

**FROM COMMODITY TO PUBLIC HEALTH CONCERN:
THE TRANSFORMATION OF FOOD POLICY
IN THE EUROPEAN UNION¹**

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EUSA Conference
Nashville TN
March 27-29, 2003

¹ This paper was produced as part of the HSFR funded project "How Is EU Policy Made?", directed by Professor Tom Burns and based at the Department of Sociology, Uppsala University. Excerpts from this paper appear in the article "EU Actors, Policy Parameters, and Institutional Arrangements: the Europeanization of Food Safety and Electricity Sectors" (2001, Special Policy Paper No. 83, Research Institute for European and North American Studies (RIEAS), Athens, Greece), co-authored with Tom Burns and Johan Nylander. Thanks to Tom Burns and Johan Nylander for their feedback and support.

ABSTRACT

This paper takes up a significant development in EU policymaking in the area of public health and consumer protection – the transformation of EU food policy in its priority orientation from market to public health and consumer safety, and the underlying process of paradigm shift to institutional shift in food policy sector. The evolution of EU food policy is outlined with an emphasis on the key policy developments of the past five years. Case studies of issues and related events that represent key turning points – the food crises triggered by “mad cow disease” (BSE) and dioxin-contaminated Belgian poultry – are highlighted in their contribution to these policy shifts and incorporated into the analysis. The theoretical concepts of policy paradigms and underlying mechanisms of paradigm shifts contributing to system shifts are also further developed.

PREFACE

Efforts to achieve European integration have been fueled with dreams of peace, conquest, stability, larger markets, and a better life for the continent's inhabitants for nearly 400 years (Nicoll and Salmon, 1993). But it was not until the emergence of the European Union (EU) over the past half century that any substantial development of such dreams was realized by peaceful means. The supranational governance embodied in the various elements of the EU institutional apparatus has fostered the 'harmonization' of many European legal and regulatory structures. However, progress has not been even on all fronts. Economic and market-oriented goals in particular, have generally held center stage. Kohler-Koch (1987:49) points this out quite explicitly, observing that the "basic philosophy of the treaties remains dominant: welfare will be provided by the economic growth accruing from the economics of a common market and not from the regulatory and distributive capacity of governments". Consequently, movement toward reducing the divisions symbolized by national boundaries and developing and strengthening Europe-wide standards – often referred to as harmonization – has been far greater in economic than in social policy (Beck, et al., 1998; Sutton, 1999).

There are good reasons for this, of course. The European Union (EU) is a complex set of policymaking institutions (Nylander, 2000; Kohler-Koch, 1997). Like any large, multi-component organization, it contains many cross-currents in the form of competing cultures and multiple social rule complexes (Burns and Flam, 1997). These currents emerge from endogenous factors such as philosophical and ideological differences, from competing interests and internal struggles for dominance – and from struggles over how to first define, then address, a variety of social problems. They are also influenced by exogenous factors – the continuing internationalization of an increasingly broad array of activities (chief among them commercial and financial), the increasingly complex character of many public policy issues, and efforts to retain or relocate particular arenas of policymaking at either the national or supranational level. The emergence of crises for which we are quite unprepared only serves to amplify these factors. Whatever their source(s), the particular ways in which these currents reinforce, coexist, or conflict with one another structure an environment which has an enormous influence on policy development. Additional complexity is contributed by the fact that the EU is itself an emerging institution – or collection of institutions. As such, the institutional structures themselves are the subject of much policymaking attention and maneuvering. Taken together, these factors add up to a grand struggle, albeit a peaceful one, for power to influence the future of a continent.

In many ways, this grand struggle can be seen as the rivalry between competing societal interests. These interests are guided by numerous variations of two distinctly different, seemingly incommensurable conceptions of how public policy should be constructed and to what it should be addressed. One paradigm is principally economic and "free" market-oriented. It emphasizes the wealth producing capacity of minimally regulated markets, and tends to give the individual, and even collective entrepreneur, priority over collectively-defined interests, including public regulation. Economic activity is seen as the principal activity through which other pressing human needs can be met. The other paradigm emphasizes more broadly-defined human needs, with economic activity only one sphere of many. This socially oriented paradigm gives first priority to more collectively-defined social goals including non-economic needs, and views the effective

regulation of markets toward serving those needs as an essential step – both to assure the fair distribution of societal resources and to maximize the general welfare. The term “social market”, sometimes used to characterize this policy paradigm, offers a hint of its particular set of priorities and core principals. These distinct public policy paradigms – broadly speaking, market versus social – differ most in their emphasis on different problems and the public policy questions they define: in their emphasis on individual versus collective responsibility for general welfare, the production versus redistribution of wealth, and in the ways in which they seek to channel entrepreneurial energy in the promotion of self-interest versus societal interest. **In practice, both approaches seek a balance between competing principles; what differs most is which principles are given priority in the development of public policy.**

This paper represents an effort to better understand an important new manifestation of this competition between “free market” and “social market” paradigms – the powerful emergence of the “social dimension” in EU policymaking. Until quite recently, free market-inspired ideas about how public policy should be designed have been seen as more legitimate and influential, overshadowing ideas of a “social Europe” (Beck, et al., 1999). There appear, however, to be quite substantial changes underway – and across a variety of EU policy sectors. This paper takes up this transformation as it appears to be taking place in one particular policy sector – EU food policy. Similar patterns of change appear to be playing out in other sectors as well.

I. INTRODUCTION

EUROPEAN UNION POLICYMAKING: EMERGING HEALTH DIMENSIONS

Among the more dramatic and decisive changes that appear to be underway in EU policymaking is a shift of emphasis and priority in EU food policy from the commodity and market aspects of food to the public health and consumer aspects. This shift of emphases is a reflection of significant changes in the way in which food policy is understood and conceptualized. This in turn influences which types of food-related problems are considered to be appropriate and important for EU-level policymaking. At the same time, changing emphases are being institutionalized in a variety of different ways within European Union institutions: reordered priorities, organizational restructuring, and the writing of new rules-of-the-game at the European level.

In the early development of the EU, food policy issues were seen as largely agricultural in nature. Initial EU food policy was guided by two pressing problems: the need for a level of European food production sufficient to feed Europe, and the need for farming to be economically viable. Accordingly, an agricultural policy – with considerable resources attached – was developed and deployed around these principles. These initial problems were gradually addressed, then replaced by new ones – in particular, the need for new markets and the desire in many quarters for lower commodity prices. This new focus fit quite well with the broader push for the single market, and resulted in the European policymaking apparatus being brought to bear upon the various obstacles to open trade in agricultural products and foodstuffs within Europe. More recently, especially after the achievement of the single market in the early 1990s, another new set of problems emerged. This time, they were manifested in the form of a series of food-related crises that have once again shifted attention to reshape the way in which the EU's responsibility for food policy is understood and conceptualized. Food safety, public health, and consumer choice are the issues to which the newly emerging food policy are being addressed – and around which new institutional structures are being organized.

PURPOSE

My principal goal in this paper is to describe and explain the emergence of the food-related aspects of an especially important policy dimension and institutional competence in the European Union – that of public health. There are theoretical aims as well: to systematically conceptualize the notion of public policy paradigms, their related discourses, the mechanisms by which a new paradigm emerges and is institutionalized, and the character and consequences of competing policy paradigms defining social reality and ways of dealing with it. Recent developments in EU food policy provide some quite revealing case examples for this effort. Accordingly, the paper is addressed to several related questions: What are the specific changes taking place in the food policy of the EU? How have the ways of conceptualizing food policy issues in the EU changed in recent years, and how and to what extent has institutional evolution reflected these changes? How, and for what concrete reasons, has a public health / consumer orientation emerged to compete with market-inspired ideals to guide the food policy of the EU? Finally, what do such tendencies suggest for future EU policymaking regarding the social dimension?

At an empirical level, the paper traces the major policy developments in EU food policy. This includes discussion of the broad evolution of EU food policy, and description of the more specific responses to two food safety crises: those triggered by

so-called mad cow disease and by dioxin-contaminated poultry. These developments are traced for the most part through official EU documents, through news accounts, organizational publications, and through interviews with actors in Brussels.

The primary focus of attention is both policy evolution and related events during the five-year period from 1995 to the present – a period for which the phrase “from market focus to consumer focus” might accurately be used to characterize policy development. Nevertheless, background information, including the discussion of the Common Agricultural Policy, is included to provide context and suggest certain patterns of development – and because earlier policies clearly contributed to present conditions. This includes the particular problems that have emerged or been identified over the 1995-2000 time period, the institutional apparatus that is available for organizing a response to such issues, and the societal context – the values, expectations, and demands that shape the environment in which such action takes place.

On a theoretical level, the paper is an effort to further expand on a notion of social change that analytically separates the ways in which goals, problems, and actions are systematically understood and conceptualized on the one hand, and the way in which these conceptualizations are institutionalized in the form of collective rule systems and organizational structure on the other. These can be broadly categorized as cultural structure and institutional structure, respectively. While social actors are profoundly influenced by both, it is in distinctly different ways that this occurs. This theoretical strategy represents a crossing of the conceptual orientation of the sociology of culture with the organizational insights emerging from the “new” institutionalism. This is taken up in greater detail below, and is also reflected in the analysis

Of course, neither the empirical nor the theoretical issues being taken up here can be as clear without at least a brief discussion of the European context in which they are taking place. The admittedly but necessarily brief overview that follows provides at least some general sense of the institutional context in which the political authority to legislate food policy at the European level has developed.

BACKGROUND: THE EMERGENCE OF A EUROPEAN ARENA IN PUBLIC POLICY

In the still-settling dust of World War II, European leaders participating in the May, 1948 Congress of Europe called for the establishment of a democratic structure for cooperation and integration in the form of a European parliament. However, subsequent inter-governmental negotiations instead followed a negotiative approach that was protective of national sovereignty – ceding it only in clearly defined areas (Nicoll and Salmon, 1994). This path placed member state-appointed national representatives in the dominant position that they still enjoy today. The European Parliament, popularly elected only since 1979, continues to play a subsidiary role, although the developments of the past decade have dramatically increased the importance of their role.

The present effort to peacefully unify Europe began with trade in the strategic commodities of coal and steel, but has steadily expanded beyond that. The path taken might be described as a convergence of distinct currents, or enabling conditions. One of these has been the existence of policy areas suitable for possible European-level collaboration for which there was pressure and support generated by an agreed upon and compelling need – a problem or set of problems – and a sufficiently influential

combination of interests or constituencies to support it. A second condition has been that such "problems" or goals be in a policy area in which the individual nations involved, for some compelling reason(s), perceived benefits in ceding some of their power and sovereignty to a supranational authority – or were in some way leveraged into doing so. Each of these conditions has been central to its own influential approach to EU analysis. The first, the neo-functionalism pioneered by Ernst Haas (see Stone Sweet and Sandholtz, 1998), argued that the transfer of political authority from member states to the EU level is driven by functional needs generated by increased transnational activity. The second, intergovernmentalism (see Moravcsik, 1998), argues that the process is driven by the interests and preferences of member states. However, neither of these two approaches sufficiently account for the role played by non-state actors on the European stage, including entrepreneurs within EU institutions, and the ideas that guide them.

This evolutionary process was also helped over a threshold that had previously represented an insurmountable barrier to European "integration" by a combination of circumstantial factors. The horrors of recent war, the need to rebuild much of the continent's physical, social, and political infrastructure, and the offer of enormous sums of money for reconstruction from the U.S. via the Marshall plan (in exchange for formally cooperating) provided additional impetus for the project (Nicoll and Salmon, 1994).

One notable aspect of this evolution is the constant emergence of new problems to be solved, and the recognition that certain other already existing problems and issues could be better, or more safely addressed at the supranational level. Thus, the European Steel & Coal Community, established largely to remove the raw materials needed to wage any future war from the control of individual governments (Nicoll and Salmon, 1994), set the stage for the creation of a Customs Union, then the European Single Market, in which many trade barriers were dismantled. Increased trade highlighted other previously unnoticed hindrances and created new ones. Differing or incompatible standards for products and services, and currency fluctuations made became the focus of new organized interests, which pressed for the consistency and stability that would keep open new opportunities for them. The harmonization of policy necessary to meet those needs could only be accomplished by a supranational institution. More recently, the increasing movement of products, services, capital and people across national borders has called for more attention to questions of public health, product safety, and occupational health and safety, and the EU legal mandate (often referred to as competence) was accordingly expanded. Pressures on social welfare systems, caused in part by the harmonization of national trade and economic regulation, now seem to be strengthening calls for concerted action on social questions at a European level. The response to these pressures and changes is in evidence in several sections of the most recent treaty to take effect, the Amsterdam Treaty.

There is at least one notable difference between the sequence of treaties that have formed both the roadmap and the paper trail of EU institutional development, and many other international treaties. Rather than providing primarily an enumeration of rules for interaction and cooperation between nations, they have provided a framework for the making of new rules by a supra-national authority (Moussis, 1994). In this respect, the treaties have in practice served as a sort of constitutional framework, providing a legal structure around which to build concerted action, rather than legally defined boxes

within which to house it. This framework for European integration has gone through several successive modifications/expansions, with each major step establishing the possibility – and sometimes the need, for the next set of steps. Thus, in ways both intended and unintended, expected and unimagined, the process of integration has progressed. The Paris Treaty (European coal and Steel community), signed in 1951, and the Treaty of Rome (European Economic Community) effective in January 1, 1958, were merged and replaced by the Single European Act on July 1, 1987. The Maastricht Treaty (Treaty on European Union) signed in February 1992 marked the next significant step in the expansion of scope and authority of the EU, and was itself subsequently updated by the Treaty of Amsterdam (European Communities), which took effect in May of 1999. Each of these treaties included a major consolidation or reorganization of EU institutions and expanded EU legal authority to intervene in or regulate new policy areas. The treaties listed represent the major milestones, although many smaller, but still significant agreements were also concluded during this time period. During this period, the decision making apparatus established by the treaties turned out policy in the form of regulations, directives, decisions, and recommendations and opinions. These range in power and authority from the supranational law embodied in regulations, binding on all member states, to non-binding recommendations of conduct or opinions regarding particular issues or situations (Moussis, 1994).

