irradiation	3	17	5
	12%	68%	20%
Food labelling	8	15	2
	32%	60%	8%
Contaminants	3	20	2
	12%	80%	8%
Food improvement agents	3	18	4
	12%	72%	16%
Food contact materials	5	16	4
	20%	64%	16%
Maximum residue limits for plant protection products	3	18	4
	12%	72%	16%
Feed hygiene	12	11	2
	48%	44%	8%
Feed labelling	10	13	2
	40%	52%	8%
Feed additives	1	22	2
	4%	88%	8%
Other (please specify)	0	4	21
	0%	16%	84%

**Stakeholders**



Source: Agra CEAS Consulting.

**MS CAs**



Source: Agra CEAS Consulting.

Survey results (Q49) indicate that respondents generally do not see alternative means/measures (e.g. guidelines, private standards or codes of good practice) of ensuring compliance other than law. This is particularly the case for MS CAs and less so for stakeholders. In particular:

- The two areas of EU food law indicated by stakeholders where alternative means could be used to ensure compliance are food labelling (68% of stakeholders) and food hygiene (66% of stakeholders). In the GFL core areas, 28 % of stakeholders saw the potential of alternative means other than law. In all other areas of secondary legislation, between 15% of stakeholders (in the case of feed additives) and 40% of stakeholders (in the case of contaminants) indicated that alternative means could be used to ensure compliance.

However, in all cases, the large number of ‘don’t know’ responses needs to be taken into account (ranging from 17% in the cases of food hygiene and feed labelling to 66% in the case of feed additives).

- In the case of MS CAs, the areas where the use of alternative means to ensure compliance other than law were mostly indicated, although not necessarily by a majority of MS CAs, were feed hygiene (12 of 25 responding MS CAs), feed labelling (10 MS CAs) and food labelling (8 MS CAs). In all other areas, a large majority of MS CAs (from 16 to 22 MS CAs) did not see a potential to use alternative means.

## 8 Overarching issues

50. To what extent has the legislative framework introduced by the GFL provided any of the benefits highlighted below, compared to what could be achieved, in the absence of a common framework, by Member States at national and/or regional levels or at international level (Codex, OIE)? To score on a scale 1-5 (1=benefit not provided; 5=benefit fully provided)

### EQ 2, EQ 5, EQ 7, EQ 12, EQ 17, EQ 29, EQ 32

The GFL has ...

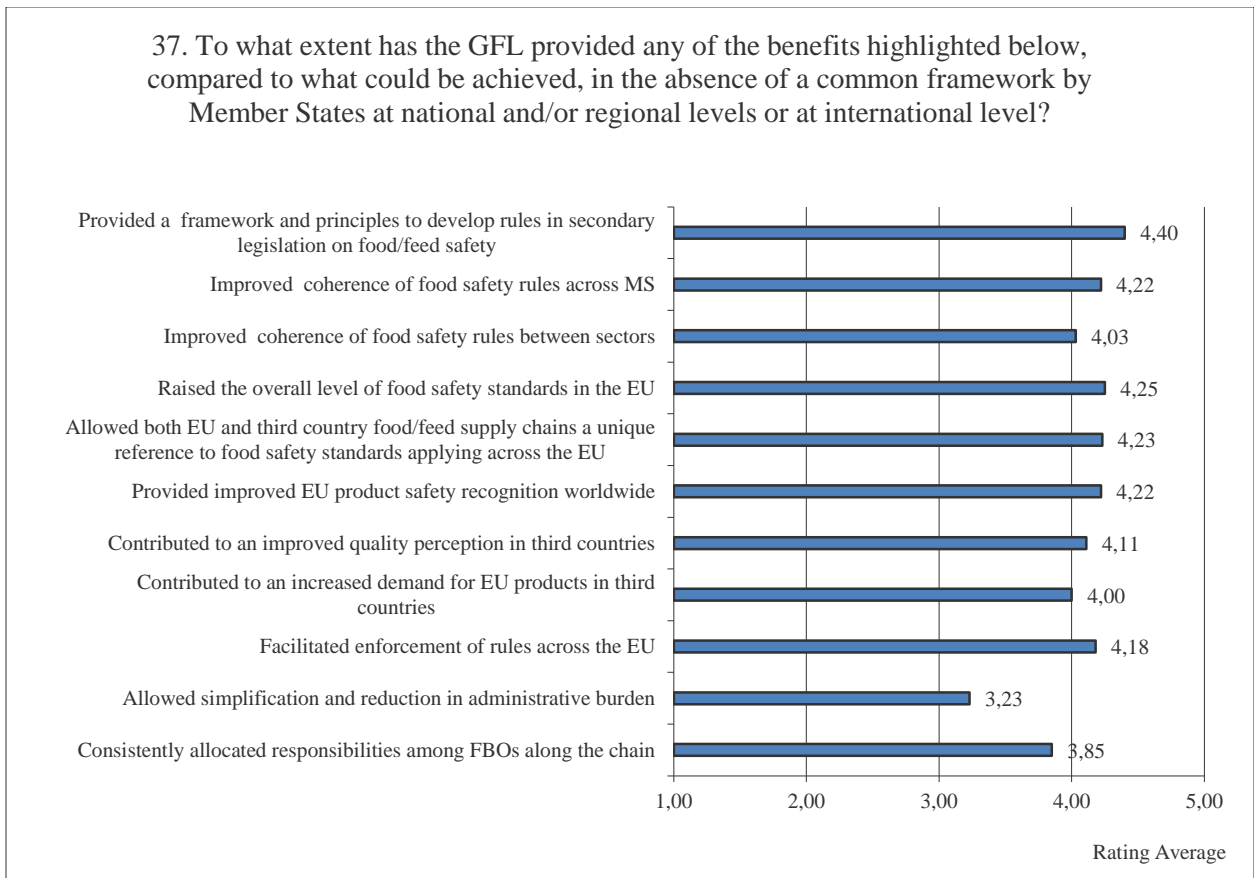
<i>Stakeholders</i>	1	2	3	4	5	Don't know	Rating Average
Provided the basis for a single, uniform framework and principles to develop EU rules in secondary legislation on food/feed safety	0	1	3	27	29	7	4.40
Improved coherence of food safety rules across Member States	0	2	6	32	24	3	4.22
Improved internal coherence of food safety rules between sectors	1	0	15	27	20	4	4.03
Raised the overall level of food safety standards applying across the EU, including the scientific and technical soundness of these standards	0	0	9	30	25	3	4.25
Allowed both EU and third country food/feed supply chains a unique reference to food safety standards applying across the EU	0	0	7	32	21	7	4.23
Provided improved EU product safety recognition worldwide	0	0	7	33	20	7	4.22
Contributed to an improved quality perception in third country markets	0	0	8	33	14	12	4.11
Contributed to an increased demand for EU products in third countries	0	0	14	19	14	20	4.00
Facilitated enforcement of rules across the EU	0	1	11	24	24	7	4.18
Allowed simplification, thus leading to a reduction in administrative costs and burden	4	7	24	21	4	7	3.23
Consistently allocated responsibilities among FBOs along the chain	0	6	12	26	15	8	3.85
Other: please specify	0	0	2	5	0	60	3.71

