Consumer Voice

Newsletter on food safety, health and consumer policy
from the European Commission's Health and Consumer Protection DG

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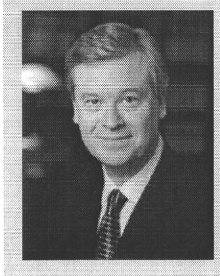


◀ *David Byrne, Commissioner for Health and Consumer Protection*

New EU food law system comes into force

When I came into office, during a food crisis, I resolved to reform and transform EU food safety measures. A radical overhaul of the basic principles of European food law was my priority then and it is very satisfying to see this ambition becoming a reality. The EU Institutions can be proud it has been achieved so quickly.

These new principles of food law and the new procedures in matters of food safety are not going to gather dust on the shelf. Almost as soon as they came into force, the Commission invoked emergency measures under the Regulation to suspend the sale of jelly mini-cups containing E 425 konjac. This was a good example of how the new EU food law can work in practice by taking targeted and decisive action to protect all EU citizens, and in particular, their children.

The proposed new public health programme also represents a radical shake-up, but in this case, in the way the EU protects, and intends to improve and promote, the health of its citizens. It goes into the conciliation process next month with just two key issues to be resolved before the programme can be adopted. I am very hopeful of a good resolution on these issues so that this new programme too, can move on to reach its ambitious objectives.

David Byrne

IN THIS EDITION

New food law principles apply from farm to fork

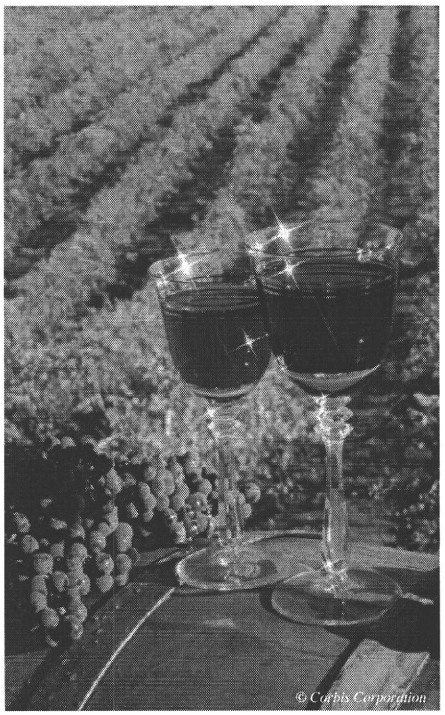
The new European Food Safety Authority (EFSA) may initially have overshadowed the dramatic reform of EU food law that came into effect at the same time, but the transformed EU food law principles will nevertheless impact on food safety throughout the EU in a profound, if less high-profile way. The general principles of food law now apply to every stage of production, processing and distribution of food and also to the production and distribution of animal feed. They place an obligation on the food and feed operator to ensure compliance and on Member States to apply control systems to ensure that compliance. These principles apply equally to imports and exports.

Commissioner David Byrne launched the plans to reform EU food safety measures in the Commission's White Paper on Food Safety in January 2001. The legal and structural changes were proposed in a Regulation establishing the principles, definitions and requirements on which all future food law in Europe would be based and the same Regulation would also establish the EFSA. The proposal moved swiftly through the EU institutions and the Regulation came into force at the end of February.

The bottom line is that food must be safe

In the new Regulation, food safety matters are covered in the same way at all stages of the food supply chain. It defines the term "food" for the first time at EU level and harmonises some differences that exist in the definition of food between some of the Member States. It defines the term "food law" which covers a wider range of provisions than those that relate to just food, including measures relating to materials and substances in contact with food.

Commissioner David Byrne explained the reasoning behind this careful definition of food to Consumer Voice Newsletter. "We have to be very careful to be specific on this and other related concepts so as to provide legal certainty for future Euro-



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■ All existing legislation to be reviewed before 2007

The principles, requirements and definitions in the general food law will gradually take effect. All new Commission proposals will use them and all existing legislation will be reviewed before 2007 to ensure that it is compatible.

■ First application of new food law principles

No sooner were the new food law principles in force than they were brought into play for the first time. In early March, an emergency measure was applied, suspending the sale of jelly mini-cups containing the food additive E 425 konjac, using article 53 of the Regulation. The action was taken by the Commission in response to reports that several children in the United States and Canada had choked on the contents of jelly mini-cups; and the move was fully supported by the Member States.

Up to now, jelly mini-cups were marketed in the EU by different manufacturers as a single portion, pre-packaged sweet or confectionery, mainly intended for children. Jelly mini-cups are individual, mouth-sized servings, containing a small piece of preserved fruit and are about the same size as a single serving coffee creamer. Konjac is a gelling agent and thickener used in food products. The Commission, supported by the Member States, considered that the warnings on the packaging of these products was insufficient protection for children.

pean food law as well as clarity at EU level on such concepts," he said. "These general principles of food law will apply as equally on the farm as they will to food that is on sale in a restaurant."

"The bottom line is that food must be safe and that includes the production and distribution of animal feed," he stressed. "The Regulation makes it clear that making food and feed safe is the responsibility of the business operator – a responsibility that is to be backed up by controls applied by the authorities in the Member States. It is now obligatory for food businesses to withdraw unsafe foods from the market, and at the same time to provide accurate information to the consumers."