INSTITUTIONALIZATION OF THE NEW SOCIAL DIMENSION

Authority to take action in the area of public health has been at least partially institutionalized in the language of the EU Treaties. The new competencies have come, however, with clear limits; they are typically subordinate to the goals of the single market and the sovereignty of member states. Article 129 of the Maastricht Treaty (1993) first formalized EU competency in the area of public health, requiring that public health *be considered* in EU policymaking. This mandate was reinforced and expanded in the Amsterdam Treaty (1999) to state that “a high level of human health *shall be ensured* in the definition and implementation of all Community policies and activities”, and that community action should include “improving public health, preventing human illness and diseases, and obviating sources of danger to human health” (Article 152, Paragraph 1, Amsterdam Treaty, 1999, emphasis added). The Council must act unanimously, however, to approve new regulations that are based on these principles. In contrast, Article 14 of the Amsterdam Treaty reduces the requirement for unanimity to qualified majority voting (also known as QMV, typically a 2/3 vote) for the adoption of “measures with the aim of progressively establishing the internal market...”. There are, however, small openings in the treaties that have been exploited by framing actions to protect public health and consumer safety in terms of protecting the internal market. These have become enormously important, as we shall soon see.

In a similar vein, Article 153 establishes competence for the Community to “ensure a high level of consumer protection” by protecting the health, safety, and economic interests of consumers...”. This language is comparable to that found in Article 152, but although there is no separate authorization for issuing directives to accomplish these goals, the issuance of directives is specifically authorized *if done in the context of regulations also furthering the goal of the single market* (Amsterdam Treaty, 1999, Articles 14, 95 and 153, emphasis added). In contrast, directives aimed at fulfilling EU public health policy via the direct harmonization of national health service policies have been explicitly off limits, even while many directives that affect public health have been issued, of course, in the establishment of the single market. Directives are permissible in

the consumer protection arena – if framed in the context of promoting movement toward the single market.

The various Treaty Articles mentioned above suggest not only several competing policy areas with their respective rule systems, but also a set of explicit rules and priorities for managing the conflicts that occur between these differing rule systems. The evolving treaty language illustrates some of the ongoing and evolving tensions between conflicting public policy paradigms within the EU. These tensions are particularly well illustrated in the policy sectors dealing with food. These developments suggest a general European trajectory and an evolving legal framework that form part of the context within which food policy has developed.

II. THEORETICAL AND METHODOLOGICAL ORIENTATION

One of the classical analytical distinctions in sociology is that between actor and structure (Sztompka, 1993). A second important distinction – one that is especially important in this analysis – separates conceptual structure, broadly defined as culture, from organizational structure, particularly in its more enduring, institutionalized forms. An emphasis on one or the other of these has been reflected in a number of influential schools of thought within sociology. In their contribution to understanding the ways in which culture influences action, the symbolic interactionist (Blumer, 1969) and social constructionist (Berger & Luckmann, 1969) schools, and more recently, the realist school (Sayer, 1992; Archer, 1996; Danermark, et al., 1997)², have been quite important. The “new” institutionalism – with one important branch emphasizing historical/cultural context (DiMaggio & Powell, 1991), and another process-oriented conceptualization (Burns & Flam, 1987, see also Sztompka, 1993) – has made a quite significant contribution to understanding the interplay of culture, institutional arrangements and social action. The dichotomization of these different approaches in this way should not be seen as suggesting that any of these particular approaches represents an either/or distinction, focusing exclusively on either culture or institutional structure; it is rather the dominant aspect of their respective conceptual frameworks. The theoretical orientation of this paper is grounded in the “new” institutionalism (Burns & Flam, 1987), while at the same time, seeking to give equal footing to key insights related to the role of culture.

Culture has, for example, been long recognized as an important element in organizational analysis (DiMaggio and Powell, 1991; Perrow, 1972), just as conceptual models (in the form of ideology, belief systems, or policy paradigms) that are embedded in culture are understood to powerfully influence actor preferences and public policy choices (Burns and Carson, 2002; Carson, 2001; Dryzek, 1996; Hall, 1993; Sabatier, 1993; Tilton, 1990; North, 1980). Accordingly, no institution can operate without one or more cognitive models, which can be identified in supportive discourses (Dryzek, 1996:104). Similarly, researchers working in the area of new social movements have long recognized the importance of cultural/cognitive factors including values (Ingelhart, 1990), belief systems and ideologies (Keck & Sikkink, 2001; Dalton, Kurchler, & Bürklin, 1990; Thompson, 1990) identity and experience (Craib, 1998), and knowledge and claims making activity (Potter, 1997; Innes, 1994; Fraser, 1989). However, the persistent problem of analyzing the influence of “cultural factors” is that their

² The ongoing battle between the social constructionist and critical realist schools is worth noting. However, they have little if any bearing on the theoretical discussions in this paper.

manifestations are difficult to specify, to measure, and to systematically link to other factors.

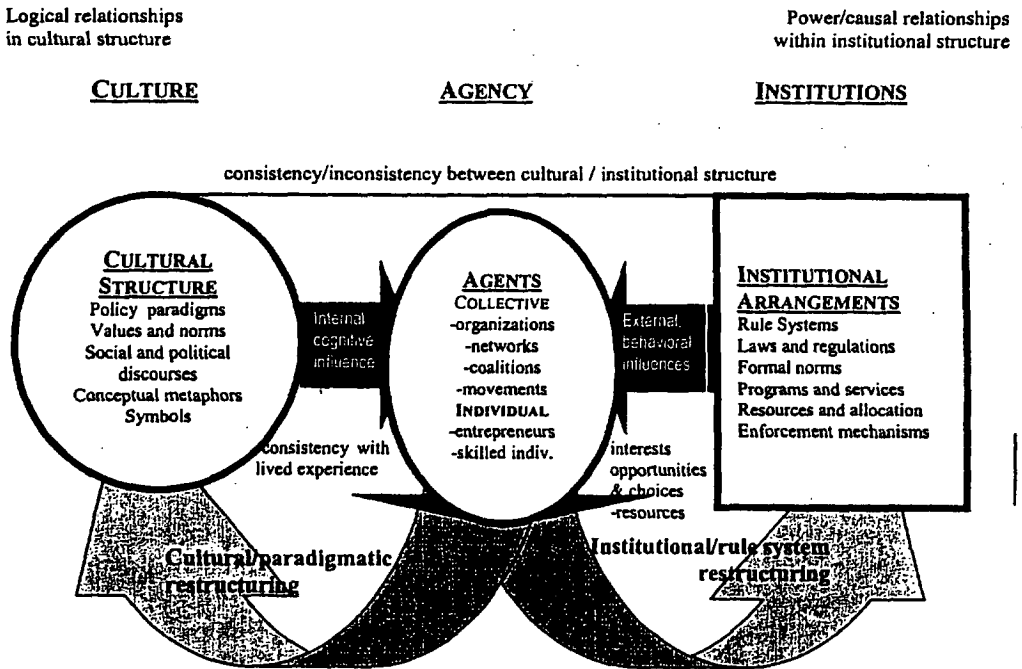
While the actor-structure dichotomy is long-standing and well established in the social sciences (Sztompka, 1993), the distinctions between conceptual structure (or culture) and institutional structure are less well developed and represent a significant gap (Lane & Ersson, 2002; Thompson, 1992; Hall, 1992; Archer, 1986). This is in part a function of the ambiguity of the concept of culture as an analytical tool (Land and Ersson, 2002). It has also been influenced by strong arguments for a particularistic analysis of culture that precludes systematic generalization (Geertz, 1973). In other words, culture is critical, but it presents us with no ready-made concrete analytical framework with which to organize the important details of its constituent parts.

This problem has been tackled from several directions. One approach has been to use institutional arrangements as the skeleton upon which to hang important cultural elements. In this approach, rule systems theory (Burns & Flam, 1987), normative beliefs that have been formalized as rules are brought into focus, so too are the cognitive/conceptual tensions created by competing rule systems and inconsistencies between belief systems and formal rules. Similarly, there has long been an awareness of "organizational culture" as a phenomenon distinct from "organizational structure" (Perrow, 1972). Another fruitful approach, also within the "new" institutionalism, uses the historical timeline as the structuring element, identifying "historical preconditions" or tracing cultural changes as changes in values or normative beliefs over time (Steinmo, et al., 1992; Hall, 1992; Inglehart, 1990a, 1990b; North, 1980). In the welfare state literature, this strategy is used to trace the conditions that have contributed to the evolution of the current welfare state arrangements (Korpi, 1994; Esping-Andersen, 1992; Molin, 1992, others). A strength of this approach is that provides a great deal of rich detail; its weakness is that it sometimes borders on path dependency and determinism, explaining historical preconditions with earlier preconditions.

Such approaches to incorporating culture have been criticized by Margaret Archer (1996) however; she argues for an analytical separation of culture and structure based on the distinctly different underlying social mechanisms of the two. Building on this and other similar insights (see Berger & Pullberg, 1966), cultural structure and institutional structure are treated here as analytically distinct entities of comparable importance. Archer's call somewhat echoes Douglass North's (1980) earlier observation of the importance of belief systems (North discussed this in terms of ideology) in explaining individual and group preferences and action that cannot be accounted for by models emphasizing self-interest and rational choices. North pointed out that beliefs are shaped and influenced not only by institutional arrangements, but also by lived experience, and called for a more developed theory of ideology. The concept of ideology, however, continues to be tainted by its historical baggage (Thompson, 1990; Gertz, 1974). What these various approaches have in common is an attempt to organize the key policy-relevant aspects of culture in terms of some form of cognitive model, whether in the form of belief system (Gelb, 1989; Sabatier, 1993), ideology (Thompson, 1990; Cormack, 1992; Tilton, 1990; Taylor-Gooby, others), or paradigm (Burns & Carson, 2002; Carson, 2001; Carson, 2000; Hall, 1993, 1992; see also, Kuhn, 1970).

The concept of public policy paradigm proves particularly useful in this context as a structuring concept. The paradigm (as a meso-level concept) serves as the point of departure for analyzing the interrelationships between a complex of cultural factors, actors, and institutional structure. These relationships are roughly represented in Figure 1 below. The theoretical framework used for this analysis can be succinctly characterized at the macro level as the ongoing interplay between cultural structure and institutional structure in shaping and influencing actor choices and patterns of interaction. This includes the reciprocal effects of actors' choices of some objects of attention over others, of some courses of action over others, and to exploit certain events and opportunities in order to pursue their particular material and cultural interests. The concept of paradigm is the preferred alternative in this instance because of its emphasis on change via contradiction and incommensurability, and because of the way in which it entails specific conceptual elements and problem-solving notions. This includes the emergence of anomalies that an existing institutionalized paradigm has difficulty explaining and coping with – and that may in fact be a byproduct of actions guided by that paradigm. Accordingly, the notion of public policy paradigm is taken up in some detail.

FIGURE 1. CULTURAL STRUCTURE ↔ AGENCY ↔ INSTITUTIONAL STRUCTURE DYNAMICS: DIFFERING CAUSAL MECHANISMS



Source: Carson, 2000a.

PUBLIC POLICY PARADIGMS: STRUCTURING REALITY

The notion of paradigm is an important cognitive-normative concept that permits the analysis of distinctly different, and sometimes incommensurable, ways of conceptualizing key areas of social life. While the concept has long been broadly

applied to institutions such as science (Kuhn, 1970), it has more recently been taken up as an analytical tool for investigating the influence of ideas upon change processes in specific, defined areas of public policy. Hall (1992), for example, argues that policymaking processes are structured not only by institutions but also by organized sets of ideas (see also, Carson, 2001; Carson and Burns, 2001; Hall, c.f. Dudley & Richardson, 1999:226). Hall (1992) outlines a concept of policy paradigm shift generated by policy failures and anomalies leading to broader, partisan policy debate. In a variation on this theme, Coleman, et. al. (1997) outline an alternative path to paradigm change that is more corporatist in nature. These recent works suggest that there is a great deal more to be mined from the concept of paradigm, in particular in the relationship between its topography and the mechanisms by which paradigm change takes place.

As it has been defined here, the “public policy paradigm” should be clearly distinguished from Thomas Kuhn’s (1970) classic work in that tends to be much more narrowly focused in specific arenas of public policy. A second, and perhaps more critical distinction should also be made. Kuhn made no clear distinction between the scientific paradigm and the institutional arrangements through which it is realized. This distinction is particularly important in this instance because in Kuhn’s model, one can identify a paradigm shift only in retrospect – and only after the system shift – its institutionalized embodiment – has taken form. Making this analytical distinction enables one to identify a replacement of paradigms separately from a replacement of institutional arrangements consistent with the new paradigm (a system shift). In such a model, a paradigm shift does not necessarily become formalized in new institutional arrangements, though this is important to the continued viability of the paradigm.

