

APPENDIX 5 – THE GENERAL GFL STUDY

ANNEX 5F

Interview guide for TCs FINAL



Evaluation of Regulation (EC) No 178/2002, the “General Food Law Regulation”

Interview guide – Third Countries

The evaluation of Regulation (EC) No 178/2002 (the “General Food Law”) is being carried out for the European Commission by the Food Chain Evaluation Consortium (FCEC). The study is being led by Agra CEAS Consulting.

This document provides a set of questions to be used as an interview guide during the main phase of the consultation with third country trading partners.

The document has been prepared by the FCEC and does not necessarily present the views of the Commission.

Background

The evaluation of Regulation (EC) No 178/2002, the “General Food Law” (GFL), forms part of the Commission’s Regulatory Fitness and Performance Programme (REFIT), in particular the fitness check of the General Food Law. This study is being carried out for the European Commission by the Food Chain Evaluation Consortium (FCEC) and is managed by Agra CEAS Consulting.

The purpose of the evaluation is to assess whether the regulatory framework established by the GFL is effective and efficient and provides added value to stakeholders, so as to establish whether the GFL continues to be ‘fit for purpose’.

A distinction is made between the GFL as such and secondary legislation that is based on the GFL. ‘Secondary legislation’ means all legislative (or non-legislative) texts that are enshrined in the scope of the GFL¹. The GFL is a framework and as such it contains general provisions and definitions, principles, obligations and requirements. Some of the general obligations foreseen by the GFL, such as on food trade (Article 11: imports into the EU; Article 12: exports from the EU), and the general obligation of food/feed safety (Articles 14 and 15) are also the basis for subsequent secondary EU food/feed legislation (e.g. requirement on imports introduced by Regulation (EC) No 852/2004 on the hygiene of foodstuffs).

In addition, the EU has specific rules in the animal health/veterinary field. The GFL and articles 11 and 12 concern food law in general (covering all aspects including feed and food safety, labelling, veterinary rules etc). In the case of certain third countries, bilateral agreements exist covering some of these rules (particularly in the veterinary field).

In the context of this evaluation, the FCEC is consulting with a wide range of national authorities and food/feed supply chain stakeholders, including third country trading partners. The aim of this consultation is to collect data to feed into the analysis of the evaluation questions as outlined in the Terms of Reference (ToR) for the evaluation of the GFL.

The information and assessments provided in your responses to the list of questions below will be crucial in assessing the current EU regulatory framework and in informing the EU policy process. For this reason we highly appreciate you taking the time to respond to this consultation.

¹ Key areas of secondary legislation relevant to the purposes of this evaluation are the following: Food hygiene; GMOs; Novel foods; Food for specific groups (foods for infants and young children, total diet replacement for weight control, foods for medical purposes); Addition of vitamins, minerals and other substances to foods; Irradiation; Food labelling; Contaminants; Food improvement agents (food additives, flavourings and enzymes); Food contact materials; Maximum residue limits for plant protection products; Feed hygiene; Feed additives; Feed labelling.

Questions

The questions below focus on any potential impacts the GFL has had on your trade relations and evolution of your exports/imports with the EU, in the period since the introduction of the GFL (2002) to date. In assessing any potential impacts, it is important to bear in mind that a) the GFL is framework legislation laying the general principles with specific provisions laid down in secondary legislation; and b) the drivers of trade are more global and extend beyond the EU regulatory system on food as such. We therefore ask you to **highlight any impacts on trade that are due to the GFL versus any impacts that are due to specific provisions in secondary legislation and/or other more global drivers of trade.**

The present study is an evaluation of the GFL; it is not an evaluation of the entire food and feed law or of individual areas of secondary legislation. We therefore ask you to **highlight any problems identified in the implementation of secondary legislation that are due to an inconsistency or incorrect interpretation of the general provisions (definitions, principles, obligations and requirements) of the GFL.** Furthermore, in responding to the questions below we ask you to **distinguish any impacts due to more specific EU rules in the animal health/veterinary field, from those due to the GFL more generally.**

In particular, we would like to receive your feedback on the following aspects:

