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JOINT PARLIAMENTARY COMMITTEE

REPORT
on
food safety in the EEA

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I INTRODUCTION

1. Food is an every day part of life and it is essential for survival. We are all concerned about the food we eat, and food issues are of great public sensitivity. Food scares and consumer concern has increased dramatically over the past years. BSE, genetic modifications, antimicrobial resistance, growth hormones, medicinal residues, all of these issues have created a growing concern of consumer health and food safety and given cause to much debate with respect to the process of decision-making to protect public health. In order to restore consumer confidence, which sank well below zero after the "BSE-crisis", the EU Commission took action to improve the decision-making process by presenting a policy paper on food law outlining the possible need for changes in the EU within the area of food legislation and control.

II LEGISLATION

2. Food hygiene legislation has evolved since the earliest days of the European Community to harmonize national requirements, to enable the completion and subsequent functioning of the single market and to protect public health. In the European Commission, food issues have traditionally been dealt with basically in two DGs, DG III, Industry and DG VI, Agriculture. DG III is responsible for legislation of processed foods. This legislation is mainly a so-called horizontal legislation, which means that the provisions laid down in this field are applicable to all foods, e.g. legislation on food labelling, general hygiene provisions, food additives etc. DG VI is responsible for legislation of products of animal origin, issuing a product specific vertical legislation.

III RELATIONSHIP WITH THE EEA

3. In the EEA Agreement, legislation on foodstuffs and food related issues can be found in Annex I, Veterinary and Phytosanitary Matters, and in Annex II, Technical Regulations, Standards and Certification, Chapter 12: Foodstuffs.

4. Annex I, covering the veterinary field is very intricately related to the so-called four freedoms. It entered into force in 1994 and covers animal health and veterinary public health regulations concerning the trade in animal products and certain live animals, as well as the control and notification of animal diseases within the EEA. Austria, Finland, Norway and Sweden took over the same part of the existing EU regulations at that time, whilst Iceland only implemented the regulations concerning fish and fishery products. Liechtenstein has a transitional period up to 1 January 2000.

5. Since the entry into force of the "old" Annex I of the EEA Agreement (Annex I of 1994), the total picture has changed considerably. This is due, firstly, to the accession of three former EFTA States to the EU, and secondly, to the fact that all the Contracting Parties have joined the SPS (Sanitary and Phytosanitary) Agreement under the WTO framework. Furthermore, new EU provisions on the veterinary border control towards third countries entered into force on 1 January 1997. This implied further barriers for the remaining EEA EFTA States regarding access to the important EU market in agricultural

products, including fish. The new provisions could mean serious problems for the export of fish to the EU from the EFTA States concerned with regard to the frequency of veterinary checks.

6. A revised Annex I containing approx. 560 legal acts will enter into force on 1 January 1999, subject to Parliamentary procedure in Norway during the autumn session. The "new" Annex I will contain approx. 1100 legal acts. This integrates into the EEA Agreement all relevant veterinary acquis up to the end of July 1996, and an amending decision of the EEA Joint Committee is being prepared, which will bring the Annex up to date at September 1998. The most important issues of the new Annex I include the provisions on veterinary border control, third-country trade and animal welfare.

7. By adopting the "Control Directives", the veterinary border control in live animal and animal products will be abolished between Norway and the EU concerning import and export trade across borders. For Iceland this will apply only for trade in fishery products.

8. With regard to third-country provisions, the EEA EFTA States have so far based themselves on their own existing national animal health regulations. The new Annex I will include provisions concerning the import of live animals and animal products from third countries. The EU has extensive experience in inspecting establishments in third-countries that have the approval to export their products to the EU. By adopting the third-country provisions, the EEA EFTA States will be able to benefit from this experience not having to carry out separate inspections.

9. The SPS Agreement under the WTO regulates measures that can be taken concerning animal health in the trade with live animals and animal products, thus ensuring that no WTO member applies stricter rules than necessary to safeguard animal and public health in the importing country. The animal and public health measures applied are not allowed to be a technical barrier to trade, but should be based on a scientifically documented risk assessment. By adopting the EU's provisions for imports from third countries, the EEA EFTA States will be able to comply with the SPS Agreement in exactly the same manner as the EU.

10. EU legislation on animal welfare is also included in the new Annex I. Animal welfare continues to be a center for debate. There, however, the focus can be more on decision-making in important issues such as animal welfare during transport, the welfare of battery hens and the welfare of animals at the time of slaughter.

11. General foodstuffs are amongst the most regulated areas in the EU. So far all acts with certain exceptions, developed by DG III are included in the EEA Agreement, in Annex II, chapter XII, in a few cases with an adaptation text. This amounts to more than 200 acts, covering areas such as hygiene, food labelling, food additives, pesticide residues, dietetic food, organic food, novel foods etc.