The public policy paradigm contains a generally coherent complex of ideas, beliefs, and assumptions. It is expressed and communicated through discourses – both descriptive narratives and conceptual metaphors – and through social action. These discourses and actions define social problems and related solution complexes, and suggest the assignment of authority and responsibility in a potential policy area (Carson, 2001; Sutton, 1998). A particular paradigm represents a framework through which the world is viewed, and which necessarily focuses attention on certain phenomena while obscuring others. In this respect, it is quite similar to the notion of “master frame” used in the social movements literature (Gerhards & Rucht, 1992:575; Diani, 1996; Steinberg, 1998; Nylander, 2000), or that of “meta narrative”, within which individual issues or policy questions can be contextualized and “framed” (Gottweis, 1998:30-33). The concept of paradigm is the preferable alternative in this instance because of its emphasis on contradiction and incommensurability, because of the way in which it entails specific conceptual elements and problem-solving notions. This includes the emergence of anomalies that a currently-dominant paradigm has difficulty explaining and coping with – and that may in fact be a byproduct of actions guided by that paradigm.

Public policy paradigms are used to structure, represent, describe, and analyze, as well as to guide action and regulation.³ Each paradigm is grounded in a particular set of fundamental assumptions and beliefs that a group of actors shares about reality; it serves as the foundation for organizing their perceptions, communication, and action. A paradigm forms the deep structure – the most basic framework that determines which

³ A public paradigm must be simplified for purposes of communication. At the same time it has definitional power, that is the power to define, interpret, and prescribe action for dealing with, reality.

phenomena are included in the picture – and which are not (Berger and Luckmann, 1969; Kuhn, 1970; Lakoff and Johnson, 1980). They assign value to certain actions and conditions, while discouraging or even prohibiting others. Since they are collectively produced and shared, they are usually changed with reluctance – collective identities and interests are often closely associated with them. However, hybrids are not uncommon, for instance, the notion in the EU (and elsewhere⁴) of combining market and welfare under rubric such as “social market” or “welfare capitalism.” While this hybridization may contribute to considerable confusion among actors about the differences between paradigms, the same incommensurable core principles that define the major paradigms also serve to distinguish these hybrids.

The EU represents a distinct cultural and institutional environment which influences and defines the ways in which actors employ strategies and resources – and which is in its own turn influenced by those actions. Much of the day-to-day work of actors in a given institutional arrangement has the effect of cementing and solidifying that environment in a sense similar to that which Kuhn (1970) characterized “normal” science. But the rapidly evolving character of the EU also means that certain entrepreneurial actors creatively press limits and challenge what has been normal. These actors, often engaged in activities that can be considered to be lobbying, initiate and foster processes of change and give them direction. There are of course, processes of change and solidifying constantly taking place in any social system, but the EU is both culturally and institutionally extremely fluid.

With any paradigm, certain developments (what Kuhn referred to as anomalies) inevitably emerge that can neither be adequately explained nor dealt with within the framework provided by the paradigm. Such developments may be explained away or simply ignored. However, if their effects are sufficiently powerful, or if they attract a sufficiently influential constituency of actors, these anomalies may lead to either adaptation of the existing paradigm – or to its replacement by a competing paradigm. The process of paradigm shift in EU food policy includes both the political struggle and confrontation described by Hall (1993), as well as the more negotiated, evolutionary change characterized by Coleman, et. al. (1997). Paradigm shift or replacement is not the entire story – it tends to be led and followed by changes in actors’ behavior and choices, and is realized over time in institutional-structural changes. A paradigm whose central principles are not sufficiently institutionalized will be short-lived. Correspondingly, a public policy paradigm whose core principles, values, and normative practices are deeply embedded in institutional structure will be accordingly durable and resilient. Inconsistencies between public policy paradigms and institutional structure produce tensions and conflicts. Such inconsistencies can be conceptualized as a form of cultural/institutional dissonance, a sociological version of the cognitive dissonance experienced by individuals and described by Leon Festinger’s theory (see Aronson, 1976:85-139; see also Machado, 1998; Machado & Burns, 1998)

Policymaking processes in the EU can be systematically analyzed and characterized using these concepts of reality-describing and defining paradigms and their discourses, such as the competing ones of welfare and market. Their respective characteristics can then be compared, revealing the various conflicting and reinforcing currents and shifts over time.

⁴ See Kemeny (1997) for a discussion of the German “ordo-liberals” and social market philosophy, and their influence on Swedish rental housing policy.

METHOD: PUBLIC POLICY PARADIGMS AND DISCOURSES

Particular discourses can be studied as expressions or reflections of one or more paradigms through which actors perceive the world – a means of organizing, understanding, and interpreting actors' experience. But while discourse analysis has its limits (there are many ways to demonstrate that "talk is cheap") for a variety of reasons, discourses, including metaphors and descriptive narratives, offer evidence with which to identify deeper social structures and mechanisms (Danermark, et. al., 1998; Sayer, 1992; Lakoff and Johnson, 1980) such as paradigms. This is true both at the individual – and the institutional/organizational levels. Thus, the proverbial description of a glass as half full rather than half empty says as much about context and the orientation of the observer as it does about the glass and its contents. It may indicate whether the current status represents improvement or deterioration over the status of a moment ago, and also suggests the parameters of acceptable behavior with respect to the object – for example, whether the contents of the glass can be consumed or should be saved. In the case of institutions, such observer orientations, if persistent, may become the institutional norms and rules. They may function informally, as a reality-defining component of institutional discourse, or may be formalized and codified into formal rules, policies, and laws. These formulations, like rule systems, intersect and conflict with – or reinforce each other – to create part of the environment within which policymaking takes place. These also tend to reinforce or undermine the various underlying assumptions and values that form the foundations of a paradigm.

Discourses, serving as a means of describing, interpreting, and planning reality may be organizationally inspired and highly organized, directed and purposeful. Advertising or political campaigns, or "opinion building" campaigns are the most familiar examples. The very public lobbying battle between the biotechnology industry and environmental and consumer organizations such as GreenPeace over EU legislation permitting the patenting of biological material is a case in point (Nylander, 2000:121-136). The battle was very much fought over whether the issue should be considered as a "technical issue" within the context of the single market, or an "ethical and social issue" with much broader consequences. The proposal's temporary rejection by the EU Parliament – as a result of the mobilization of opposition by GreenPeace and others – is an example of the potential effect of such purposeful discursive action. However, the earlier effort by the biotechnology industry to define the issue as technical, complex, and of no interest to the general public, was quite effective in its own right, even though it was accomplished quite behind the scenes. The issue very nearly escaped any significant public attention as a result.

KEY COMPONENTS OF DISCOURSE

Both "market" and "social" paradigms may be expressed in EU discourses concerning "public problems", distribution of "expert authority", distribution of "policy authority and responsibility", and "appropriate solutions". The discourses refer to laws and written rules and other materials that define the location and other particulars of formal rule making authority, and set(s) of institutional practices or strategies for dealing with specific types of problems. The EU and its component institutional structures include a range of institutional practices and strategies for addressing issues considered to be problems, and use a system of rules that establish formal authority for how and where to address various types of problems.

With respect to the EU, this manifests itself in a number of ways. For example, during the evolution of the EU, some categorizations of issues/problems fell within the competence of the EU (market related issues), while others fell outside (more typically, social welfare related issues such as health policy). If the cause or effect of a problem falls outside of EU competence, it tends to be invisible to its policymaking structure. New areas of competence emerge, in part, where market integration or development results in social problems, as in the case of health in relation to alcohol and food. Where EU policy or institutions such as the single market might be (or might be seen as) the source of these new problems, the incentives to action are likely to be particularly strong.

The approach employed in this paper analyzes the ways in which public policy discourses frame and articulate reality (see, for example, Spector and Kitsuse, 1987; Hardy and Phillips, 1999; Kemeny, 1999). Both social welfare and market oriented discourses can be analyzed for the categories or complexes of definitions they contain (Carson, 1999; Sutton, 1998): (1) defining an issue/problem and its characteristics (issue/problem complexes), (2) the location and types of sources considered to be valid authorities on the issue – therefore having legitimate information and/or facts to offer (distribution of expert authority), (3) the authorities that have formal or informal responsibility for addressing and/or resolving the issue/problem (distribution of policy responsibility and authority); and (4) the form and range of acceptable solutions (solution complexes). These complexes, in turn, can be placed within one or more public policy paradigms.

PROBLEM/ISSUE COMPLEXES:

Discourses that define an issue or problem by defining and framing the nature, causes, or consequences of a problem fall within this category. Characterizations of who is affected and how, and the broad categorizations of an issue/problem as social, economic, political, etc., are a part of such definitions, as is the particular way in which a problem is dispersed, or subdivided into segments so as to make it more (or less) easy (apparently) to grasp and manage. Put in other words, these include: *causal narratives* – or narratives and statements that contain either implicit or explicit assumptions about the sources or causes of public issues and problems; *narratives of threat* – which help define the nature of a problem, describe who is affected and the likely consequences if it is not “solved”, and classify the problem as social, economic, moral, etc.; *dispersion of the problem* – or the way in which the problem or issue is subdivided into more manageable pieces (Sutton, 1998).

DISTRIBUTION OF EXPERT AUTHORITY

Who (or which) are the legitimate sources and authorities for information, facts and analysis regarding the problem? This includes the determination of who has the authority to produce information about an issue that is already the subject of discussion. Equally important, it also defines who has the legitimacy to define a particular problem into – or out of existence – or to redefine an issue or problem into another existence.

DISTRIBUTION OF POLICY MAKING AUTHORITY AND RESPONSIBILITY

Who are the legitimate authorities for addressing and/or resolving the problem? This includes both institutional authority and legitimacy for making policy, and the responsibility for taking some corrective action. This is related to expertise, but equally important, is grounded in the social norms for determining who should be empowered to

pass judgment, adopt new policy, or initiate necessary action on behalf of other members of society.

SOLUTION COMPLEXES

Solution complexes include the particular way(s) in which the resolution of an issue or problem should be constructed, including the use of appropriate or particular available institutional practices and strategies. It has been observed that problems are often deliberately defined in ways that permit an issue to land in particular parts of the EU institutional apparatus (Nylander, 2000). This, in turn, dictates the range of both possible and likely responses (Sutton, 1998). Structures developed as the response to one set of circumstances are, not infrequently, adapted to new purposes. This is particularly true with respect to the EU.

KEY COMPONENTS OF A PUBLIC POLICY PARADIGM

The above elements represent the superstructure of the policy paradigm. Their content reflects – and is defined by – certain fundamental assumptions, values, and priorities that distinguish one public policy paradigm from another. The details they define form the more peripheral characteristics that distinguish variations on a single given paradigm – and may even be shared with a competing paradigm. While a number of different concepts and metaphors can be useful for characterizing these differing levels (foundation-building, roots-plant, etc), a variation of the notion of center-periphery is employed here. Figure 2 illustrates the core-periphery conceptualization of paradigmatic structure that is use as a conceptual tool for this analysis. These types of distinctions – between defining and non-defining elements – come into play in the process of paradigmatic evolution/revolution. These conceptualizations should be considered to be preliminary, and the location of many elements in the chart is clearly open to further consideration and debate. For example, some of the elements listed in either core or periphery might be included as a category of “middle range” elements in a more elaborated conceptualization of paradigmatic structuring. While further exploration of these groupings could be useful, what is most important to the current investigation is the general pattern of hierarchy of principles; some are clearly fundamental, while others are not at all essential to the existence of the paradigm. Still others lie somewhere near the boundary between.

FIGURE 2. PUBLIC POLICY PARADIGM

Table 1. Core-Periphery Elements of a Public Policy Paradigm

Level	Defining Paradigmatic Characteristics
Core: <ul style="list-style-type: none"> • Starting Assumptions • Fundamental Principles & Values Complexes • Categorizations 	<ol style="list-style-type: none"> 1. Starting Assumptions: Guiding Principles, Conceptions of Justice and Fairness, Rights 2. Role And Priority Order Of Social Institutions, Including State, Markets, and Organizations of Civil Society. 3. Actor Categorizations and Groupings, Including Definitions of Us/Them and Deserving/Undeserving, and of Definitions of Basic Social Units (Individual, Family, Community, Organization, Nation) 4. Principles of Social Engagement, Including Principles for Participation and Exercising Voice 5. Types or Classes of Problems Identified
Peripheral: <ul style="list-style-type: none"> • Practices & Methods (“In Practice” Reflections of Deeper Rules and Principles) 	<ol style="list-style-type: none"> 1. Problem Solving Approaches 2. Accounting Practices 3. Preferred Forms of Ownership 4. Distribution of Expert Authority 5. Distribution of Policy Making Responsibility

IDEA TO ACTION TO INSTITUTIONALIZATION

The processes by which ideas are transformed through action and then institutionalized in formal rules and organizational structure, is the process by which paradigm change takes place. This may take place at either the periphery, leading to paradigmatic adjustment, or at the core, leading to paradigmatic shift, or replacement. One difficulty in discourse analysis is distinguishing between the "talk" that has weight and that which does not. The method employed in this analysis makes this distinction by tracing discourses that have been 1) adopted by important actors, and manifested in their discourses and actions, and 2) reflected at the institutional level in public statements, operating principles, and/or organizational structure. Patterns of change are apparent where these discourses differ in principle and/or content from previous ones.

COMPETING AND NON-COMPETING PARADIGMS

There is, of course, an enormous number and variety of differing paradigms, and they prescribe a similar variety of interactions. Some compete directly by virtue of incommensurable fundamental principals. Examples of these are the free market paradigm that espouses the virtues of unregulated, self-correcting markets and the social market paradigm that harnesses markets energies to meet needs prioritized by other principals. Another pairing that is relevant to the present research is that of national sovereignty versus European-level sovereignty. A third example would be Atheism and Christianity. Although in most cases these would be considered to be religious, rather than public policy paradigms, they still have quite different implications for public policy on questions such as suicide, abortion, or freedom of religious faith.