<i>MS CAs</i>	1	2	3	4	5	Don't know	Rating Average
Provided the basis for a single, uniform framework and principles to develop EU rules in secondary legislation on food/feed safety	0	0	0	11	14	0	4.56
Improved coherence of food safety rules across	0	1	1	15	8	0	4.20

<i>MS CAs</i>	1	2	3	4	5	Don't know	Rating Average
Member States							
Improved internal coherence of food safety rules between sectors	0	0	2	15	6	2	4.17
Raised the overall level of food safety standards applying across the EU, including the scientific and technical soundness of these standards	0	0	5	11	9	0	4.16
Allowed both EU and third country food/feed supply chains a unique reference to food safety standards applying across the EU	0	1	2	15	7	0	4.12
Provided improved EU product safety recognition worldwide	0	0	3	13	8	1	4.21
Contributed to an improved quality perception in third country markets	0	0	2	12	7	4	4.24
Contributed to an increased demand for EU products in third countries	0	0	4	9	4	8	4.00
Facilitated enforcement of rules across the EU	0	0	6	12	7	0	4.04
Allowed simplification, thus leading to a reduction in administrative costs and burden	0	3	8	7	5	2	3.61
Consistently allocated responsibilities among FBOs along the chain	0	0	3	12	9	1	4.25
Other: please specify	0	0	1	0	1	23	4.00