12. The Joint FAO/WHO Codex Alimentarius Commission (Codex) was established in 1962 to protect the health of the consumer and to ensure fair practices in food trade. Codex has elaborated on a number of food standards, guidelines and recommendations. The standards and related texts of the Codex Alimentarius Commission are now recognized as

international points of reference to harmonize food standards world-wide. Likewise, international standards established by the International Office of Epizootics (OIE) and the International Plant Protection Convention (IPPC) have been recognized as providing references with regard to animal and plant life and health. Guidelines and standards established by Codex, OIE and IPPC are recognized as strong instruments to harmonize legislation and safeguard food standards in the framework of the WTO. All these international standards are taken into account when EU legislation is being developed or amended.

IV COMMISSION GREEN PAPER ON FOOD LAW

13. The Community has been very active in the field of food law. The first directive was adopted in 1962, and since then the volume of legislation has grown substantially. Due to piecemeal adoption of much of this legislation, the legislation tended to become contradictory and complicated. Two different types of legislation often led to confusion and lack of transparency.

14. The conclusion of the Uruguay Round and the Agreement on the Application of Sanitary and Phytosanitary Measures presented a major challenge to the regulation of the food sector. One of the main objectives of this Agreement is to protect human and animal health in all WTO Member countries. The Agreement was drawn up to ensure that member countries apply measures to protect human and animal health based on the assessment of risk, or in other words, based on science. The SPS Agreement incorporates, therefore, safety aspects of foods in trade.

15. The BSE crisis and other food-scares, which caused loss of consumer confidence in the safety of the food supply, led to the question as whether the legislation in force was sufficient to achieve an appropriate level of consumer safety and health protection.

16. The above aspects motivated the Commission to present the Green Paper on “The General Principles of Food Law in the European Union”, COM (97) 176. This paper has been under preparation for more than five years, but increasing consumer concern with regard to food safety, prompted the urgent need for the Commission to issue a policy paper on food law.

17. The objectives of the Green Paper are to consider whether existing legislation on food is meeting the needs and expectations of consumers, producers, manufacturers and traders. Furthermore, to evaluate the functioning of the official control and inspection systems, and to consider possible improvements. All interested parties, national administrations, producers, trade, and consumers were invited to comment on this paper in order to assist the Commission in further developing a Community food policy and to launch a public debate. Furthermore, the Commission arranged two conferences, one jointly with the European Parliament in order to inform all parties, to discuss the issues laid down in the policy paper and to receive comments on this. All with the intention of enabling the Commission to propose appropriate measures for the future.

18. The "Green Paper on Food Law" defines the basic goals of EU Food law in ensuring:
- High level of protection of public health, safety and the Consumer;
- Free movement of goods within the internal market;
- Legislation based on scientific evidence and risk assessment;
- The competitiveness of industry;
- Placing the primary responsibility for safe food on industry, producers and suppliers (internal control systems);
- Back up by effective official control and enforcement;
- That legislation is coherent, rational and user friendly.

V CONSUMER HEALTH AND FOOD SAFETY

19. Another document, a Communication from the European Commission, "Consumer Health and Food Safety", COM (97) 183, was adopted at the same time as the Green Paper. The objectives of the Communication on Consumer Health and Food Safety are:
- Reinforcement of the role of the Scientific Committees, providing advice on matters related to consumer safety;
- Reinforcement of risk analyses as the basis for legislation or other matters;
- New approach to inspections and control;
- Development of a true food policy for the protection of the consumer and consumer health based on the most recent and complete scientific evidence;
- Application of the precautionary principle;
- Control at all stages in the food chain, with clearly defined responsibilities;
- Correct consumer information.

20. The Communication defines the new approach by the Commission on consumer health and food safety. This implies restructuring some Commission Services, separating the responsibility for legislation from that of scientific consultation and inspection. Furthermore, a greater transparency and more information will be made available throughout the decision-making process. Other key words in the new policy are increased inspection, simplification, consumer protection, internal market and third-country relations.

21. The Communication on Consumer Health and Food Safety goes hand-in-hand with the Green Paper on Food Law laying down the foundations for a proper food policy in the European Union. The two papers constitute the basis for future food policy, food legislation, control and scientific advice, as a tool in safeguarding consumer health and food safety.

VI RESTRUCTURING OF THE COMMISSION SERVICES

22. High priority has been given to the work of separating scientific advice, inspection and control activities from the legislative functions and pressure groups. Simplification and transparency are the key words. Existing legislation must be coherent and transparent, simplified when possible, and new EU legislation shall not be introduced unless there is a need to do so in order to ensure consumer protection.