Between many different paradigms there may be no core conflict between incommensurable principles. Such paradigms may simply co-exist with little significant overlap at any level, one may generally weaken or undermine the other, or they may be mutually reinforcing as a result of interactions at more peripheral levels. Such relationships depend on complex interactions of the guidance provided at different levels of the paradigm. Which is given precedence and under what circumstances is itself a matter of hierarchical prioritization. Thus, a generally democratic nation might support a dictatorship for reasons deriving from an economic paradigm that has been given higher priority, or vice versa; an organization that staunchly advocates local or national political control may selectively or completely change its position upon discovering that the social or market paradigm that serves as its principal focus is better served in other ways; another related interaction would be the shift of paradigms in one policy area as a result of – or in conjunction with – an important paradigm shift in another. It is just this sort of interaction that will later be theorized to be taking place in the EU with regard to food policy: a priority shift in core principles guiding food policy in conjunction with a shift of governance authority from national to supranational.

This brings to the fore the two quite different types of public policy paradigms that are important to the analysis of developments in EU food policy. One captures the struggle between principles that prioritize non-regulated markets, versus those that would harness markets activity for other social purposes. These are the market versus social paradigms already briefly described. A second type is a governance paradigm that defines, in effect, where the principal authority to govern should lie for a given sector.

This characterizes the belief in national sovereignty versus the role to be played by a supranational governance. The key theoretical question about EU change processes from this perspective is: In what concrete form, and by what actions and pathways, are the elements of single, overlapping, or competing paradigms manifested in institutional arenas and particular discourses? This more theoretically grounded analysis is taken up in Section IV.

DATA COLLECTION

A strong common thread through different approaches to discourse analysis is the focus on the differences, discontinuities and inconsistencies that exist over time – or between the advertised description of intention or purpose and observable actions (Sutton, 1998; Potter, 1998). An additional step taken in this research is to trace these same consistencies and inconsistencies from discourses to action to their institutionalization in the policy priorities, the directives and recommendations, and in the organizational structure of the European Union. The materials used include official EU documentation such as treaties, archives, minutes, reports, and other publications relevant to the food sector. Publications of external actors such as industry and public interest groups have also been used. In addition, interviews were conducted with informants.

III. FOOD POLICY IN THE EUROPEAN UNION

1. THE TRANSFORMATION OF EU FOOD POLICY

The start of the new millennium was accompanied by a quite remarkable transformation in the food policy of the EU – one in which the policy orientation appears to have shifted past the balance point – both conceptually and institutionally – from an emphasis on the commodity and market aspects of food, to a prioritization of its public health and consumer aspects. As was the case with the coming of the new millennium, this shift in EU food policy has been underway for some time; it was also accompanied – and in this case facilitated – by the concerns of a variety of interests, a series of important events and developments, and ongoing preparations and activities.

The European Food Authority (EFA), the regulatory structure that is being established in conjunction with a recently reorganized DG Health and Consumer Protection (the former DG-XXIV), has a markedly different mission than the component parts transferred in from DG Industry (DG-III) or DG Agriculture (DG-VI). This in itself represents a major departure from the EU's sometimes single-mindedly single market mission of the late 1980s and much of the 1990s – even if knowledgeable observers have pointed out that the establishment of the EFA represents more of a reconfiguration than the creation of any new structure or capacity (Interviews). At the same time, the *raison d'être* of the EFA points both forward and back; in addition to its newly explicit priorities of protecting consumer interests and the public health, the policy changes embodied in the new Food Authority can be seen as an important step toward protecting many of the achievements embodied in the creation of a European Single Market (ESM) – and the marketability of European agricultural products on a world market. With the internal market largely in place, any lack of attention to the new problems it has created could potentially contribute to its undoing, as the struggles around food safety have illustrated. Remarkably, the two short paragraphs in the Amsterdam Treaty (Articles 152 and 153) calling for a high level of consumer and public health protection in the development and implementation of all EU policies may prove not only to be an unexpectedly potent protection against the excesses of poorly or insufficiently regulated

markets – they may also serve as a powerful trump card for DG Health and Consumer Protection in relation to the other DGs.

While these developments appear almost certain to contribute to the further “Europeanisation” of new areas of public policy, they were by no means certain; they might easily have taken a very different path. One likely alternate path may well have been a de-facto return to the regulation and management of food safety issues by individual member states. As of November of 1999, the bans imposed on British meat exports by both the French and the Germans were still in place, with the Commission initiating infringement proceedings against France (IP/99/850). This was three years after the connection between “mad cow disease” and human health first jolted public consciousness – and only one example of the ongoing tensions between national and supranational policymaking in the food arena. And in spite of the ongoing public concern and controversy regarding BSE (Bovine Spongiform Encephalopathy, a.k.a., “mad cow disease”), the EU continues to experience great difficulty persuading many member states to implement regulations designed to tighten up on the agricultural practices that have contributed to its spread.

One interpretation of the changes currently underway could be that the Commission has taken the proverbial bull by the horns, taking steps to set in place the structures necessary to protect both the single market and the public health by prioritizing the health and consumer interests of European citizens. A plausible alternative explanation is that a shift in priorities – from that of fostering minimally regulated, unencumbered markets to ensuring food safety and public health – had already taken place in other quarters, i.e., among a substantial segment of European populations, within the European Parliament, and within some member states. It was up to the Commission to decide whether this reordering of priorities in food policy would be more decisively reflected in coordinated action at the European level – or at the level of member states. The pattern of developments that led to the changes now underway suggests some combination of these factors.

EU FOOD FIGHTS

Food has long been among the more delicate – and often contentious – of policy arenas in the EU. From the beginning of efforts to create the Single Market in the 1980s, a complex, often uneasy balance has characterized this arena. Evidence of such contentiousness has been apparent in actions such as farmers from nearby member states converging on Brussels with demands for policies to protect them from the changes being embraced and promoted by the EU in the pursuit of the single market. The rapid growth of interest group presence and lobbying in Brussels during the 1990s serves as a different kind of evidence – an approach to influencing EU policymaking on behalf of particular interests (Andersen & Eliassen, 1991, 1996; Van Schendelen, 1993; Burns, 1999). This growth includes organizations oriented toward a variety of commercial interests (farm, processor, and distributor) as well as public interests (consumer, public health, and environment) related to food and food production. However, comparatively speaking, the public interest groups are meagerly-financed and vastly outnumbered (Interviews; Nylander, 2000). Given the political and economic stakes connected to food and agricultural production, it is no surprise that Member States themselves have played an important, albeit often inconsistent role in shaping developments in EU food policy. Actors external to the EU such as the World Trade

Organization (WTO), the World Health Organization (WHO), and external trading partners such as the USA are also often quite influential. Of course, the EU is not merely an arena in which these and other interests compete for dominance; the EU's various institutions are important actors in their own right (Nylander, 2000).

A series of high profile, food-related crises and conflicts have played a central role in the most recent transformation of EU food policy. These include crises of public confidence resulting from the unintentional or careless introduction of dangerous substances into the food supply. The crises surrounding BSE-infected British beef or dioxin-tainted Belgian poultry are two of the most important examples of such incidents, although they are hardly the only ones. Significant conflicts generated by the deliberate introduction of certain substances into the food chain in pursuit of greater agricultural productivity area have also been quite important. These include the struggles over the use of hormones or antibiotics in meat production, or the conflicts regarding the introduction of genetically modified organisms (GMOs). Also the subject of conflict but less high profile are issues such as chemical or pesticide residues or other contaminants in crops.

2. THE EVOLUTION OF EU ACTION ON FOOD POLICY:

The food crises of the late 1990s took place in the context of an ongoing evolution of EU food policy. EU policy has at various points institutionalized particular ways of conceptualizing food – in terms of both institutional structure and concrete policy priorities. These can be traced, for example, through the successive DGs that have been invested with the primary responsibility for EU food policy (from Agriculture, to Industry, to Consumer), as well as through the broad policy priorities established by the Commission. These should be seen as distinct and separate from, though intimately related to, the events and crises and conflicts mentioned above (and which are described in somewhat greater detail in the next section).

BACK ON THE FARM

The role of the farmer has been a complex one, since in addition to representing the starting point on the “food chain” and economically quite important to member states, farmers have been both a culturally significant and politically powerful force to be reckoned with. This importance was recognized with the negotiation of a Common Agricultural Policy (CAP) in the waning years of the 1950s, and its implementation in 1962 (EC: DG-VI, no.2). The CAP was originally developed to help achieve self-sufficiency in food production by stabilizing agricultural markets. Farmers were intended as the principal beneficiaries (EC: DG-VI, no.3) of a wide range of policies set forth in the CAP, including price supports and subsidies. As self-sufficiency was achieved and European food exports grew, these policies came under attack from a variety of sources as unfair trade practices that created undesirable market distortions. The antagonists included supranational organizations such as the WTO⁵ and large farm exporters outside of the EU such as the USA (Buckwell Report, 1997). From within the EU, pressures came in the form of the drive toward a European Single Market.

Partially in response to these pressures, the CAP was modified in the late 1980s, changing the configuration of subsidies and bringing a “social dimension”, rural

⁵ Include note on the Uruguay Round and its position on EU farm supports

development, into the picture. Another sign of institutional adjustment to the changing perceptions was the leakage of some areas of relevant policy from DG Agriculture (DG-VI) to DG Industry (DG-III); in relation to the latter, processors and distributors of agricultural goods in particular found a more compatible and sympathetic orientation. This was probably further facilitated by an erosion of consensus among farmers themselves as to the value of the CAP, based at least in part on the seemingly unanticipated ways in which it benefited or disadvantaged particular subgroups among themselves (Buckwell Report, 1997). Overall, the CAP can be seen as having been forced into its first modifications and revisions by two sets of influences. Externally, the movement toward the Europeanisation and internationalization of agricultural markets has been unsympathetic, even hostile toward farm subsidies and price supports that made up an important element of the CAP. International organizations such as the WTO have also exerted pressure to reduce or remove both production supports and inhibitions to trade. Internally, the complexity of the system and the perception of an uneven and inequitable distribution of benefits had eroded support among farmers, while other food business interests, and some consumer organizations, such as BEUC (the European Consumers' Organization) argued the need for increased competition to bring greater choice at reduced prices.

More recently, some have pointed to the CAP as an important contributor to both environmental and food safety problems. The series of food scares and crises beginning with the BSE crisis have helped cement this concern (Buckwell, 1996). The CAP was seen in these instances as contributing to unhealthy production practices that led to the crises, essentially eclipsing food safety and environmental concerns. The CAP is currently undergoing a major revision as a part of Agenda 2000, a package of proposals addressing a wide range of future challenges faced by the EU. As it currently stands, it is expected that the Commission will "re-orient the broad policy outlines of the CAP towards a European social model of farming and to establish a second pillar of policy around rural development" (EPHA, #44, 1999:2). In more concrete terms, farm support mechanisms are expected to be restructured and price supports reduced, environmental considerations are to be explicitly taken into account, and public health concerns such as food safety will be prioritized (EPHA, #44, 1999:2-3). These changes represent a formalization of some policy changes already taking place that are oriented toward public health aspects of food.

FROM THE FARM TO THE SINGLE MARKET

Agricultural products – animal feeds, raw materials, and consumer products -- were from the beginning a central element of the drive toward a European Single Market. The creation of a single market in foodstuffs and other agricultural products, however, required significant deregulation and reorganization of existing national laws pertaining to food. Sweden, for example, was required to accept lower standards for the presence of a variety of food additives and pesticides (Joffe and De Broe, 1998). Of course, Sweden is by no means the only country to trade away certain of its public health standards and practices for membership in the EU. Neither should this be taken to mean that harmonization of standards invariably meant a drop to the lowest common denominator, although the most stringent standards were generally reduced, while the lowest were generally forced upward (De Winter, 1998).

Much of the EU's economic growth in the production and consumption of food and drink products since the mid-1980s has been in the "added value" sector – processed

foods (COM(97)176: 4). This growing demand for processed food products and the subsidies and price supports (for the raw materials) contained in the CAP suggest that it was the middle actors in the food chain, food processors and distributors, who have stood to gain most from deregulation and opening markets. On one end of the supply line, competition between more and different sources for raw agricultural products offers a greater number of choices in balancing price, quality, and other specific characteristics of concern to food processors. On the other end, the benefit of more markets in which products can be sold is self-explanatory. The loosening of national regulatory structures was a key element in pursuing the twin goals of cheaper supplies and increased sales, and consistent with the broader, supportive attitude toward deregulation that existed. Majone (1996) has characterized the pattern of deregulation/re-regulation at the member state/EU level as the substitution of member state regulation with regulation at the European level. And while it is quite true that the EU market mission entailed far more than the dismantling of significant elements of nation-based regulatory structure, it is also true the basic nature of the early EU regulations in the food sector was quite different than the national-level regulations they replaced. Until relatively recently, EU food legislation was ridiculed, at least by consumer and public health groups, as being largely concerned with the size and shape of tomatoes, fruit, etc – and not food quality or safety (Interviews; De Winter, 1998). This derived in large part from efforts to further enhance cross border trade in agricultural products by addressing technical questions.