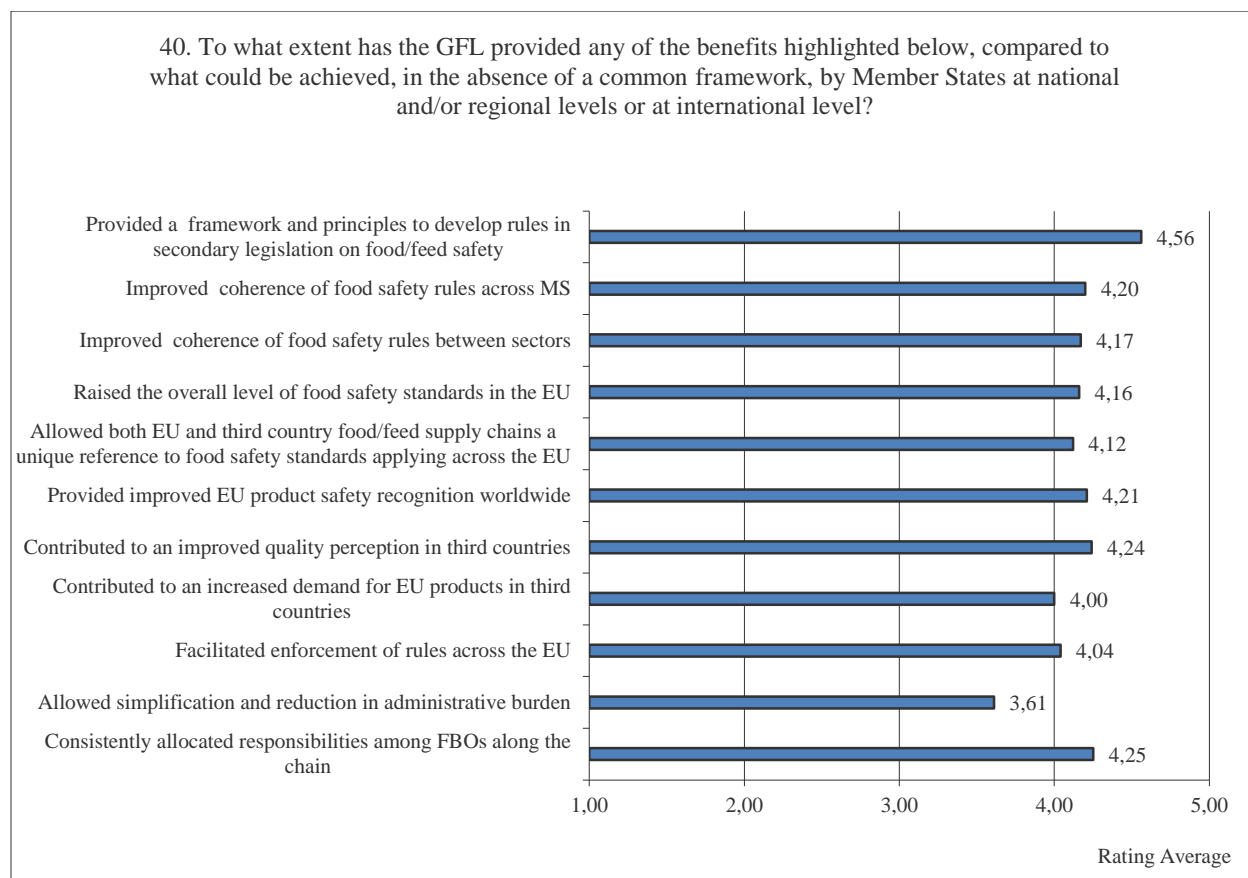
*Stakeholders*





Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

**MS CAs**



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

Survey results (Q50) indicate that overall the legislative framework introduced by the GFL has largely provided benefits, compared to what could be achieved in the absence of a common framework by Member States at national and/or regional levels or at international level (Codex, OIE). On average, both stakeholders and MS CAs provided ratings that were above 4.00 on a scale from 1 to 5 for most of the benefits examined, therefore highlighting the benefits of having a EU legislative framework compared to what could be achieved in the absence of a common framework. In particular, both stakeholders and MS CAs provided highest average rating for the fact that the GFL ‘provided the basis for a single, uniform framework and principles to develop EU rules in secondary legislation on food/feed safety’ (stakeholders: 4.40; MS CAs: 4.56). The GFL is considered to have allowed simplification (thus leading to a reduction in administrative costs and burden) although this aspect received a lower average rating than the other examined benefits from both stakeholders (3.23) and MS CAs (3.61). In addition to this common observation:

- For stakeholders, the GFL has in particular raised the overall level of food safety standards applying across the EU, including the scientific and technical soundness of these standards (4.25), allowed both EU and third country food/feed supply chains a

unique reference to food safety standards applying across the EU (4.23), improved coherence of food safety rules across Member States and provided improved EU product safety recognition worldwide (4.22 respectively) and facilitated enforcement of rules across the EU (4.18).

- For MS CAs, the GFL has in particular consistently allocated responsibilities among FBOs along the chain (4.25), contributed to an improved quality perception in third country markets (4.24), provided improved EU product safety recognition worldwide (4.21) and improved coherence of food safety rules across Member States (4.20).

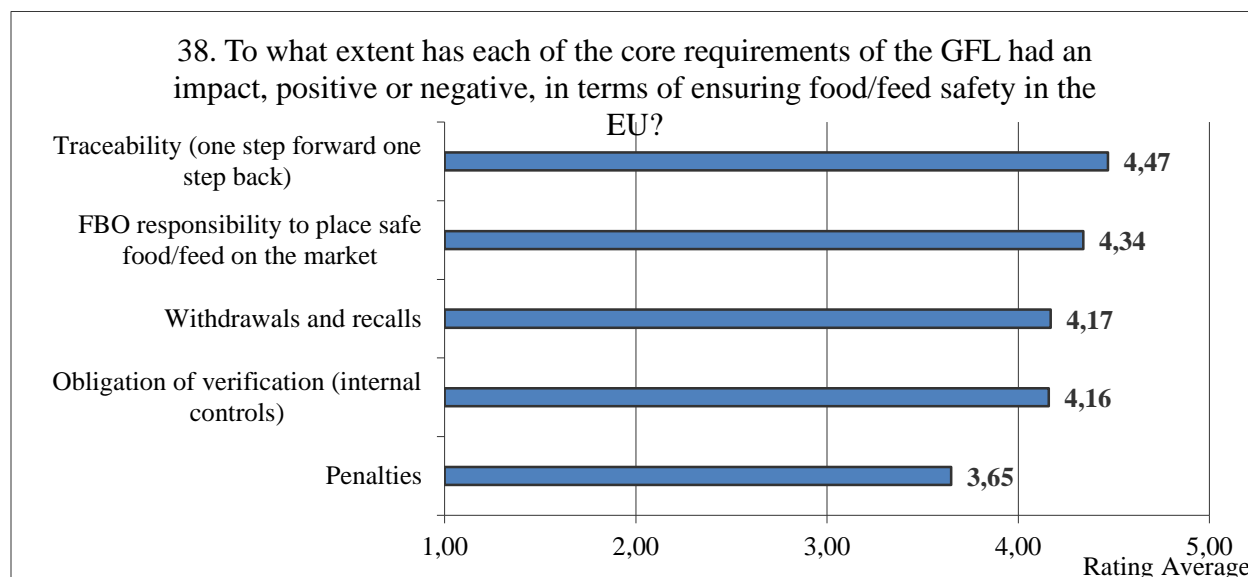
51. To what extent has each of the core requirements of the GFL had an impact, positive or negative, in terms of ensuring food/feed safety in the EU? *To score on a scale 1-5 (1=very negative; 2=negative; 3=neutral; 4=positive; 5=very positive)*

**EQ 12**

<i>Stakeholders</i>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>Don't know</b>	<b>Rating Average</b>
Traceability (one step forward one step back)	0	0	5	24	35	3	4.47
FBO responsibility to place safe food/feed on the market	0	0	7	28	29	3	4.34
Withdrawals and recalls	0	0	12	26	22	7	4.17
Obligation of verification (internal controls)	0	1	7	36	19	4	4.16
Penalties	1	4	23	11	15	13	3.65
Other (please specify)	0	0	2	3	2	60	4.00