6.1 Control and Inspection

23. The Commission took steps to reinforce control and inspection activities, transferring them from the responsibility of DG III and DG VI which retain their role of legislative initiative, to the new consumer policy DG XXIV. A new office for food, veterinary and plant health control has been set up in Dublin. This office is responsible for on-the-spot inspections in the Member States as well as in third countries, and for control measures being enforced throughout the entire food production chain, and not only to the final product. Applying the precautionary principle is essential. The results of the inspections are to be made available for consumers, as the inspection reports issued by the Food and Veterinary Office will be available on Internet.

Relationship with the EEA

24. The EEA EFTA States will, through the EEA Agreement, be party to this establishment. A final benefit could be that the EEA EFTA States will have access to the Lists of Establishments having received seals of approval for the trade in animals and animal products, including fish.

6.2 Scientific Committees

25. The restructuring of the Scientific Committees took place in July 1997. A new Scientific Steering Committee was nominated to co-ordinate the activities of the specific scientific committees. Furthermore, eight new scientific committees replaced the previous six Committees operating in the field of food safety and consumer protection. All of these committees are now under the responsibility of DG XXIV, with tasks of providing the Commission with sound scientific advice. One of the primary tasks of DG XXIV will be to ensure an appropriate follow-up of the advice delivered by the Scientific Committees. It will transmit the scientific advice to the Directorates General in charge of legislation. The main criteria for the scientific committees' work are independence, excellence and transparency. Candidates can be nominated from within or outside the EU, based solely upon their scientific excellence and independence. The opinions of the Scientific Committees shall be released shortly after adoption and made available on Internet.

Relationship with the EEA

26. Two EFTA nationals were nominated to two scientific committees, the Scientific Committee on Cosmetic Products and Non-food Products and the Scientific Committee on Toxicity, Ecotoxicity and the Environment.

6.3 Risk Analyses

27. A Risk Assessment Unit was established under DG XXIV in connection with the Food and Veterinary Office in Dublin. This is to ensure that all elements of risk analyses related to consumer protection are being dealt with properly. Risk assessment is to be compulsory on all matters relating to consumer health. Risk management by the Commission is to include assessment and the desired level of protection. The information on risk assessment and risk management must be properly communicated.
Risk communication will, therefore, have to include information on the reasons and the scientific grounds for proposals, as well as the exchange of information with relevant parties at all stages. Consumer concern in relation to possible health risks will be taken into account during the process of risk analysis.

Relationship with the EEA

28. Risk analysis must be transparent, based upon science and applicable. This means that measures taken to reduce risks and measures of risk management must be easy to apply and control by the competent authorities. According to the SPS Agreement, the measures taken to reduce risks to protect human health and life should be acceptable. The competent authorities in each country can determine what is the appropriate level of sanitary protection. The sanitary measures, however, must be based on risk assessment; they must be non-discriminatory, not more trade-restrictive than necessary and be based on scientific evidence. The EEA EFTA States could benefit from the risk assessments carried out by the Risk Assessment Unit in connection with the Food and Veterinary Office under DG XXIV, and thus to comply with the SPS Agreement in the same way as the EU.

Precautionary Principle

29. The precautionary principle has been applied for some time in the field of risk assessment for the environment. It has recently also been introduced in the field of food safety. In this aspect, it could be useful to recall that talking about risk analysis and consumer safety, there is no such thing as “zero risk”. As information on the level of risk is essential for the consumer, competent authorities will be guided in their risk analysis by the precautionary principle in cases where the scientific basis is insufficient or some uncertainty exists.

30. Furthermore, the SPS Agreement also refers to the precautionary principle where it is stated in Article 5.7 that:” In cases where relevant scientific evidence is insufficient, a Member may provisionally adopt sanitary or phytosanitary measures on the basis of available pertinent information, including that from the relevant international organizations, as well as from sanitary and phytosanitary measures applied by other Members”.

6.4 Simplification

31. Two areas within the EU legislation are mentioned as candidates for simplification and better transparency - hygiene and labelling rules. Hygiene rules for food and food production has been developed by both the DG III and the DG VI. These provisions are

often overlapping, sometimes even conflicting. This is not very transparent and has created confusion for all instances including producers as well as legislative authorities and inspection services. The Commission has already taken steps to harmonize this legislation, the two DGs are consulting each other, Member States as well as the EEA EFTA States and will hopefully succeed in their efforts. This would be a major step forward towards improved public health measures.