Barriers to the “free movement of foodstuffs” within the EU were approached from two directions: harmonization and mutual recognition. Harmonization has been a top-down approach in which legislation adopted at the EU level must be implemented in member states within established parameters. Mutual recognition is a lateral approach that applies where there is no EU law. This is a bilateral, negotiated approach, based on member states generally accepting products from other EU countries unless there is proof of a specific problem. Under mutual recognition, the burden of proof has in practice rested with the member state wishing to exclude the products of another member state. It is the failure of this negotiated approach in specific instances that has been the source of much of EU food law (De Winter, 1998; COM(97)176).

Much of the EU’s food legislation was built up between 1985 and 1992 (COM(97)176), and aimed toward achieving the single market in foodstuffs. It primarily addressed the problem of barriers to trade, and also dealt with specific problems and conflicts that arose in that process. Standards were, therefore, directed more at promoting trade and resolving disputes than at assuring food safety. While barriers to the free movement of foodstuffs were seen as one sort of problem, new problems with the quality or safety of food products were quite another. The achievement of the single market in food products produced some of these problems, and turned some problems that would have otherwise largely been contained within individual member states into “European” problems. The BSE and dioxin crises are good examples of these. With less open markets, the actual safety problems would have been more confined to the countries of origin, while action to block the products at the borders of receiving countries would have been a great deal more straightforward. In the context of a higher authority, however, both the safety issues and the political problems became truly European in character.

Many of these new problems could be seen as the direct result of the “Europeanisation” of food markets and the accompanying deregulation at the national level. Pressures for increased productivity were intensified by the opening of markets, forcing significant changes in agricultural production methods. Other of these issues can be seen more as long-standing conditions which became “problems” as a result of changing standards and expectations. These derived in part from technological developments that have vastly increased the capacity for managing and assuring food safety. Still others have arisen from increasing public awareness sparked by repeated crises. What began with problems with food safety quickly evolved into a crisis of confidence in the responsible European institutions, which were already viewed with a healthy measure of distrust by significant segments of European populations. That this intensified the need for a decisive response is clear from the subsequent repeated reference in EU documents pertaining to food policy. But such decisive action did not (and perhaps could not) take place until after a reordering of priorities that took place in the wake of the crisis triggered by mad cow disease.

REORDERING PRIORITIES: A NEW BALANCING ACT

The Commission’s food policy “Green Paper”⁶, which set forth new food safety principles (COM(97)176), can be seen as representing the most recent turning point in the orientation of EU food policy. It represents a remarkably delicate balance between competing policy agendas – looking simultaneously backward and forward – while framing the fate of the goals of divergent public policy agendas in a single recommended course of action. And while it was undertaken in 1993 in DG Industry (DG-III) and developed as a consensus document in collaboration with the DG responsible for Agriculture (DG-VI), it clearly establishes the conceptual framework that current actions are seeking to institutionalize and place within DG Health and Consumer Protection. Interestingly, it was bottled up in DG-III despite the careful balance it struck. It was only after the BSE crisis erupted, undermining public confidence in both EU institutions and the single market, that it was updated and released (Interviews).

The Green Paper leads with an overall assessment establishing the context for the detail to come: that “the majority of national food law has been harmonized at the Community level” and that “recent studies...have shown that the Community’s legislative programme in the foodstuffs sector has had a generally positive impact” (COM(97)176:1). It goes on to point to two criticisms that will form the basis of the broad principles that inform its recommendations, that: “some criticisms have been expressed of overly detailed legislation, fragmentation...and problems in the day-to-day functioning of the internal market” and that “in the light of certain recent events, in particular, BSE, others have raised doubts about the capacity of the legislation to entirely fulfill its objectives *to ensure a high level of protection of public health and consumer protection*” (COM(97)176: 1, emphasis mine). These statements can be interpreted as saying “we’re doing pretty well, but a few problems remain and it is important that we attend to them”. The problems pointed to are framed as a product of circumstances; in no way is the finger of blame directed toward guiding principles or

⁶ Hereafter referred to as the Green Paper. “Green Papers” are a communication published by the Commission on a specific policy area. They are primarily conceptual documents, setting out the underlying principles and ideas guiding the thinking of the Commission regarding a policy arena, and inviting comments. “White Papers” often follow a Green Paper are communications that contain concrete proposals for EU action in a given policy area.

individual actors. The language, however, also belies the depth of the political crisis triggered by the BSE connection to human health and food safety.

The document continues with a discussion of each key policy area connected to food (and in the process, each key area of interest group activity) (COM(97)176:4-11). Rather than pointing to problems arising from policy developed in the respective sectors, however, it validates each of these areas with respect to food policy: the importance of the food sector to European economies, the CAP, the internal market, industrial policy, and the consumer dimensions of food safety and public health. This has the effect of indicating to each relevant category of interest that their goals and concerns are considered to be legitimate and important, and will be carefully taken into account as the Commission charts its new course. It then proceeds to set forth a set of principles which makes it possible to link the fate of the goals of each distinct area of food policy to the success of the others. The ever-present tension between national and supranational competence and authority was not overlooked; these principles would be realized at the European level, with respect for and the participation of the individual member states.

Overall, it appears that the Green Paper succeeded in facilitating three key processes. First, as a consensus document, it captured the most pressing concerns and problems faced by staff and officials within the Commission, and particularly within the DGs most involved. In doing so, it seems quite likely that the process itself produced somewhat of an alignment of thinking within the Commission's staff and officials (Nylander, 2000). That the document was bottled up for some time before a serious external crisis prompted its release suggests that political concerns were the source of the delay (Interviews). However, the fact that events in the BSE crisis unfolded according to patterns already identified in earlier drafts of the paper may well have contributed after the crisis to the overall credibility of its approach. It also suggests that the kinds of problems and conflicts that led to the BSE crisis were already quite familiar to Commission staff involved in coping with the day-to-day questions regarding food safety.

At the same time the Green Paper provided a picture of the sort of consensus that could be mustered within the Commission, its release also served as the Commission's "finger in the wind" for assessing the reactions of actors external to the Commission, including likely political reactions. But in presenting to both Commission and external actors a document to which to respond, it also offered a coherent response to a set of growing problems that was more appealing than many alternatives. The first major test for the approach came with the dioxin crisis, in which the Commission's actions (and the way in which they were received) stood in stark contrast to those taken in response to the BSE crisis. That the concrete plans set forth in the subsequent White Paper on Food Safety follow the Green Paper quite closely can be seen as evidence of the persuasiveness, and perhaps the necessity of its approach (for a variety of philosophical and practical reasons), as judged by actors external to the Commission.

A third, and perhaps the most important policy effect of the document, is that it initiated a re-prioritization of core operating principles in food policy, explicitly placing public health and food safety concerns ahead of other goals, including goals guided by a market inspired, minimalist regulation orientation. One clear extension of this reordering of priorities was the extension from environmental matters to food policy of

the Precautionary Principle⁷, shifting the burden of proof in food safety matters from public to private interests. Perhaps key to the eventual success of this shift is that it cast the achievement and maintenance of market goals as being dependent on the protection of public health in general, and food safety in particular. And while the social and economic aftermath of two major food safety crises suggests this to be a perfectly accurate assessment of European reality with regard to food, it seems highly unlikely that the possible political implications of this structuring of the problem were not well understood (at least by some key actors).

INSTITUTIONALIZING NEW PRIORITIES: THE EUROPEAN FOOD AUTHORITY

The first EU food legislation was passed in 1962 (regulating the use of food colorings). However, most of the subsequent food regulation (as opposed to single market legislation that has required *deregulation* at the member state level) has been passed since the 1992 implementation of the single market. The bulk of this legislation was in response to specific new problems arising from opening markets to food import/export, and from market deregulation in general (De Winter, 1998). The reactive nature of much of EU food legislation prior to the release of the Green Paper (COM(97)176) resulted in a patchwork system of new regulation that possessed neither the regulatory coherence nor the institutional structure necessary to prevent – or effectively respond to – breakdowns in food safety such as those that occurred prompting the BSE and dioxin crises. It is precisely these two problems to which the White Paper on Food Safety⁸ (COM(1999) 719), which sets forth the formal principles and intended organizational framework for the Commission's new food policy, is addressed. Thus, the White Paper includes an action plan (COM(99) 719:Annex, pgs. 37-52) that outlines 84 individual steps, with a time frame, for (a) building a coherent, systematic set of policies for ensuring food safety, and (b) establishing the institutional structure at the European level for implementing and managing this new system of regulation.

While the White Paper can be perhaps most simply understood as a blueprint for future Commission actions on food policy, it is clearly also a political document. Like the Green Paper, it anchors the proposed action in the context of both the economic and social aspects of food (including environmental concerns), taking a significant step toward institutionalizing the tipping the of the scales toward food safety and public health as the principal priority:

“The European Union’s food policy must be built around high food safety standards, which serve to protect, and promote, the health of the consumer. The production and consumption of food is central to any society, and has economic, social, and in many cases, environmental consequences. Although health protection must always take priority, these issues must also be taken into account in the development of food policy. In addition, the state and quality of the environment, in particular the ecosystems, may affect different stages of the food chain. Environment policy therefore plays an important role in ensuring safe food for the consumer.” (COM(1999)719: 6).

⁷ The Precautionary Principle is an explicit statement of priorities to be used by the Commission for deciding on a course of action regarding first environmental, and now food safety matters, where the scientific evidence is equivocal. It requires the party wishing to import or market a product to prove it is safe when there is credible evidence to suggest that it might pose a hazard. This principle is outlined in some detail in a White Paper published in February of 2000 (COM(2000) 1).

⁸ Hereafter referred to as the “White Paper”.

Two steps already taken give extra weight to this shift in guiding principles. First, the “Precautionary Principle” outlined in the White Paper has already been applied with respect to food products being imported from outside the EU, for example, in the case of GMOs or hormone treated meat. The Precautionary Principle effectively shifts the burden of proof of the safety of food products from governments or consumers to the producers and distributors of those products. This is a quite different approach than raising or lowering the standard of proof required for opposing sides to prevail. This in itself represents a dramatic reversal in principal from, on the one hand, that of avoiding regulation in order to permit market forces to correct problems without the intervention of public authorities, to, on the other hand, the establishing regulation to assure the protection of public health and consumer safety.

A second significant step is the relocation of the organizational structures dealing with food safety to the DG responsible for health and consumer protection (DG-XXIV). This step gives concrete institutional form to Articles 151 and 152 of the Amsterdam Treaty, which, as mentioned in the previous section, *require* a high level of protection of the public health, and of consumers’ health, safety, and economic interests in all policies of the European Union (Amsterdam Treaty, 1999). The treaty article these replaced, Article 129 of the Maastricht Treaty, required that health and consumer questions be taken into consideration in the development of the single market, a mandate that fell far short of the new treaty language. These new Articles appear to have provided unexpectedly powerful leverage – legal trump cards woven into the Amsterdam Treaty – that permit particular social concerns to take priority over the market mission outlined in Article 2 of the Amsterdam and Maastricht Treaties. It is a reciprocal relationship, for DG Health and Consumer Protection was created quite recently, in 1995, and even in 1998 was considered to be one of the weaker of the DGs (Sutton, 1999). In view of the priorities articulated by President Prodi (SPEECH/00/41), it would seem that both DG Health and Consumer Protection (DG-XXIV) and the portfolio for which it is responsible are rising stars within the EU.

One source of concern and skepticism raised by a number of observers regarding this reorganization is that many of the civil servants being relocated to staff the new EFA within DG Health and Consumer Protection (DG-XXIV) are coming from DG-Enterprise (DG-III, the former DG Industry) and DG-Agriculture (DG-VI) (Interviews). These DGs are known to operate with quite different missions – on quite different core principles⁹ – than those articulated for DG-XXIV. One might expect these concerns to be well-founded, based on both theory and empirical evidence (Burns & Flam, 1987). The quite different ways of identifying, defining, and addressing problems represented by these organizational principles and priorities might easily contribute to internal conflict and organizational ineffectiveness, even a subtle undermining of the institutional mechanisms envisioned in the White Paper. An interpretation more encouraging to the advocates of the changes outlined in the White Paper is that these staffers have long since made the necessary conceptual transition (Interviews). According to this perspective, having already had to wrestle with the problems to which the actions outlined in the White Paper are a response, the staffers in question are intensely aware of the problems created and the need for a shift of perspectives to address them. To the extent that these changes are being facilitated by entrepreneurs within the Commission, one might say that they engineered their own move, while those

⁹ DG-III Commissioner Martin Bangeman made no secret of his understanding of his organization’s mission as protecting and promoting the interests of Europe’s business interests (Nylander, 2000)

who remain unconvinced would stay put. The extent to which either of these interpretations are an accurate reflection of reality remains, of course, to be seen.

The White Paper also envisions the creation of an independent system of scientific evidence for the Commission, housed within the EFA. The goal, first and foremost, appears to be to give the Commission the expertise and capacity to produce its own data on food safety risks independent of other interested parties and organized around principles compatible with the EU's stated food safety policy priorities. This too, is the response to a specific problem. The Commission was inhibited from taking earlier action regarding BSE-related risks by its own lack of sufficient awareness of the possible risks. Some of the scientific opinion downplaying the possible risks of BSE appeared to have been heavily influenced by former British Agricultural Ministry officials sitting on the key committee within DG Agriculture (see discussion of BSE crisis). Among other things, this made clear the need for more credible, and more disinterested sources of scientific information. Although the new system is not yet in place, the approach is currently being used in the EU's struggle with the USA over the risks of hormone residues in meat. In addition to providing the Commission with better scientific information, this step will also help to avoid conflicting accounts within the EU, and makes the EFA a prime "interpreter" of relevant events and developments.

