Study on the evaluation of Regulation (EC) No 178/2002 ("the General Food Law Regulation")

Workshop with the Member State Expert Group on GFL

16 January 2015

Agra CEAS Consulting

fcec

(Food Chain Evaluation Consortium)
Workshop agenda

• Introduction to the GFL evaluation

• Case study 3: Risk analysis

• Case study 4: Transparency provisions

• Wrap up session (other case studies; Q&A on the study consultation process)
The FCEC study will feed into the Commission's "Fitness Check" of the GFL.

The Commission's Communication on Smart Regulation introduced Fitness Checks as comprehensive policy evaluations assessing whether the regulatory framework for an entire policy sector is fit for purpose.

Objective of a Fitness Check is to identify excessive regulatory burdens, overlaps, gaps, inconsistencies and/or obsolete measures, and the cumulative impact of legislation.

The GFL "Fitness Check" ultimately forms part of REFIT, which is the European Commission's Regulatory Fitness and Performance programme.
GFL evaluation: scope

- Regulation (EC) No 178/2002
  - Study period: 2002-2013
  - Geographical coverage: 28 EU MS; focus on some MS in thematic case studies
- Except for:
  - Chapter III: EFSA (regular evaluation: latest 2012)
  - Chapter IV: RASFF and crisis management procedures (separate evaluation: ongoing)*
- Ad hoc study on the impact of the current legal framework applicable to fraud along the agri-food chain on official controls and enforcement actions (ongoing)*

* These separate reviews are carried out within the timeframe of the GFL evaluation.
GFL evaluation: scope

General Food Law
Regulation (EC) No 178/2002

Food and feed safety
- General principles
  - Objective of Food law
  - Risk analysis principle
  - Precautionary principle
  - Consumer interests
  - Transparency
  - International agreements
- General safety obligations
  - General obligations
  - Responsibility along the supply chain
  - Control obligations
  - Imports/Exports
  - Traceability of food and feed

Management of Emergency Crisis
- Tools for crisis management and emergency measures
  - RAPID ALERT SYSTEM FOR FOOD AND FEED

Risk analysis
- Principles
  - Risk Assessment
  - Risk Management
  - Risk Communications
- EFSA*
  - Regular evaluation
  - *Out of the scope of the exercise

RASFF evaluation
EFSA evaluation

Introduction  Case study 1  Case study 2  Wrap up session
GFL evaluation: criteria

**Theme 1:** Relevance and EU added value

**Theme 2:** Effectiveness

*Protection of consumers' health and interests*

*Safety requirements*

*Distribution of responsibilities*

*Traceability*

*Imports/exports*

*Integrated food law*

*Implementation and enforcement*

**Theme 3:** Efficiency

**Theme 4:** Internal coherence (EU food law)

**Theme 5:** External coherence (MS interventions)

**Theme 6:** Complementarity (EU policies e.g. CAP)
Inception phase: exploratory interviews

• Exploratory interviews (15)
  – Stakeholders: BEUC, Eurocommerce, FDE, PFP, FEFAC, Copa Cogeca
  – Commission

• Food law expert advisory panel
  – Dr David Jukes (UK)
  – Dr Alberto Alemanno (IT)
  – Dr Bernd van der Meulen (NL)
  – Dr Mihalis Kritikos (EL)
  – Dr Martin Holle (DE)
# GFL evaluation: key milestones

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Main phase: overview of data collection tools

**Online survey of EU-28 MS CAs**
- + 1-day workshop with MS CAs

**Online survey of EU stakeholders**
- + 1-day workshop with stakeholders

**Case studies**
- 4 key areas of the GFL

**SME survey (EEN SME Panel)**

**In-depth interviews**
- COM services
- Key stakeholders/CAAs at EU level (+ at MS level for case studies)
- Key third countries

Data collection
Main phase: On-line surveys

Objective: to collect evidence (qualitative and quantitative) on the various issues which are relevant for the evaluation.

Two surveys of EU-wide and sector-wide coverage:

1. A survey targeted at Member State Competent Authorities in the EU-28.

2. A survey targeted at supply chain stakeholder organisations, including those representing consumers, farmers, processors and distribution sector (EU and national level organisations).
## Main phase: Case studies

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<th>Scope of GFL</th>
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<td>1 Traceability</td>
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<td>2 Distribution of responsibilities</td>
<td>Art. 17.1&lt;br&gt;Art. 14 and 15; Art. 19 to 21</td>
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<td>3 Risk analysis</td>
<td>Art. 6 and 7 as implemented by Ch. III/national authorities</td>
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<td>4 Transparency</td>
<td>Art. 9 and 10 (Section 2)</td>
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Case study 3: Risk analysis (Art. 6 and 7) (1/4)

Topics for discussion

• Situation before the GFL:
  – Was risk analysis applied as a principle? (Q1)
  – How? (Q2)

• Constraints and difficulties (Q3)

• Impacts of risk analysis (Q4)

• Sectors impacted the most (Q5)
Case study 3: Risk analysis (Art. 6 and 7) (2/4)

Topics for discussion

• Benefits of risk analysis (Q6)
• Sectors that have benefitted the most (Q7)
• Sectors that have not benefitted (Q8)
• Do benefits outweigh negative impacts? (Q9)
• EU added value (Q10)
• GFL contribution to identified benefits (Q11)
Case study 3: Risk analysis (Art. 6 and 7) (3/4)

Topics for discussion

- Separation between risk assessment and risk management (Q12)
- Differential MS interpretation (Q13/14)
- Need for national risk assessments (Q15)
- National risk management (Q16)
- Problems with Article 6 (Q17)
- Adequacy to achieving the objectives (Q18)
Topics for discussion

- Precautionary principle applied before the GFL? (Q19)
- Precautionary principle applied after the GFL? (Q20)
- Constraints and difficulties (Q21)
- Impacts of the precautionary principle (Q22)
- Sectors impacted the most (Q23)
- EU added value (Q24)
- GFL contribution to identified benefits (Q25)
- Differential MS interpretations (Q26)
- Adequacy to achieving the objectives (Q27)
Case study 4: Transparency (1/3)

Topics for discussion

• Situation before the GFL (Q1):
  – Article 9
  – Article 10

• Situation after the GFL (Q2)
• Constraints and difficulties (Q3)
• Impacts of transparency (Q4):
  – Article 9
  – Article 10

• Sectors impacted the most (Q5)
Case study 4: Transparency (2/3)

Topics for discussion

• Benefits of transparency principles (Q6):
  – Article 9
  – Article 10

• Sectors that have benefitted the most (Q7)
• Sectors that have not benefitted (Q8)
• Do benefits outweigh negative impacts? (Q9)
• EU added value (Q10)
• GFL contribution to identified benefits (Q11)
Topics for discussion

- Differential MS interpretation (Q12/13)
- Problems with Articles 9 and 10 (Q14)
- Adequacy to achieving the objectives (Q15)
Wrap-up session

• Discussion on the remaining case studies
  – Traceability
  – Distribution of responsibilities among food/feed business operators along the supply chain, and between operators and MS Competent Authorities

• Q&As on the overall consultation process for this study
Thank you for your attendance and contribution

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(Food Chain Evaluation Consortium)