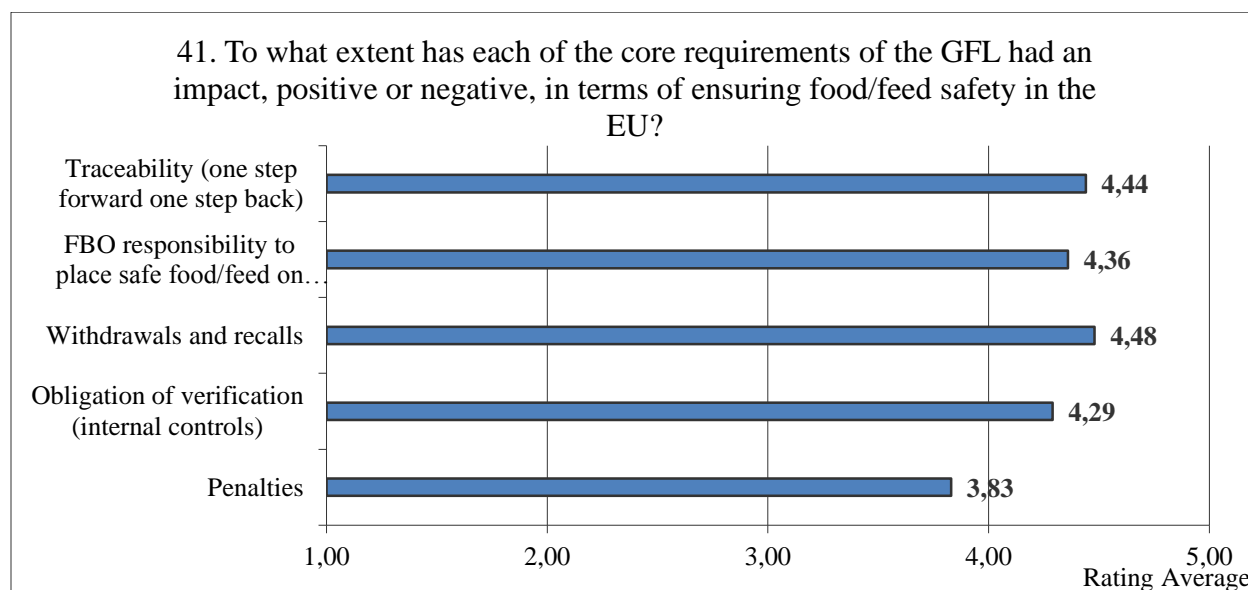
<i>MS CAs</i>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>Don't know</b>	<b>Rating Average</b>
Traceability (one step forward one step back)	0	0	1	12	12	0	4.44
FBO responsibility to place safe food/feed on the market	0	0	1	14	10	0	4.36
Withdrawals and recalls	0	0	0	13	12	0	4.48
Obligation of verification (internal controls)	0	0	3	11	10	1	4.29
Penalties	1	1	5	11	6	1	3.83
Other (please specify)	0	0	0	0	1	24	5.00

**Stakeholders**



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

**MS CAs**



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

Survey results (Q51) indicate that all of the core requirements of the GFL have had positive impacts in terms of ensuring food/feed safety in the EU. In particular, stakeholders indicated that traceability and the FBO responsibility to place safe food/feed on the market have had very positive impacts (4.47 and 4.34 respectively, on a scale from 1 to 5). In the case of MS CAs, the provision on withdrawals and recalls (4.48), traceability (4.44) and FBO responsibility (4.36)

scored highest. The core requirement to have penalties in place was considered to have had a positive impact, although to a lesser extent (stakeholders: 3.65; MS CAs: 3.83).

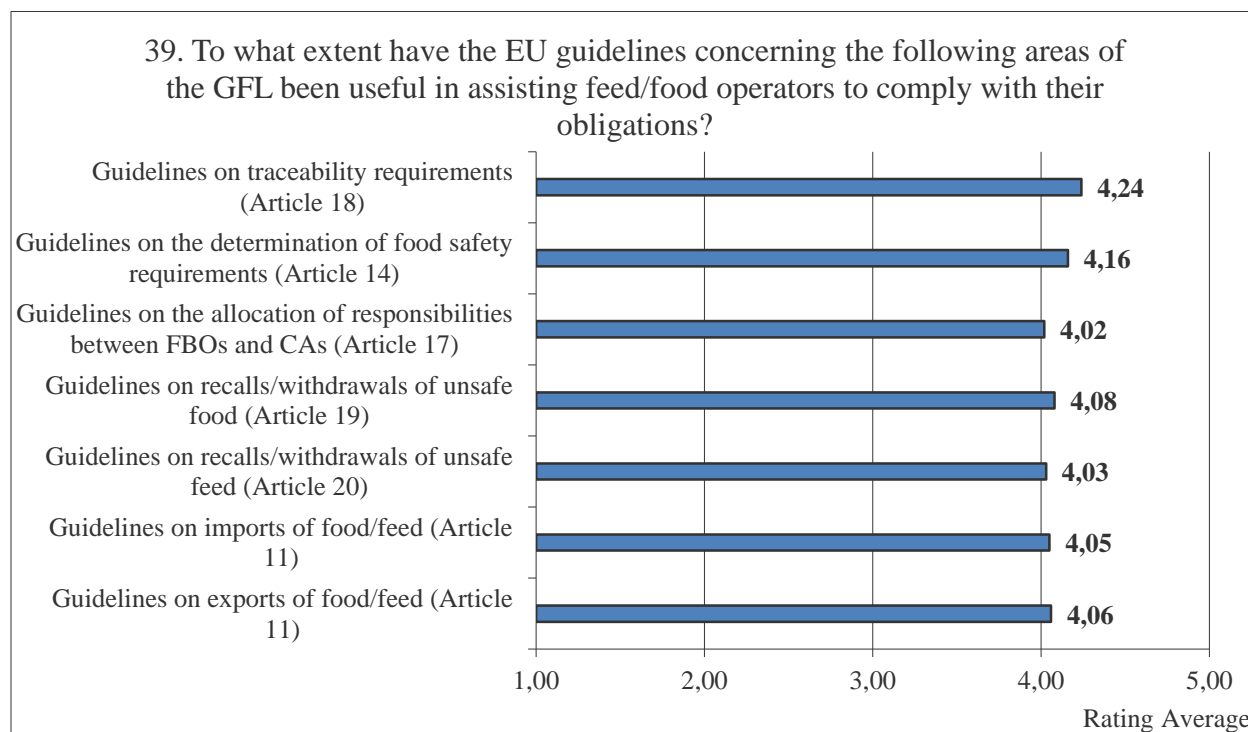
52. To what extent have the EU guidelines concerning the following areas of the GFL been useful in assisting feed/food operators to comply with their obligations? *To score on a scale 1-5 (1=not used/useful; 5=fully used/useful)*