2. MAD COWS AND CANCER – EU RESPONSES TO FOOD SAFETY CRISES

The crises and conflicts over food safety in the past several years have posed a serious threat to EU development; at the same time, they have presented important opportunities. The case examples briefly sketched out in the following paragraphs serve to help characterize these key events and conflicts to which EU institutions, and the Commission in particular, were required to respond. These events have helped shape the evolution of new EU food policy, at the same time that existing EU food, commercial, and agricultural policy has helped shape its responses to these crises and conflicts. They are by no means a complete account of events, actors roles or other developments. Nevertheless, taken together, they have formed an important part of the environment within which EU institutions have operated and to which they have sought to respond – particularly over the past four years – with their various policy initiatives on public health and consumer food issues. The cases begin with what appears to be widely regarded as the single most important set of developments in the shaping of EU food policy – the BSE crisis. The BSE crisis is the case most often referred to in descriptions and discussions of consumer issues generally, and food safety in particular, and is frequently described as a pivotal point in EU food policy (Collins, 1999; Interviews). Accordingly, it is presented with the greatest level of detail. The next significant food scare – the contamination of Belgian poultry products with cancer-causing dioxins – is also presented at some length. For reasons of brevity, other cases that have become significant public and political controversies, including conflicts over hormone-treated meat, the use of antibiotics in animal feed, or GMOs in food, are briefly mentioned, but not presented in any significant detail.

MAD COWS AND TAINTED FOOD: THE BSE CRISES

When the European Commission issued its directive banning the export of most British beef products on March 27, 1996 (Decision 96/239/EC), it was seen as a dramatic move to control a rapidly developing food safety crisis. This extraordinary step followed the announcement of British Secretary of State for Health Stephen Dorrel of a possible link between BSE and a new variant of invariably fatal Creutzfeld-Jacobs Disease (CJD) by

only a week. Nevertheless, these events came more than ten years after the first identification of BSE in British cattle, and came as the ninth in a string of formal measures dating back to 1989 which had been taken by the Commission in efforts to deal with the various hazards posed by BSE. Two months after the Commission's ban on British beef exports was issued, the British government retaliated with a decision to obstruct the working of European institutions in order to get the ban lifted, and on June 11 of 1996, a plan for the gradual lifting of the ban based on meeting strict criteria was adopted (BSE Vademecum, 1998). Interestingly, the prohibition was not the first action by the Commission pertaining to banning British beef products. In 1990, it had supported both its single market mission and the British Government by demanding and obtained the lifting of BSE-related bans of British beef products set in place by the German and French governments in exchange for promises to beef up its own health measures.

These decisions took place in a context of incomplete and often conflicting information regarding the nature and level of risk. The science regarding BSE was quite incomplete, leaving policymakers to deal with the problem with limited information. Even the various sources of scientific and other information available could be seen as suspect – tied to particular interests in these struggles and therefore to be viewed with suspicion¹⁰. This uncertainty and suspicion served to fuel political fights both between member states and between member states and the EU, particularly the Commission. As the source of the problems came to be better understood, it also focused public attention on methods of animal production, in this case the recycling of animal by-products for animal feed (Consumer Voice, No 1, 2000: 7), and on the export of potentially tainted beef products across one possible line of defense – national borders.

This effect is likely to have been unusually powerful in view of significant news coverage of “mad cow disease” over the course of a decade. News of the spread of the disease outside Britain¹¹ and the destruction of literally tens of thousands of infected cattle would have been hard for most people to miss. The Lancet put forth a theory of possible transmission to humans as early as 1990 (BSE Vademecum, 1998). When the possible connection of BSE to the death 19-year old Stephen Churchill and several others from a previously unknown variant of CJD¹² was made explicit by the British health secretary, it triggered “**an unprecedented crisis of confidence among European consumers with regard to beef and bovine products**” (GIS-BSE (96)7.5: 3), confirming their worst fears. People across Europe were immediately aware of a vaguely-defined, potentially deadly hazard that could be as close as the nearest butcher shop or grocery store. Beef consumption across Europe plummeted, regardless of product origin (GIS-

¹⁰ Some of the officials working for DG VI (Agriculture) on veterinary matters had been previously employed by national veterinary services linked to the governments involved and were implicated in some of the mishandling of the BSE affair (Bulletin EU 1/2-1997).

¹¹ The first cases of BSE were identified in the UK (1983), Ireland (1989), Portugal (1990), and France (1991), with the epidemic in the UK peaking in 1992 with 37,280 cases officially recorded (BSE Vademecum, 1998). As of October of 1996, a total of 163,071 cattle at 33,657 farms had been reported in the UK. Some 450 cases had been recorded in other European countries, with the majority of these found in Switzerland (233) (GIS-BSE (96)7.5).

¹² While the link between BSE and the new variant of CJD (designated V-CJD) remained speculative, statements released by the WHO in April 1996 and a study published in the 24 October 1996 issue of *Nature* seemed to confirm the probable connection. As of October 1996, 15 cases of V-CJD had been identified, with 14 cases in the UK and one in France (GIS-BSE (96)7.5). By November 1998, 30 fatalities from V-CJD had been identified, 29 in the UK and 1 in France (COM (97) 509 final: 58).

BSE (96)7.5), spreading the economic effects of BSE far more rapidly than the health hazard itself, whether bovine or human. The inquiry initiated by the European Parliament (EP) on 17 July 1996 into the Commission's handling of BSE related matters, as well as subsequent Commission policy decisions, suggest that the above-mentioned crisis of confidence referred not only to beef products, but also applied to the EU itself, particularly the Commission.

The Commission came under pressure – or attack – on a number of fronts. When the political appeals by British officials including Prime Minister John Major (Bull. EU 1/2-1997) to remove the ban failed, the UK turned to the European Court of Justice seeking an immediate suspension of the decision implementing the ban, as well as an annulment of the decision (Case C-180/97). Among other things, the UK argued that the both BSE and CJD had been known to exist long before the decision, that the Commission had acted in disregard for the principle of the free movement of goods and the establishment of the internal market, and that in any case, it had overstepped its legal authority (Case C-180/97: 8,9). In this instance, the Commission was backed by the court – and by public opinion – on every count. However, the Commission did not emerge unscathed; it had its own previous course of action to answer for.

The European Parliament's (EP's) Temporary Committee of Inquiry into BSE was backed up with the threat of a motion of censure – the EP's legal trump card which would have forced a resignation of the Commission (A4-0362/97) The Parliamentary Committee submitted a scathing report on 7 February 1997 (A4-0020/97), which in its findings presented evidence of considerable negligence and mal-administration on the part of both the Commission and the UK Government. It found that the UK Government consistently put producer interests above public health and safety interests within its own internal handling of BSE in the early stages, and that perhaps based on this more general orientation, it also failed to consistently follow either its own agreements with the Commission and to implement the Commission Directives aimed at containing the spread of the disease. The Commission was found to have failed to sufficiently monitor and enforce UK compliance with its BSE-related Directives, up to and including the March 27th ban. Perhaps more serious was the apparent influence of the UK's Chief Veterinary Officer, M.K. Meldrum, on the actions taken by DG-VI (Agriculture) This influence was "obviously increased by the preponderance of British experts and Ministry of Agriculture officials on the BSE Subgroup of the Scientific and Veterinary Committee" (A4-0020/97:8). One effect of such influence was to reduce broader research efforts and to greatly reduce the flow of needed scientific information regarding BSE. In addition, Mr. Marchant, a temporary Commission official who was entrusted with the day-to-day management of the BSE affair was formerly an official of the British Ministry of Agriculture. Finally, the available evidence suggested that lobbying by agricultural processors helped to reinforce the wait-and-see approach being taken.

The report included in its official findings that 1) the Commission had given priority to management of the market and the "huge economic interests at stake in the meat, feeding stuff and animal residue processing industries" (A4-0020/97:34) rather than possible human health risks; 2) the Commission followed an overall policy of downplaying the problem; 3) that DG-V (Employment, Industrial Relations, and Social Affairs) and had failed to act to prevent risks to human health presented by BSE; 4) that the workings of the Scientific Veterinary Committee could be characterized at best as

lacking transparency, and in less diplomatic terms, that important information may have been intentionally withheld; 5) and that the Commission's response to the investigation could generally be characterized one of obstruction. The Committee's recommendations for the future included in the report were preceded by a clear message about the stakes involved: "The appropriate sanctions available to the Parliament under the Treaty with a view to calling the Commission politically to account are a motion of no confidence, pursuant to Article 144 of the Treaty, or the initiation of proceedings for failure to act/a breach of the Treaty, pursuant to Article 175" (A4-0020/97:36).

It was the connection to food safety and human health that distinguished the perception of – and handling of – the BSE crisis prior to the March 26th, 1996 announcement, from the actions taken in its wake. The BSE affair can be seen as the source of several distinctly different, but related crises. Prior to 1996, it was largely viewed, and certainly handled by the Commission, as an agricultural and economic crisis – and a possible threat to speedy progress toward the single market – pitting farmers and processors faced with the costs of lost or blocked sales resulting from the epidemic, against farmers, processors, and member states who were as yet apparently free from the disease. Public health was a concern expressed by European public interest organizations such as the European Consumers' Organization (BEUC) and the European Public Health Alliance (EPHA) and some scientists, and echoed by some within the European Parliament and later by the World Health Organization (WHO). But these concerns took a back seat, with the burden of proof that a hazard existed resting with those expressing concerns for public health and consumer safety. Subsequent to the announcement of a possible BSE/V-CJD link, the dimensions of the crisis were transformed. While the economic and market dimensions remained, they were effectively eclipsed by the crisis in consumer confidence in food safety, a potential public health crisis, and the political crises generated by questions about actions taken and why so little had been done to cope with these potential problems much earlier. These crises have helped to set in motion a significant array of changes based at least in part on the need to restore some measure of consumer confidence in food safety – and in the political accountability of the Commission and the EU itself.

As was previously pointed out, the BSE crisis is frequently referred to as a clear turning point in EU food and consumer policy. The changes that have been underway since then are proceeding not only under continued political pressure from the European Parliament, but also under the continued pressure and awareness generated by a series of similar crises and conflicts regarding consumer and food safety, and public health. But these other crises and conflicts are taking place in a context already broadly shaped by the events connected with the BSE affair.

CONTAMINATED CHICKENS: THE DIOXIN CRISIS

As if to prove to European citizens and EU institutions that the food safety crisis generated by the questionable handling of BSE was no fluke, the next public crisis unfolded virtually under the collective noses of EU officials in Belgium. Late in the afternoon of Friday 27 May 1999, EU officials and the Belgian public were notified that Belgian chicken, eggs and possibly other products had been heavily contaminated with the carcinogen dioxin. Indications of the emerging crisis became more visible as poultry products began disappearing from grocery store shelves the next day on the orders of Belgian Public Health Minister Marcel Colla (BG-b, 1999). But as store shelves were emptied, stories of the crisis began to flood the news – including stories of possible

scandal and allegations of cover-up, and that the Belgian Government had known of the problem as early as February. By Monday, media coverage had exploded (Lok and Powell, 2000).

Other governments did not wait long to respond. The European Commission adopted emergency protective measures on June 3, after consultation with the Standing Veterinary Committee, banning the export of the potentially contaminated Belgian food products and calling for their removal and destruction across EU Member states (Decision 99/363/EC). The measures were amended to include pigs and bovine animals a day later upon the receipt of new information from the Belgian authorities. The EU announcement included critical remarks about the timeliness of their notification by Belgian authorities, including mention of the possibility of legal procedures directed against Belgium for failure to comply with EU food safety notification requirements (PR-1, 99-06-02; James, 1999). Other nations both within and outside of the EU responded with similar speed: countries across the EU followed with their own actions, while the US Food and Drug Administration issued a decision to ban all imports from the European union of products containing chicken or pork (FSIS, 99-06-03)¹³.

The contamination was uncovered largely by accident, when the De Brabander farm experienced serious enough problems with its hens to prompt them to contact their insurer. The expert engaged by the insurer, also an official with the West Flanders veterinary inspectorate, traced the problem to fat in the animal feed, and sent a sample off for testing. The Belgian Ministry of Agriculture was notified of the problem on March 19th. The problem, which was determined to be dioxin contamination of the feed, was first traced to the Verkest company, which had processed the animal fat used by the feed company, then to another firm, Fogra, which had sold animal fat to Verkest. Whether by accident or through negligence, the Verkest-rendered animal fat had been stored in an inadequately cleaned container that had previously contained some form of dioxin-containing industrial oils. The contaminated animal fat had been sold to eight Belgian animal foodstuffs manufacturers, along with one French and one Dutch company, in the last half of January, 1999. Fogra was later found to have exported some of its product to Spain where it was used to produce cooking oil. The contaminated feed was subsequently sold to an estimated 417 poultry producing companies, mostly in Belgium (BG-a; BG-b),

The Belgian Agriculture and Health Ministries officially confirmed the presence of extremely high levels of dioxin in the animal feed and chicken fat on April 24th, 1999. But although they then officially notified the French and Dutch authorities, it was not until over a month later, on May 27, that the Commission was notified, after further tests and more investigatory work revealed the breadth of the problem (BG-b; Lok and Powell, 2000).