6.4.1 Hygiene Rules

32. The Commission has launched a project on the simplification on food hygiene legislation. This implements sixteen Directives on Veterinary Hygiene and Health Rules and the General Directive on Hygiene of Foodstuffs. The intention is to merge the rules on general food hygiene with the specific public health rules for foodstuffs of animal and non-animal origin. Future legislation will include all conditions and measures to ensure the safety and suitability of foodstuffs. Furthermore, all stages including the primary production of foodstuffs, up to and including the offering for sale or supply of foodstuffs to the final consumer will be covered by the same legislation. New legislation will be based on a general application on Hazard Analysis Critical Control Points (HACCP) measures, extended to cover the entire production chain. This means that any operator in the food production chain must review his activities, identify the critical steps he needs to take to ensure food safety and ensure that these are properly assessed.

6.4.2 Labelling

33. Labelling is considered to be the main tool in Consumer information. The present system is however not sufficiently uniform and transparent. In addition to the general requirement in the horizontal legislation there are various specific or deviating provisions in the product specific legislation. The present labelling rules do not always provide the consumer with the necessary information. However, there must be a balance between ensuring accurate useful information and avoiding unnecessary details. The balance between mandatory and voluntary labelling requirements is another point to be considered. This issue is under constant review.

Relationship with the EEA

34. Through active participation in the different committees and working groups, the EEA EFTA States are involved and able to influence the preparatory work on new legislation. The close link between animal health and foodstuff issues and consumer safety is clearly demonstrated through the Simplification Project. Simplification of legislation is a high priority within the EU and a special project, the so-called SLIM Project, has been launched to deal with this issue.

VII CONCLUSIONS

35. Food safety has become a core element of the internal market and of the EEA. During the last couple of years, food scares and consumer concerns have initiated a new policy to safeguard food supply and put priority on consumer protection and health. The new policy within this field is to a great extent influenced by the conclusion of the Uruguay Round and the signing of the SPS Agreement to which all members of the World Trade Organization (WTO) are committed. Furthermore, the standards established by Codex Alimentarius, OIE and IPPC safeguard food in world trade. The importance of harmonized legislation, independent and more effective control and inspection systems along the complete food chain from "plough to plate" are evident in reaching the aim to protect consumer health and regain consumer's confidence. Close co-operation between EFTA and the EU is essential to fulfil the basic goals of the "Green Paper of Food Law" as well as the "Commission Communication on Consumer Health and Food Safety".

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RESOLUTION

on Food safety in the EEA

The Joint Parliamentary Committee of the European Economic Area:

A. noting that the EU legislation in foodstuffs is covered by the EEA Agreement,

B. emphasizing the importance of homogeneity in the European Economic Area,

C. emphasizing the importance of consumer protection and safe supply of foodstuffs,

D. referring to the SPS Agreement under the WTO framework,

E. noting the importance of the Commission Green Paper on Food Law and the Communication from the Commission on Consumer Health and Food Safety,

F. noting the importance of simplification and harmonisation of legislation and increased transparency for the good functioning of the internal market,

G. noting the restructuring of the Commission Services, strengthening of the inspection and control systems, and the separation of these functions from the legislative ones,

1. welcomes the new approach concerning food policy, with the aim to safeguard consumer health;

2. emphasizes the importance that legislation is coherent, rational and user friendly;

3. underlines the importance of correct consumer information;

4. underlines the necessity of effective official control and enforcement;

5. emphasizes the importance of application of the precautionary principle;

6. stresses the need to place the primary responsibility for safe food on industry, producers and suppliers;

7. welcomes the concept “from plough to plate”: an internal control system at all stages in the food chain with clearly defined responsibility;

8. is of the opinion that controls of third food imports must be strictly enforced and extended to include checks on the various production criteria such as hygiene, animal welfare and environmental compatibility and on imports of live animals for slaughter;

9. supports the reinforcement of the role of the Scientific Committees, providing advice on matters related to consumer safety;

10. urges strict regulation of animal feed stuffs and antibiotics at EEA level; this applies particularly to the quantitative declaration of ingredients;

11. calls for EEA EFTA States to be invited to participate in all relevant working parties, and stresses the importance of EFTA being associated with this work through the Commissions regulatory committees and working groups;

12. calls for practical political follow-up to the Commission's "Green Paper on Food Law" and the Commission's Communication on "Consumer Health and Food Safety", and underlines the need for the EEA EFTA States and the EU to co-operate closely on these issues in order to avoid the pursuit of differing policies;

13. reaffirms the over-riding need for a precautionary approach within the EEA to the assessment and evaluation of applications for the marketing of GMOs intended to enter the food chain and calls for the development of clear identification of genetically modified foods or ingredients in foods by consistent, comprehensive and informative labeling where they have been approved for use;

14. urges the parties to the EEA Agreement to make use of the most recent and complete scientific evidence to develop a true food policy for the protection of the consumer and consumer health, and strengthen consumer confidence;

15. stresses the importance of preserving the particular features of national or regional food production in a way that does not jeopardize the overall hygienic objectives.

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