**EQ 12, EQ 14**

<i>Stakeholders</i>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>Don't know</b>	<b>Rating Average</b>
Guidelines on traceability requirements (Article 18)	0	2	7	21	24	13	4.24
Guidelines on the determination of safe food and food safety requirements (Article 14)	0	3	8	21	23	12	4.16
Guidelines on the allocation of responsibilities between food/feed businesses and control authorities (Article 17)	0	4	12	14	21	16	4.02
Guidelines on recalls/withdrawals of unsafe food (Article 19)	0	2	8	22	16	19	4.08
Guidelines on recalls/withdrawals of unsafe feed (Article 20)	0	1	8	13	11	34	4.03
Guidelines on imports of food/feed (Article 11)	0	2	10	15	16	24	4.05
Guidelines on exports of food/feed (Article 11)	0	2	7	14	13	31	4.06

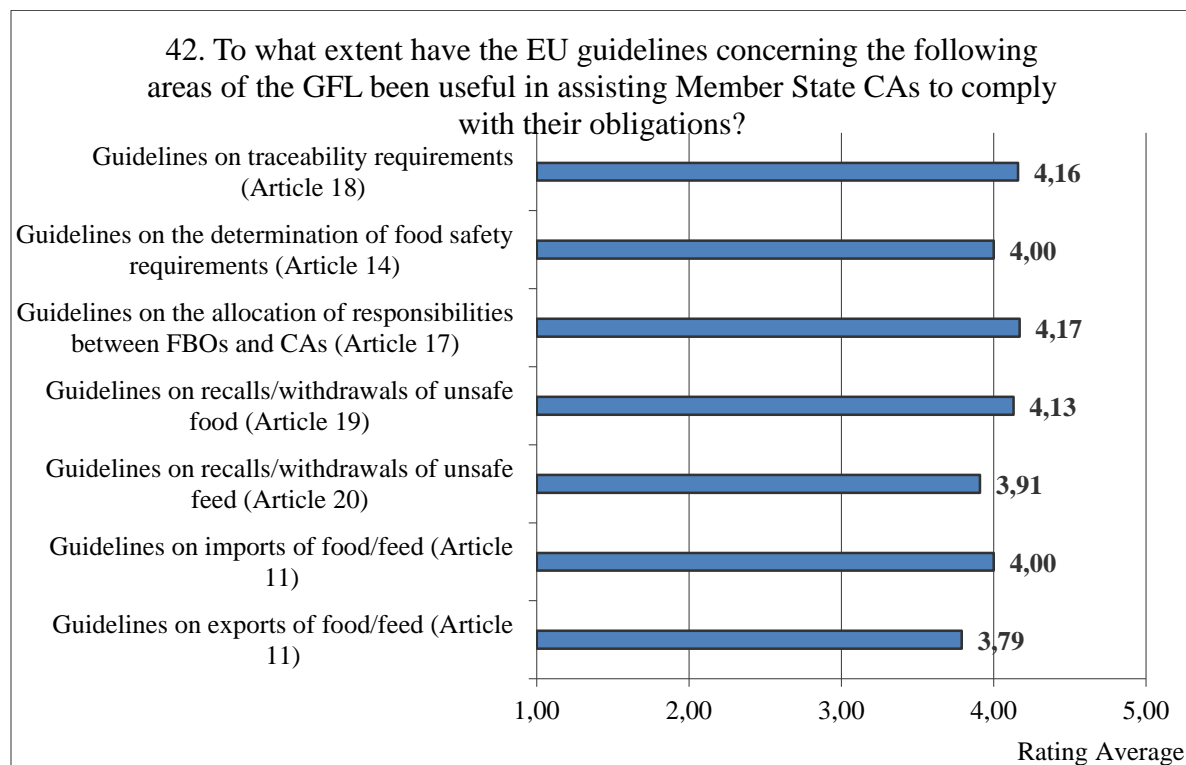
<i>MS CAs</i>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>Don't know</b>	<b>Rating Average</b>
Guidelines on traceability requirements (Article 18)	0	0	5	11	9	0	4.16
Guidelines on the determination of safe food and food safety requirements (Article 14)	0	1	6	9	8	1	4.00
Guidelines on the allocation of responsibilities between food/feed businesses and control authorities (Article 17)	0	0	5	10	9	1	4.17
Guidelines on recalls/withdrawals of unsafe food (Article 19)	0	0	4	13	7	1	4.13
Guidelines on recalls/withdrawals of unsafe feed (Article 20)	1	0	6	9	7	2	3.91
Guidelines on imports of food/feed (Article 11)	0	1	5	12	7	0	4.00
Guidelines on exports of food/feed (Article 11)	0	3	5	10	6	1	3.79

**Stakeholders**



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

**MS CAs**



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

Survey results (Q52) indicate that the EU guidelines have been largely useful in assisting feed/food operators and MS CAs to comply with their respective obligations. Stakeholders provided ratings above 4.00 on a scale from 1 to 5 for all of the areas of the GFL examined and in particular for the guidelines on traceability requirements (4.24) and on the determination of safe food and food safety requirements (4.16). MS CAs also highlighted the usefulness of EU guidelines in assisting them to comply with their obligations, in particular on the allocation of responsibilities between food/feed businesses and control authorities (4.17), on traceability requirements (4.16) and on withdrawals/recalls of unsafe food (4.13). Few of the responding organisations (1 to 4 of the 67 stakeholders; 1 to 2 of the 25 MS CAs) did not find these guidelines useful.

It is noted that a considerable share of stakeholders replied ‘don’t know’ to this question, especially on the areas covering withdrawals/recalls and imports/exports. This was largely because these guidelines are not applicable in their case (including consumer organisations and NGOs).

53. To what extent have there been differences in the implementation/application of the GFL amongst Member States, in any of the following areas?