The Belgian government was harshly criticized by the Commission for its failure to inform them much sooner of the problem, but it was likely the firestorm in the news media that did the most damage. News stories referenced past threats to food safety, including the 'mad cow' scare. The Belgian government was accused in various reports of "serving the economic interests of farmers' unions and the meat industry", and of

¹³ The ban on all EU-produced poultry and pig products should be seen in the context of an ongoing trade dispute between the US and the EU regarding the EU's refusal to permit the import of hormone-treated meat from the US.

trying to protect themselves in preparation for the general elections on 13 June, instead of protecting public health. Belgian newspapers were especially harsh, calling the incident 'total havoc' and 'a human and economic catastrophe' (Lok and Powell, 2000:9). The speculation arising from the many details that remained unclear only served to intensify the frenzy. On June 2, the Ministers of Public Health and of Agriculture joined the other victims of the crisis, including more than 400 poultry farms and tens of thousands of chickens, by offering their resignations (James, 1999). Belgian voters completed the rout two weeks later, denying what had appeared to be a near-certain re-election to the center-left governing coalition.

Although the Belgian government was harshly criticized for its handling of the affair, the Commission appeared to have learned from previous experience, stepping in decisively to protect public health. In fact Lok and Powell (2000) suggest that the Commission was overly aggressive and confrontational in its response in general, and with the Belgian government in particular, and that this stance further complicated the process of coping with the crisis. To the extent this was the case, several factors can be identified that may have influenced such an approach. First, there was a likely need for the Commission to demonstrate to the broader public that it had indeed recognized its previous errors, and that it had indeed adopted a "food policy which gives pride of place to consumer protection and consumer health" (Bulletin EU 1/2-1997:5). Second, given that the Belgian government exacerbated the crisis by delaying notification of the Commission, it seems probable that there was a message to be sent to other member states regarding their conduct in the event of similar developments. Third, the Commission had already covered considerable ground in its reorganization and reprioritization in the wake of the BSE crisis. A major policy document on food, the Green Paper on food safety, had been revised and issued in 1997. Two important follow-up documents, a clarification of the application of the Precautionary Principle (COM(2000) 1) and a White Paper (COM(99) 719) containing the Commission's proposals for implementing its food safety priorities, were also well underway. So while the dioxin crisis served as a dramatic reminder of the weaknesses in Europe's regulatory systems for food safety, it also served as a test case for the EU's new and improved approach to protecting consumers and the public health.

IV. PARADIGM SHIFT TO INSTITUTIONAL SHIFT IN THE TRANSFORMATION OF EU FOOD POLICY

Even with the aid of a useful theoretical framework with which to understand the evolution of EU food policy, there are a variety of ways to trace the story of its development. The shift of key principles and priorities from market orientation to public health/consumer orientation and their institutionalization has already been highlighted as the central focus of this paper. Another related story is the Europeanisation of the food policy sector connected with public health and consumer safety. This represents both paradigmatic and institutional shifts in the food sector in the guiding principles of its governance. A third related story is how policy entrepreneurs, particularly within the Commission, exploit opportunities created by external crises to re-cast particular issues according to the particular new paradigm they espouse or find compelling. In this sense, both public interest groups and the advocates of greater EU authority have made important gains.

It is worth reiterating that the principal focus of this investigation is the current transformation in EU food policy from market priorities to public health and consumer priorities. Discussion of earlier changes has been intended primarily to shed additional light on the factors driving the current transformation. Given that caveat, it is nevertheless possible to make the case that the overall evolution of EU food policy appears to be following the path of food itself – a stepwise progression from farm to market to consumer and public health. As is also the case with food in its movement from farm to table, each of these steps in the transformation of a policy sector entails processes which are often quite complex – and without which the transformation from one phase to the next cannot take place. Unlike food itself, EU food policy must remain fixed at the intersection of agriculture, market, and public health and consumer policy – they are all elements that are inextricably linked to food. The transformation that is taking place is in terms of core, priority principles around which food policy is organized, and in the way in which related EU institutions reflect those priorities and principles. The principal phases of this policy transformation process can be described in terms of: a) paradigm shift – the shift in core guiding principles and conceptualizations, b) action – with discourses and actions that reflect the challenging paradigm’s re-ordering of priorities, and c) institutional shift (system shift) – the institutionalization of new organizing principles in the reorganization of European policymaking and administrative structures, and allocation of resources. These phases can be seen as separate, although interconnected and contemporaneous, with one setting the stage for the other. The details of the transformation – how extensive the change is that takes place, how dramatic or disruptive that change is, and how quickly change takes place – are influenced by the particular confluence of three factors: policy paradigm, actors, and institutional structure. External events and developments – in this case, the byproducts of food policy guided by the market paradigm – provide the real-world problems and issues to which the elements are addressed.

This interplay can be traced in the empirical evidence in a) the nature of the problems identified and prioritized, and the context in which they are seen; b) in the different ways in which particular actors have been able to successfully define and frame concrete problems, and how they have been able to exercise power and authority in dealing with them; and c) the institutional changes that have taken place within the EU, including treaty language, internal guiding principles and policy priorities, and the particular institutional actors who are granted power and responsibility with respect to food policy. Finally, this evolution can be seen as the response to events and other developments, including crises, or “anomalies”, that have developed, at least in part, as a direct result of the particular configuration, at some point in time, of conceptual orientation, interested actors, and institutional structure. Several general conclusions can be drawn from the empirical evidence based on these theoretical conceptualizations. These will be further expanded upon below.

PARADIGMATIC ANOMALIES AND SOCIAL PROBLEMS

First, **problem-causing anomalies are the catalyst – and an essential feature – of paradigm and institutional shift processes**¹⁴. They generate pressure on the dominant

¹⁴ It is perhaps worth making a clearer distinction between anomalies and problems. As it is used here, an anomaly is a development or condition that is either inadequately accounted for by the explanations and attributions contained within a given paradigm, or even produced by the implementation of the paradigm. Problems are usefully described by Spector and Kitsuse (1987:74) as “the activities of those who assert the existence of conditions and define them as problems”. In the strictest sense, therefore, an anomaly

or institutionalized paradigm for response and adjustment. Competing interests may take advantage of such problems to promote a competing set of explanations for, and solutions to, pressing problems, but they do not create them. Neither do demands for change find much purchase in the absence of a perceived problem. Public interest groups raised numerous concerns and cautions about food safety and public health issues in the years prior to the BSE crisis. Actors within the Commission clearly understood and recognized the validity of these concerns, given that much of the Green Paper on Food Safety (COM(97) 176) was drafted before the crisis exploded. Even while the core principles of the market paradigm suggested that competitive forces would successfully weed out such problems, the Commission had taken some regulator action to protect food safety – but generally *within* the restrictions of the market paradigm.

Second, the effect that a problem has on the related policy paradigm is related to how the source of the problem is understood. To the extent that the problem is seen to be either unexplained or unaccounted for by the paradigm, there will be pressures to modify or adapt the paradigm to address the problem. This would entail adjustment in the more peripheral areas of the paradigm – first methods and approaches, then some rules. The Commission’s pre-BSE responses to food safety concerns articulated in numerous issue-specific safety directives and actions, can be seen as just such an adjustment response. While certain actors (in particular, European public interest organizations) saw the emerging problems as more deeply rooted, their number had not reached a level that could be referred to as a “critical mass”. The Commission demonstrated this by pressing for the removal of national bans on British beef products in response to the first signs of a problem, actions that clearly suggest that the problem was understood as a trade and agricultural problem, to be dealt with within those frameworks. Emerging problems that were more clearly related to public health and food safety were addressed with adjustments in practices and rules within the single market framework.

The nature of a problem and its threat to a given policy paradigm changes radically, however, to the extent that the paradigm itself is seen as a source of the problem – a side effect of, or directly caused by, that paradigm. The BSE crisis provides the textbook case. By the time of the BSE crisis, the EU’s CAP had already been under siege for some time. In addition to causing undesirable market distortions, it was being blamed for environmental problems and undermining the quality of European food products. While the single market programme sought to address the various market distortions created by state-level regulation and earlier EU food policy, it was not addressed to food quality or safety except as an expected side effect of unleashing competitive forces. Public interest groups, including environmental, public health and consumer groups, continued to sound alarms about potential problems. Meanwhile, the implementation of the single market was accompanied by concerns over the weakening or dismantling of existing regulatory structures for food safety, and more generally, the EU’s increasing intrusion on what until recently been considered a national, rather than supranational policymaking arena. When the announcement of a connection between BSE and an invariably fatal human disease sent shock waves across Europe, the stage

may or may not be defined as a problem – it is the claims-making activity of social actors that produces this result. This should not be surprising, there are many phenomena that are poorly, if at all accounted for, by any given influential public policy paradigm. It is the problem-causing anomaly that is of interest here.

for a crisis encompassing numerous paradigms was already set: 1) mad cow disease had already been in the news for years – long enough for its source to have been traced to animal feed and agricultural practices generated by the intensification of competition in agricultural production. There had long been speculation regarding the possibility of BSE hopping species to humans, and concerns expressed that economic interests were being prioritized over public health and safety; 2) the widespread economic downturn experienced over much of Europe during the 1990s contributed to intensified debate about the requirements placed upon member states' policies by a supranational authority, and its role in prioritizing economic interests over broader public concerns; 3) specific actions taken by the EU in support of the British government with respect to BSE, including the apparent British role in downplaying any response by the Commission, made the EU appear as an accomplice, if not the sole cause, of the crisis. This generated crises on three fronts: 1) a food safety crisis - pertaining to actual risk of contracting a fatal disease from eating beef products; 2) a crisis of public confidence – relating to a more general undermining of public confidence in the safety of food and the institutions for its assurance; 3) a political crisis – a crisis of confidence in European institutions, the Commission in particular. Inevitably, the dominant paradigm by the Commission and the European Union were understood – the market paradigm – as well as the actors most clearly associated with it, were seen as the source of developments that had become difficult to deny as a serious problem and threat. That the British government continued to deny any real food safety problem only served to undermine what credibility that may have remained. The actions eventually taken contributed to not only holding the regulation of agricultural and foodstuffs markets at the EU level, but by effectively drawing food safety much more firmly into the European arena. A failure to do this would likely have resulted in many more member states asserting public health concerns through their erection of new national barriers to trade in agricultural and food products. This would have obviously implied a failure of the EU idea of a single market.

PARADIGM SHIFT

It seems quite likely that the paradigmatic shift in the food safety policy of the EU staved off a return to national level regulation. While substantial adjustments to the policy dictated by the market paradigm might have addressed many of the actual public health and safety issues, the demands created by the public confidence and related political crisis forced more revolutionary action. The Green Paper on food safety (COM(97) 176) has been singled out earlier in this paper as the official turning point in EU food policy because it represents the formal announcement of the change in hierarchy of core principals guiding EU food policy.

An exception to the preceding statement is the evolution of the EU “constitutional” framework in the form of the legal mandate provided by the treaties. Articles 152 and 153 (Amsterdam Treaty, 1999), which, radically although subtly, strengthened the place of public health and consumer interests in EU policymaking, emerged at least in part for example, from responses to the handling of the BSE crisis. This has already been discussed as part of the background to the evolution of EU food policy. However, it is worth pointing to again as a reminder that it not only forms an important part of the context within which this policy evolution is taking place. It represents a deeper institutionalization of the paradigm shift with respect to public health and consumer safety issues – the formal acknowledgement by member states of the new paradigmatic order in these policy sectors. It is also intertwined with, and is yet another reflection of,

the changing perceptions regarding the kinds of issues that can be considered European versus national or local.

Changes both prior and subsequent to the above-described policy decisions represent adjustments in mid-level or peripheral elements of the respective policy paradigms (or, as is discussed in the following section, the manifestation of the new paradigm in the institutional structure). Accordingly, several observations and generalizations can be made based on the case studies.

(1) A paradigm shift can be said to have taken place when one set of core paradigmatic principals is replaced by another. This may entail a reordering of the priority order of these core principals rather than the complete rejection of all or part of that core. The reordering, however, must dictate a course of action that would not be possible – or would be incommensurable with – the ordering it replaces. It might therefore be asserted that it is the particular structuring and prioritizing of fundamental principals that represents the core of the paradigm. Thus, establishing the single market while taking into account public health concerns dictates a radically different set of policy decisions and organizational structures than *assuring* a high level of public health and consumer safety in *all* European Union policy. The adaptation of the Precautionary Principle from environmental policy to food policy and shifting the burden of proof of potential food safety problems provides a clear example. The rapid and public response of the Commission to dioxin contamination of Belgian poultry products not only greatly reduced the ongoing, actual danger to public health, it also sent a clear message about in whose favor such decisions might be resolved. The clumsiness of the Belgian government in the episode only served to provide the Commission an “ersatz villain” against which to play hero (and making a much more interesting, intrigue-filled, and newsworthy story). While the EU ban on many Belgian products undoubtedly harmed many innocent farmers whose products had not been contaminated, the demonstration of the direction in which uncertainty would be addressed undoubtedly reduced unnecessary exposure to dioxins, while doing much to rebuild public confidence in an EU role in assuring food safety.

(2) Changes in the mid-level or peripheral elements of a policy paradigm may serve to reinforce or embed the currently-dominant paradigm – or they may serve to pave the way to replacement of the paradigm by its challenger. This effect depends in part on the extent to which the changes influence factors in three categories: 1) their effect on the legitimacy or effectiveness of claims-making activities that define social problems (while changes in rules or the practices that characterize their implementation may, for example, ameliorate or eliminate a problem, the responses themselves may also serve to legitimize such problems); 2) their effect on how the material interests of powerful actors are played out; and 3) their tendency to increase or decrease the overall coherence, or internal consistency, of the paradigm.