1. To what extent has the regulatory framework established by **the GFL facilitated or adversely affected your country's exports of feed/food products to the EU?** *Please consider any **impacts** you have experienced in the period since the introduction of the GFL (2002-to date) which are due to the GFL. Please describe impacts that are due to the GFL and provide data and/or concrete examples where possible, in terms of:*
 - Quantities exported:
 - Have your exports to the EU increase/decreased, as a result of the GFL? *Please describe any changes in the volume of exports which are due to the GFL as such.*
 - Has there been any change in the composition of exports? *Please describe any changes in the pattern of exports which are due to the GFL, e.g. whether exports now focus more on raw materials or on processed foods, have exports decreased for certain products but increased on others etc.?*
 - Quality/safety of exported food/feed? *Please describe any changes in the quality/safety exports which are due to the GFL, e.g. whether exports now focus more on raw materials or on processed foods?*
 - EU consumer trust and confidence in feed/food products from your country?
 - EU business trust and confidence in feed/food products from your country?
 - Acceptance/use of EU feed/food safety standards in international trade?
 - Any other impacts? *please specify*
2. Please identify cases where any of the positive/negative impacts identified above have resulted in **benefits/losses** (e.g. in export value/volume; in terms of geographical presence of your country's exports within the EU, etc.).
3. To what extent has the regulatory framework established by the GFL **facilitated or adversely affected imports into your country of feed/food products from the EU?** *Please consider any impacts in terms of:*
 - Quality/safety of feed/food products imported from the EU;

- Consumer trust and confidence in feed/food products imported from the EU;
 - Business trust and confidence in feed/food products imported from the EU;
 - Avoiding/limiting the impact of a EU feed/food crisis on international trade.
4. To what extent **EU importers typically impose on exporters to the EU from your country any of the following obligations** to ensure food/feed safety? **What is the impact** of those requirements (positive/negative)? *Please describe the extent to which obligations are imposed and their impacts, and provide data and/or concrete examples where possible, in terms of the following obligations:*
- To comply with specific private contractual standards?
 - To comply with codes of good practices/guidelines developed by the industry/associations?
 - To communicate to the EU importer results of official controls carried out by the authorities?
 - To communicate to the EU importer results of own verification controls?
 - To meet the traceability requirement provided in Regulation 178/2002 (one step back - one step forward principle) or even require more extensive traceability system;
5. To what extent have the EU Member State Competent Authorities implemented **restrictions on the import** of feed/food products from your country on the basis that it is not compliant with EU feed/food law and therefore deemed unsafe?
- What is the trend on these restrictions (if data are systematically recorded)?
 - What were the reasons? Please identify the reasons why such restrictions were imposed.
6. Have there been any **rejections at EU borders** of feed/food products from your country? *Please describe any such rejections and their impacts, and provide data and/or concrete examples where possible, in terms of:*
- What are the categories of food/feed mostly affected, e.g. foods of animal origin (meat, eggs, milk, fish/fishery products), composite products, feed, fruit and vegetables, other?
 - What are the main reasons for these rejections, e.g. non-compliance with the veterinary rules or with the public health rules (including GFL/sectoral food/feed legislation), other?
 - What has been the trend (number of rejections; reasons for rejections) during the period 2002 to date?
 - What are the **implications of the rejections** at EU borders of food/feed products from your country?
7. To what extent do you consider that the base line laid down in **Article 12 of the GFL** (i.e. food and/or feed exported or re-exported from the EU to your country must comply with either EU law or with the law of your country if the product concerned is regulated) is effective/efficient/sufficient? *Please explain and provide concrete cases/examples where Article 12 is not effective/efficient/sufficient.*
8. To what extent do you consider effective/efficient/sufficient that only EU food business operators and Competent Authorities of EU Member States (instead of the Commission) are responsible for providing **guarantees** for the fulfilment of the specific import requirements you impose in your country for EU products, when these differ from the EU rules? *Please explain and provide concrete cases/examples where this is not effective/efficient/sufficient.*

9. To what extent is the **GFL coherent with the regulatory framework on feed/food in your country** and what are the **impacts**? *Please consider the role of any specific bilateral agreements in place between your country and the EU in the area of food/feed, in terms of improving coherence.*
- What are the key issues identified where there is **lack of coherence** between the GFL and your country's regulatory framework on feed/food? *Please explain and provide concrete cases/examples where there is lack of coherence.*
 - What are the **impacts of coherence / lack of coherence** between the GFL and the regulatory framework on feed/food in your country? *Please identify concrete cases/examples where coherence has positively affected trade between the EU and your country, versus cases/examples where the lack of coherence has negatively affected trade.*
 - What are the benefits and costs, respectively, of the cases identified? *Please describe impacts and provide data where possible, e.g. in terms of the volume/value of trade that has been affected by any such cases of coherence / lack of coherence.*
10. To what extent is the EU food law (GFL and secondary legislation) aligned to international standards (Codex Alimentarius)?
- Please identify cases of best practices where **international standards** have been used in the development or adaptation of EU food law, in line with Article 13 of the GFL? What have been the impacts of these cases on trade?
 - Please identify and describe cases where **international standards** have *not* been used in the development or adaptation of EU food law? Are these cases justified? What have been the impacts of these cases on trade?