**EQ 5, EQ 12, EQ 14, EQ 24**

<i>Stakeholders</i>	<b>Yes systematically</b>	<b>Yes, to some extent/ in some cases</b>	<b>Only to a limited extent</b>	<b>No</b>	<b>Don’t know</b>
Definitions of GFL	1	16	7	4	39
	1%	24%	10%	6%	58%
Risk analysis	4	31	4	1	27
	6%	46%	6%	1%	40%
Application of the precautionary principle	5	28	5	0	29
	7%	42%	7%	0%	43%
Imports of feed/food in the EU from third countries	2	13	12	1	39
	3%	19%	18%	1%	58%
Exports of EU feed/food to third countries	1	12	10	2	42
	1%	18%	15%	3%	63%
Determination of safe food	2	27	4	4	30
	3%	40%	6%	6%	45%
Determination of safe feed	2	15	1	3	46
	3%	22%	1%	4%	69%
Allocation of responsibilities between food/feed businesses and control authorities	2	14	10	2	39
	3%	21%	15%	3%	58%
Traceability	2	14	15	7	29
	3%	21%	22%	10%	43%

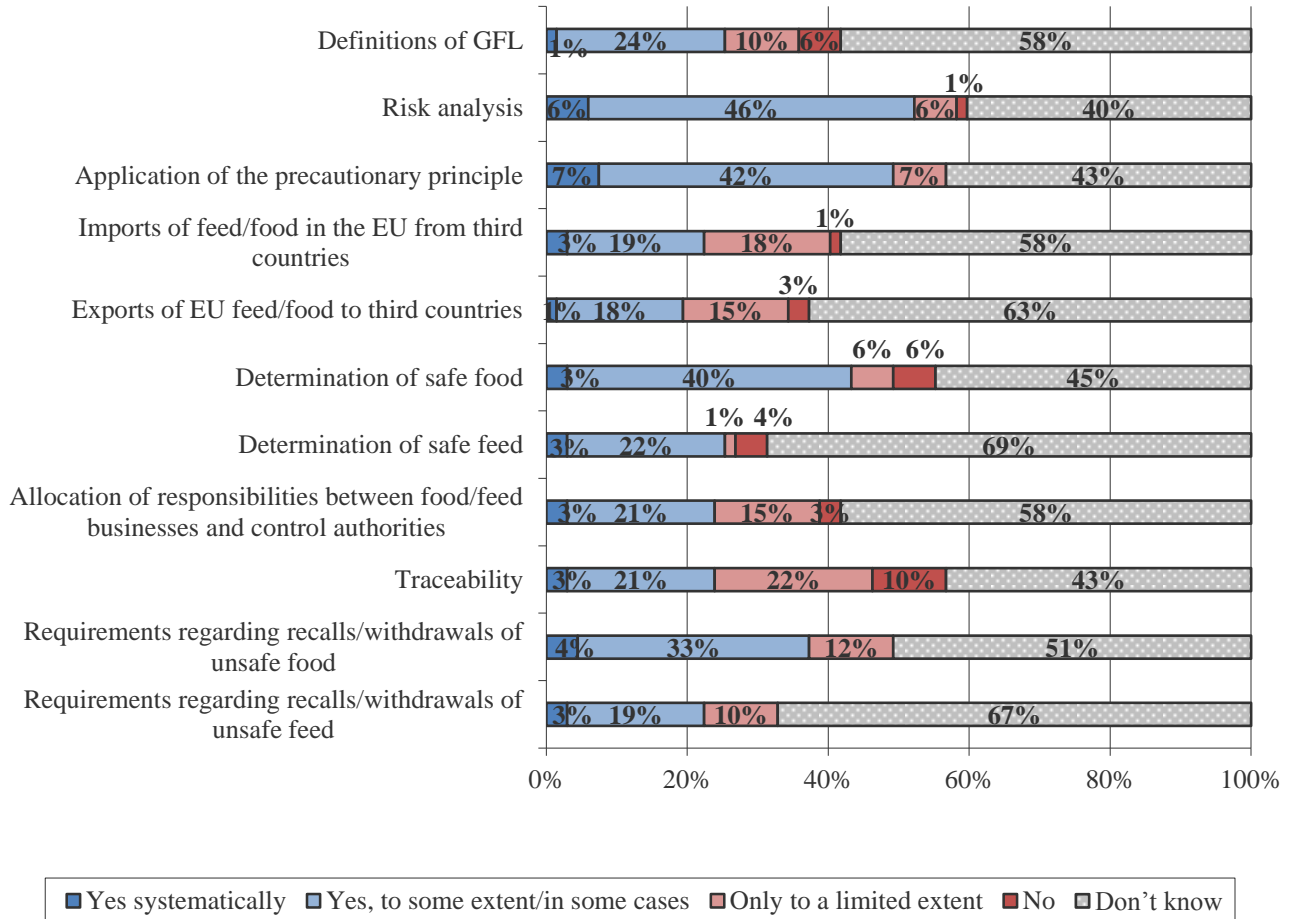
<i>Stakeholders</i>	<b>Yes systematically</b>	<b>Yes, to some extent/ in some cases</b>	<b>Only to a limited extent</b>	<b>No</b>	<b>Don't know</b>
Requirements regarding recalls/withdrawals of unsafe food	3	22	8	0	34
	4%	33%	12%	0%	51%
Requirements regarding recalls/withdrawals of unsafe feed	2	13	7	0	45
	3%	19%	10%	0%	67%

<i>MS CAs</i>	<b>Yes systematically</b>	<b>Yes, to some extent/ in some cases</b>	<b>Only to a limited extent</b>	<b>No</b>	<b>Don't know</b>
Definitions of GFL	0	3	4	8	10
	0%	12%	16%	32%	40%
Risk analysis	1	11	1	1	11
	4%	44%	4%	4%	44%
Application of the precautionary principle	1	10	2	1	11
	4%	40%	8%	4%	44%
Imports of feed/food in the EU from third countries	1	11	1	3	9
	4%	44%	4%	12%	36%
Exports of EU feed/food to third countries	0	6	4	3	12
	0%	24%	16%	12%	48%
Determination of safe food	0	5	8	2	10
	0%	20%	32%	8%	40%
Determination of safe feed	0	3	9	4	9
	0%	12%	36%	16%	36%
Allocation of responsibilities between food/feed businesses and control authorities	0	7	2	3	13
	0%	28%	8%	12%	52%
Traceability	0	5	3	8	9
	0%	20%	12%	32%	36%
Requirements regarding recalls/withdrawals of unsafe food	0	8	2	3	12
	0%	32%	8%	12%	48%
Requirements regarding recalls/withdrawals of unsafe feed	0	5	4	3	13
	0%	20%	16%	12%	52%