The UK and the Commission took numerous steps to address the BSE epidemic from the time of its initial discovery. The most public of these was to slaughter tens of thousands of head of British cows, and at enormous cost. They also took steps to remove the suspected sources of the infection, deriving from recycling animal by-products into animal feed, from the food chain. This was a quite invasive set of steps in a paradigm that promotes minimalist regulation or other governmental intervention, and was undoubtedly made possible by the fact that economic interests – including both

agricultural and food processing industries – were being severely hurt by the problem. Action was needed, since British farmers were not all voluntarily going out and slaughtering their infected herds, and the subsequent cheating on related regulations suggested that many farmers and producers would not, even with government intervention, voluntarily place public health concerns above their own economic health. The governmental intervention in commercial agricultural activities clearly legitimized and publicized the problem, as it would be almost inconceivable to order the destruction of so many animals in the absence of a major threat. The need for intervention by public authorities in market matters was also legitimized, since agricultural markets did not appear to be self-correcting. This undermined the market paradigm and reinforced the challenger. The fact that the problem was not only a public health concern, but also threatened influential market actors across Europe, changed the stakes; the BSE issue expanded food safety questions beyond public health and into the capacity of the market to function properly. The convergence of “claims-making” activities across the interests (and re-alignment of interests), combined with the gradual legitimizing of decisive intervention by public authorities in market matters, and the subsequent undermining of the market paradigm in food policy, crystallized with the announcement of the possible connection between BSE and human health. A hidden villain became the public threat, while some kind of action by public authorities became the solution, transforming the perception of at least some forms of government intervention from problem to solution. Only the British government held fast to the problem-causing paradigm, as if to prove people’s worst fears about the type of food policy it could produce.

Since the release of the Green Paper on food safety (COM(97)176), actions taken by the EU have tended to flesh out and reinforce the new paradigm. In addition to deeper formalization in the treaties (Amsterdam Treaty, 1999) these actions are reflected in the paradigmatic principles, such as those expressed in the formalization and clarification of the Precautionary Principle. They are also reflected in the more peripheral areas of practice, including the implementation of policy decisions on food safety, for example, the EU actions in response to the dioxin crisis. The most important theoretical generalization that can be drawn here is that the effects of changes in paradigmatic elements are likely to be cumulative and context dependent – rather than sequential and ordered according to their place in any hierarchy. Finally, paradigmatic changes are being increasingly reflected in institutional reorganization – representing the system shift following the paradigm shift. This reorganization is having the effect of making the institutional structure of the EU – particularly the Commission and its DGs – more coherent and compatible with the new policy paradigm. Some of the more significant details are taken up in the next section.

SYSTEM SHIFT: INSTITUTIONAL / ORGANIZATIONAL CHANGE

The system shift consists of taking the actions necessary to bring the institutionalized organizational structure into line with the paradigmatic structure that provides its conceptual guidance. As the post-BSE changes in EU food policy demonstrate, this should be thought of as neither a smooth nor rapid process, nor is it ever complete, owing to the necessary incapacity of any policy paradigm to be completely coherent or address all problems. In all probability, it can only be identified after the fact – after the process of paradigmatic and system challenge has begun to erode the newly enshrined paradigmatic priorities – just as no one knows how high the stock market will go until after it has started to fall. It is nevertheless possible to trace the institutional reorganization that takes place to bring it into line with a newly adopted public policy

paradigm. Given their concreteness, it is the institutional reorganization – changing organizational structure, reassignment of responsibilities, and allocation of resources and authority – that are perhaps most straightforward to trace.

DG HOPPING

The movement of the high priority responsibilities for EU food policy within EU institutions – from DG Agriculture to DG Industry to DG Health and Consumer Protection – is more than symbolic. This is especially true, given that DG Health and Consumer Protection was only created in 1995, and as recently as 1998 was generally seen as quite weak in comparison with the other two (Sutton, 1999). The particular missions of the respective DGs offer a hint of which competing principles for food policy were likely to dominate the framing of policy and action.

DG Agriculture currently indicates as its mission that it is “responsible for the European Union’s policies on agriculture and rural development” (DG Agriculture, 2000). Information found on the DG Agriculture home page goes on to explicitly downplay the earlier focus on agricultural markets: “the focus of the CAP has shifted somewhat from the previous dominance of market measures” and directs attention elsewhere, “including the important social role of agriculture in the EU...” (DG Agriculture, 2000).

The stated mission of DG Industry was until late 1999 “to promote the competitiveness of European industry” and to “improve the functioning of markets, in particular the Internal market, in order to provide a stable, coherent and predictable environment for business”(DG Industry, 1999). The previous Commissioner, Martin Bangeman, was known for being equally unequivocal in communicating his sense of mission (Nylander, 2000). This is a comparatively direct and unapologetic statement of purpose from a DG considered to have been among the most influential of the DGs, and with a powerful pro-business constituency. Interestingly, the DG did make a gesture toward more socially-oriented goals, but did so by describing competitiveness as “the ability of industry to generate rising standards of living for the population as a whole...” (DG Industry, 1999). It thus framed the market as the very source of a better European standard of living. When the new Commission came into place in late 1999, the name was changed to DG Enterprise and the mission language softened to say that the “mission of the Enterprise Directorate General is to address the entire business environment to enable enterprises to strengthen their competitiveness, grow and develop *in a way that is compatible with the overall EU goal of sustainable development*” (DG Enterprise, 2000, emphasis added). While the extent to which such language changes represent fundamental changes in mission remains to be seen, the consistency of the language with other developments in the EU suggest something more than a simple facelift. Even so, the bulk of responsibility for food policy was shifted to DG Health and Consumer Protection.

The statement of mission for DG Health and Consumer Protection is as explicitly consumer oriented as the statement of DG Industry was business oriented: “to ensure a high level of protection of consumers’ health, safety and economic interests as well as of public health at the level of the European union” (DG Health and Consumer Protection, 2000). The statement is given greater force by the fact that it is drawn almost directly from the relevant articles of the 1999 Treaty (Amsterdam Treaty, 1999, Articles 152, 153.).

It would be naive, of course, to take such statements of purpose strictly at face value, ignoring the political character of both the statements and the institutions whose purposes they reflect. It is possible to compare statements presented to different audiences or in different fora, and it is even more helpful to compare claims with actions. But even taking the most cynical perspective possible – that such statements are no more than political rhetoric and represent no substantive change – they do create important pressures. Political legitimacy and trust require at least a measure of consistency to be maintained between what is said and what is done. In fact, the shift in prioritization of guiding principles does appear to be increasingly reflected in public statements (i.e., in relevant DG mission statements and in numerous speeches, see SPEECH/00/41) in new actions being taken by the Commission (i.e., Commission actions taken to block Belgian poultry exports – or to block the import of U.S. beef containing potentially hazardous growth hormones), and in the planned further institutionalization of these principles in the organizational structure of the EU (i.e., in the new Food Authority).

Several inferences can be drawn from the presentation, or framing, of the guiding principles of DG Agriculture. First, the pre-BSE information describing the CAP and the role of DG-VI was most probably quite explicit in its support of the CAP and its earlier policy focus¹⁵, and later, even of the need for market reforms. Second, the newer, more “social” focus suggests a changing set of policy priorities for the DG, since it characterizes agricultural policy through the framework of social concerns – concerns that are only indirectly agricultural. While such statements may be influenced by a perceived need to offer a “front stage” presentation of the DG’s goals in terms of a newly popular and legitimized set of priorities, other evidence also points to deeper institutional adjustment. If, as the Buckwell Report stated, the “legitimacy of the CAP is in danger” (Buckwell Report, 1997: 5:1), then the legitimacy and authority of the DG responsible for its substance and implementation are also in danger. The qualification of the mission of DG Enterprise points in a similar direction. And while this hardly means that DG Enterprise will be competing with DG Health and Consumer Protection to champion citizens’ and consumers’ health, safety, and rights, it does suggest that the goals and purposes of the respective DGs are inherently and inevitably incompatible. There must be, however, clear principles and rules for establishing priority in the many areas where conflicts exist.

This is, of course, only the tip of the iceberg, as the changes reflected in legal documents establishing both legal competence and operating principles demonstrate. In the context of events that have unfolded over the past half decade, Articles 152 and 153 of the Amsterdam Treaty have taken on a level of priority that was probably quite unexpected when they were agreed upon.

¹⁵ Since the current, rather than the earlier transformation of EU food policy is the principal focus of this paper, older documents concerning the CAP have not been gathered. This judgement is made on the basis of discussion in more recent materials, including the Buckwell Report (1998). Given the earlier, more closed nature of the Commission, much of this earlier information would not have been as widely available, and obviously not via the world wide web.

V. CONCLUSIONS

PUBLIC POLICY PARADIGM: DEFINING THE NATURE OF THE PROBLEM AND THE STRUCTURE OF THE INSTITUTIONS THAT ADDRESS THEM

The broad conceptualization of the problems to be solved has consistently driven the EU discussion – and policymaking – regarding food. From the 1950s until the late 1980s, the dual, dominant problems were seen to be adequate food supply and maintaining a “healthy” enough agricultural system to sustain both producers (farmers) and consumers (European citizens). The political power and economic resources of the EU were directed toward achieving these goals. When the push for the single market began to materialize, the principle problem of adequate food supply seemed to have been addressed, and new problems had already emerged as a result of the CAP. The new problems were largely seen in terms of market-inspired goals: they were high cost and low productivity, and to a lesser extent, a lack of consumer choice. Achievement of these goals meant dismantling at least part of the previous system, including economic supports and regulatory mechanisms, to achieve a common market in agriculture. The fact that some of the regulatory mechanisms that inhibited agricultural trade had public health benefits seemed not to be a consideration – the problem was defined differently, as the need for a stronger, united market, necessitating the removal of obstacles to trade. This would, in turn, increase choice, lower prices, and achieve greater agricultural efficiency. The fact that enormous economic interests were at stake here only served to propel developments further and faster.

European food policy has now taken yet another major turn – toward considerations of public health and consumer safety as the principal priority. This turn too, has been triggered by the emergence of new problems. When Commission President Jacques Santer observed before the European Parliament back in 1997 (Bulletin EU 1/2-1997: 4) that the food crisis that threatened his presidency was a direct result of then-dominant principles guiding EU food policy, he only echoed what many European citizens already understood to be true. The transformation of EU food policy that has taken place during the past four years – beginning with the paradigmatic shift announced in the Green Paper on food safety, and that is now being institutionalized in the rule changes and organizational restructuring that have and are continuing to take place – followed from that understanding of responsibility and the demand for effective measures.

The contentions and conclusions of this paper regarding the transformation in EU food policy might be taken as encouraging news by critics of the market ideology that has guided much of the EU’s recent policy, and those simply concerned about the public health. We would all do well, however, not to rest too comfortably – the new principles are not yet deeply institutionalized, although the current changes appear to be having that effect. However, this process is ongoing, and unanticipated events and resourceful actors could easily combine to shift both attention and directions once again. One food producers’ organization, for example, highlights its concerns about food safety by redirecting attention to practices in the kitchen – covering stored food, proper cooking, not leaving food out, etc. While these are certainly legitimate concerns, they are not only quite different nature – they also shift the attention and sense of responsibility for food safety from producer to consumer.

Public interest groups are clearly aware of this potential for subtle redirection. In their comments on the recent paper clarifying the use of the Precautionary Principle (COM(2000) 1), the EPHA points out that the principle is essentially political in nature, and that the scientific evidence to which the Commission communication refers is itself based on its own underlying assumptions which can be influenced by other interests (EPHA, 2000-02-02). This was precisely the problem in the early stages of the BSE epidemic, when the possibility of transmission to humans was first raised. The BEUC made similarly keen observations earlier regarding consumer policy and the Amsterdam Treaty (BEUC/300/98). The definition of issues as fundamentally technical or political in nature moves policy questions into very different decision processes, as Nylander (2000:112-146) observed in the fight over patents on biotechnology in the EU.

While there is great demand for consultation with consumer and public health organizations at the moment, there are also problems. They typically lack the practical resources that make effective participation possible on a rapidly increasing scale. This threatens to reduce their ability to focus sufficiently on important issues, while at the same time it risks creating the impression that they are not as concerned as they have claimed. Their ability to be heard has in part depended upon the severity and of, and the level of public awareness of, the problems to which they address themselves. Nor have these obstacles gone unnoticed by commercial interests, which in some cases have established what might be cynically referred to as front groups – consumer-led, industry-financed organizations to enhance their own credibility and position of issues of interest (see Nylander, 2000:112-146).

In spite of such ongoing questions, there are also parallel forces at work which reinforce the transformation in EU food policy. External to the EU, the World Trade Organization (WTO) recently issued a decision prioritizing public health concerns over trade interests¹⁶ – the first time free trade rules have been overruled by public health concerns. Within the EU, other more social, less market-oriented concerns are being reflected in a range of policy decisions such as those mentioned in the beginning of this paper. Even within food policy, discussions are extending beyond strict questions of food safety (defined as the absence of harmful foreign substances) to the health impacts of normal components of food products such as fat and other nutritional content. These discussions are likely to reinforce more fundamental safety concerns, as well as continue to contribute to the further Europeanisation of food policy as new regulations and monitoring and enforcement mechanisms are deployed.

All public policy resolves some types of problems while overlooking, ignoring, or even creating others. This was clearly true of the market paradigm guiding that once guided EU food policy. While this hardly means that the market paradigm has been discredited and cast aside, it has set the stage for the dramatic shift described and analyzed in this paper, and appears to be contributing to the surprise emergence of a broader “social dimension” in EU policymaking.

¹⁶ The WTO found in favor of France (citing public health concerns) in its refusal to import asbestos, a known cancer causing agent, from Canada (Olson, 2000-06-16).

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