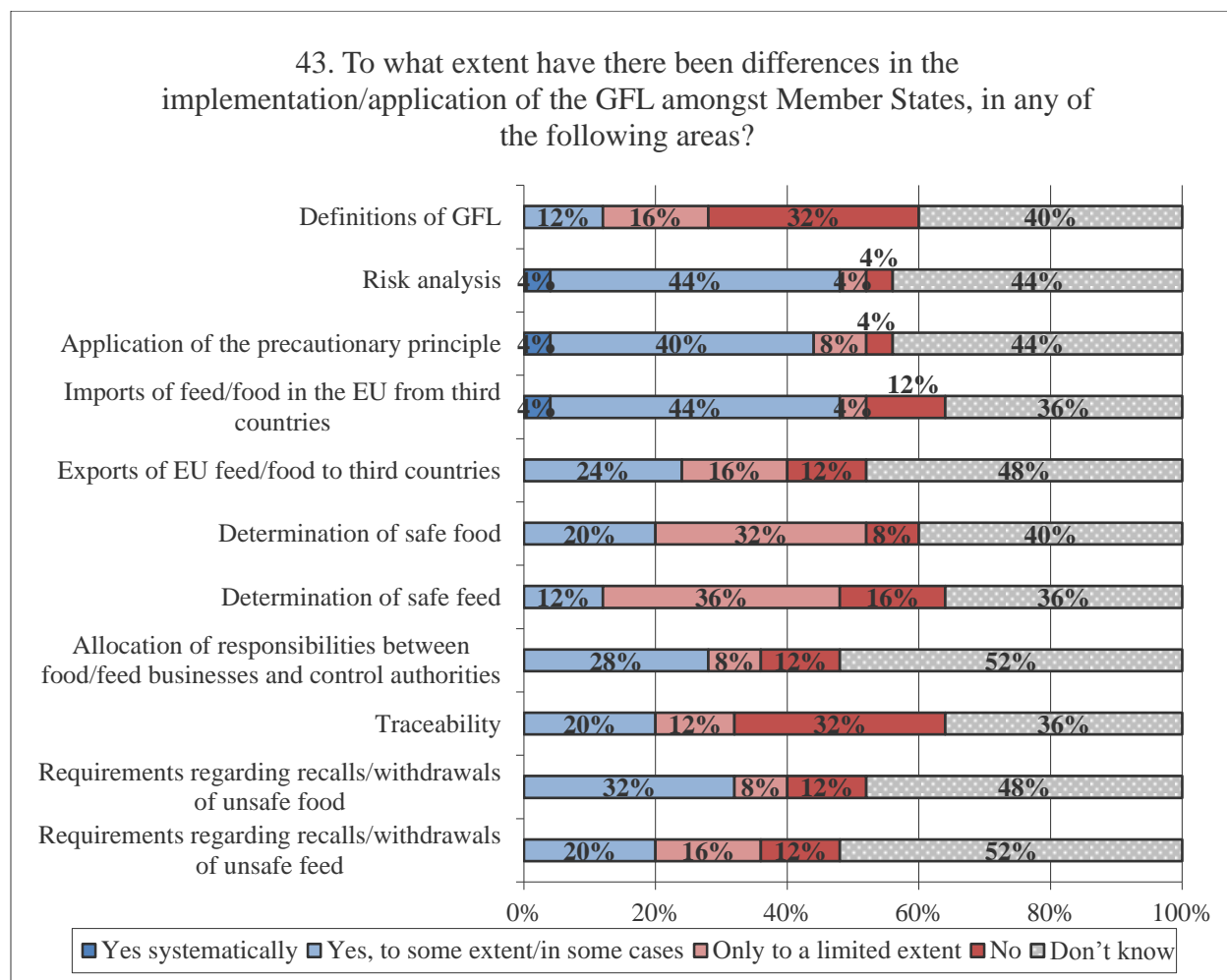
**Stakeholders**

40. To what extent have there been differences in the implementation/application of the GFL amongst Member States, in any of the following areas?



Source: Agra CEAS Consulting.

**MS CAs**



Source: Agra CEAS Consulting.

The online survey provides an indication of the extent to which there have been differences in the implementation/application of the relevant Articles of the GFL provisions by MS (JC1/1a). Survey results (Q53) indicate that, while there are a large number of ‘don’t know’ responses to this question (from 36% to 69% of all respondents), overall the differences identified are for the most part not systematic (‘yes systematically’ responses range from 1% to 7% of stakeholders and 1MS CA). The areas where differences are mostly identified (albeit to some extent/in some cases) are risk analysis (46% of stakeholders; 44% of MS CAs, i.e. 11 MS CAs) and the application of the precautionary principle (42% of stakeholders; 40% of MS CAs, i.e. 10 MS CAs). MS CAs also indicated that the imports of feed/food from third countries are an area where differences occur to some extent (44%, i.e. 10 MS CAs) although this area was identified less by stakeholders (19%). On the other hand, traceability stands out as an area where the least differences are identified (32% of MS CAs, i.e. 8 MS CAs, and 10% of stakeholders indicated there are no differences amongst MS while a further 12% of MS CAs, i.e. 3 MS CAs, and 22%

of stakeholders indicated there are differences only to a limited extent and 20% (5MS CAs) and 21% respectively indicated there are differences to some extent/in some cases).

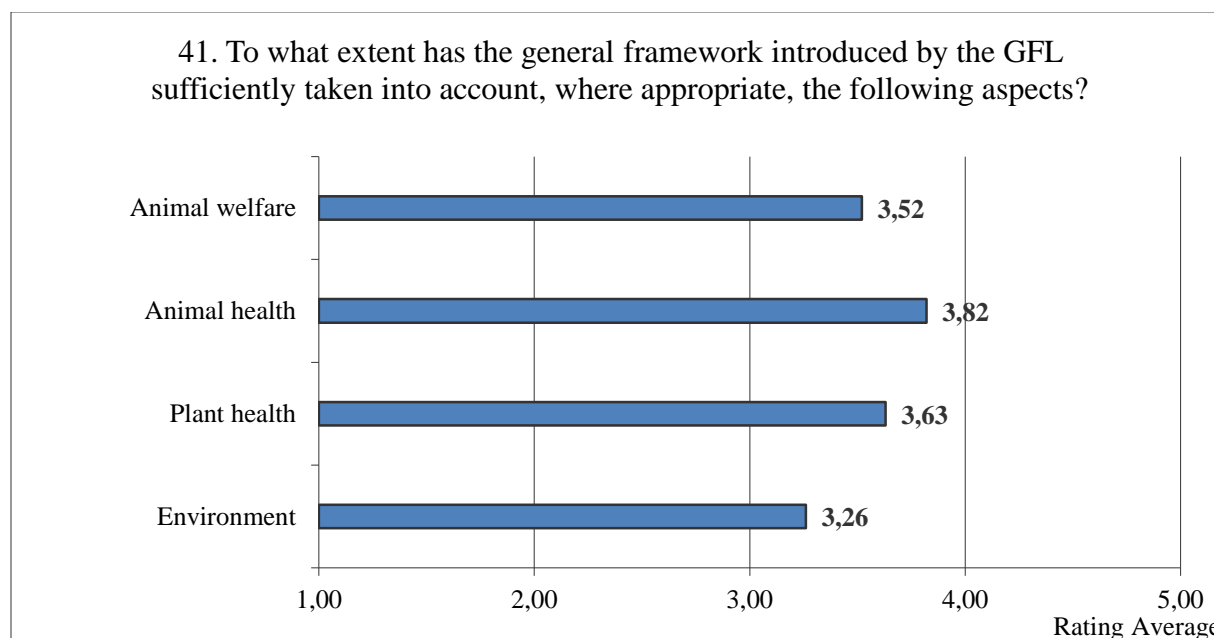
54. To what extent has the general framework introduced by the GFL sufficiently taken into account, where appropriate, the following aspects? *To score on a scale 1-5 (1=not taken into account; 5=fully taken into account)*

**EQ 4**

<i>Stakeholders</i>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>Don't know</b>	<b>Rating Average</b>
Animal welfare	6	3	13	21	11	13	3.52
Animal health	4	0	9	33	11	10	3.82
Plant health	2	1	15	25	5	19	3.63
Environment	3	10	15	20	5	14	3.26

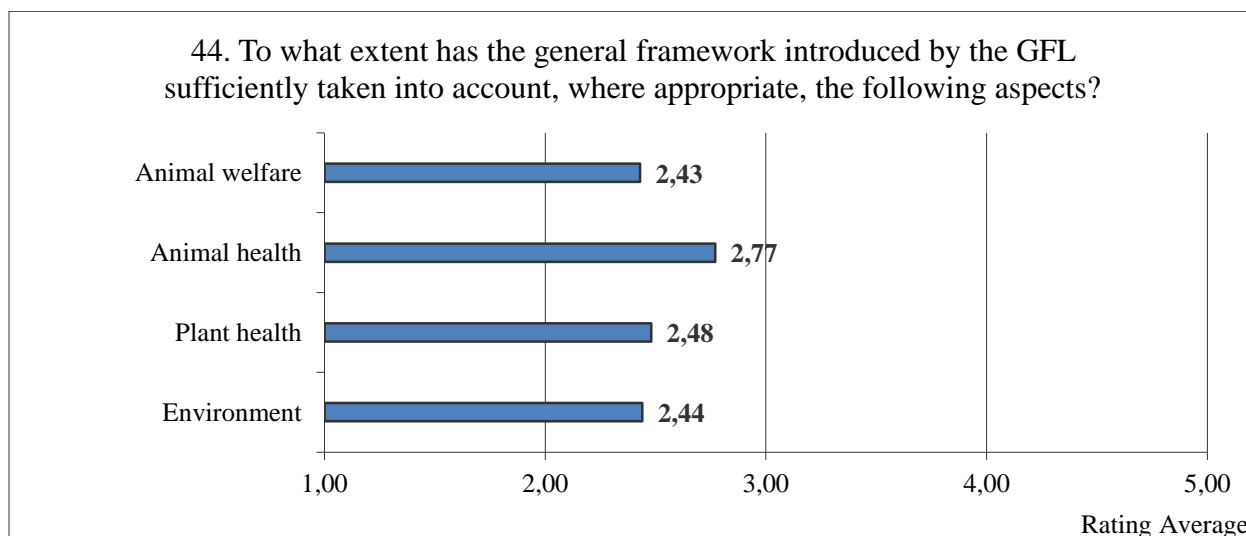
<i>MS CAs</i>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>Don't know</b>	<b>Rating Average</b>
Animal welfare	9	2	3	6	1	4	2.43
Animal health	7	1	5	8	1	3	2.77
Plant health	8	3	4	4	2	4	2.48
Environment	4	7	3	3	1	7	2.44

*Stakeholders*



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

**MS CAs**



Source: Agra CEAS Consulting. Note: Based on respondents that provided an assessment.

Stakeholders and MS CAs had mixed views on the extent to which the general framework introduced by the GFL has sufficiently taken into account, where appropriate, the aspect of animal welfare, animal health, plant health and the environment (Q54). For stakeholders, the GFL has sufficiently taken these aspects into account where appropriate, with average ratings on all of these aspects scoring above midpoint (3.00) on a scale from 1 to 5. On the other hand, MS CAs provided assessments that were below midpoint for all of the aspects considered, ranging from 2.43 (animal welfare) to 2.77 (animal health), therefore according to MS CAs, these aspects have not been sufficiently taken into account where appropriate.