Sound scientific basis for food law

Risk analysis is firmly established in the Regulation as the basis for food law, including its three inter-related components: risk assessment, risk management and risk communication. Although not all food law has or needs a strong scientific basis – for example food law relating to consumer information or the prevention of misleading practices – the assessment of risk by scientists is still central to food safety.

It is imperative that those drawing up and adopting food safety measures should have access to robust scientific advice and this is where the interface between the EFSA and the general principles of food law come into play. The EFSA will give that advice. In its work on identification of new risks, its interaction through extensive networks with national authorities and its surveillance activities, EFSA will be the first point of contact for scientific advice on food safety matters.

Imports and exports will be subject to the same safety standards

Only safe food and feed can be imported into and exported from the EU. Food and feed will be subject to the same safety standards regardless of their origin or destination. Should a third country demand a different recipe or other quality criteria to those established in European food law, this food may be made and exported but in no circumstances may food, which may be injurious to health – or unsafe feed – be exported.

The new Regulation acknowledges the EU's commitment to its international obligations, particularly in relation to the Sanitary and Phyto-Sanitary (SPS) and the Technical Barriers to Trade (TBT) Agreements under the auspices of the World Trade Organisation. It stresses the EU's commitment to the development of international technical standards for foods.

The new Regulation also recognises the EU's obligation to consider international standards within both of these agreements but balances this with the Treaty requirement for a high level of health protection, and with the other objectives of food law established in this proposal.

The text of "Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety" can be found at: *http://europa.eu.int/eur-lex/pri/en/oj/dat/2002/l_031/l_03120020201en00010024.pdf*

New public health programme within reach

In May, the new public health programme goes into the last round of the "conciliation" process, clearing what is hoped to be the last hurdle before it can be adopted by the Health Council in June. The two main issues to be tackled are the budget and the structural arrangements for programme implementation.

The budget proposed by the Commission to carry out the work was Eur 300 million, but in Council that figure was reduced by Member State ministers who prefer a figure of Eur 280 million. However, the European Parliament has proposed Eur 380 million. A compromise has to be found in conciliation and a final figure agreed.

On what is referred to as "structural arrangements" – which means ensuring that appropriate expertise and institutional capacity is available to the Commission for the delivery of the programme – the European Parliament has a number of strong views. These were set out in specific amendments adopted in a second reading by the EP in December 2001. They include urging the Commission to prioritise work on the new arrangements from the outset of the programme.

Other Parliament amendments still under discussion propose new areas of work for the programme, such as developing a vaccination strategy, responding to bioterrorism and setting quality standards in health. These questions must be debated in full and a compromise reached before the new public health programme can be agreed.

The new public health programme will replace the eight public health programmes that are currently coming to an end. The programme sets out a foundation for EU health protection measures to be carried out over the next six years and it is a central part of the EU's overall health strategy. The programme will focus on three types of activity: to improve the quality and transparency of health information, to improve on current abilities to respond rapidly to health threats and to find effective ways to tackle health determinants - the underlying causes of disease.

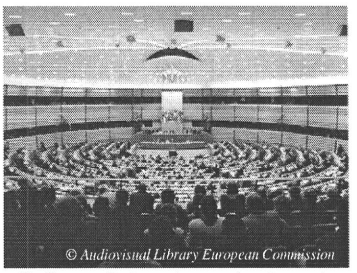
Strand 1: Improving health information and knowledge

Actions in this strand will concentrate on putting together a comprehensive health information system that will provide policy makers, health professionals and the general public with the key health data and information that they need.

This system of networks will have to be extremely effective and sophisticated, bringing together in a coherent way, a combination of computer or telematic networks and groupings of specialist and expert human resource networks. Strand 1 is designed to support the whole programme, marrying the design of the information system to the needs of the stakeholders including the needs of the other strands 2 and 3.

Strand 2: Responding rapidly to health threats

Actions taken in strand 2 will primarily transmit and act on new information about health threats that require immediate action to prevent further harm. Joint disease investigation teams will be set up as will a European network of experts who are responsible in the Member States for evaluating, managing and communicating risks.



▲ *The European Parliament has a number of strong views on the programme.*

■ What is conciliation?

Conciliation is the third and final phase of the most important of the legislative procedures of the European Union, the codecision procedure. The basic provisions are in Article 251 (3-7) of the Treaty. The conciliation procedure always applies if the Council does not approve all the amendments adopted by the European Parliament at its second reading.

In addition to the Treaty articles, basic rules for the conciliation procedure can be found in the Joint Declaration of the European Parliament, the Council and the Commission laying down practical arrangements for the codecision procedure and in the Rules of Procedure of the European Parliament (Rules 81-82).

Communicable diseases network targeted for rapid development

The need for an effective rapid response capability was foreseen in the proposal when it was put forward in May 2000, to deal with threats to public health from communicable diseases and other types of fast-moving health risks. However, since September 11, 2001, this type of response capacity is seen to be most urgent. Moves are already underway to strengthen and extend existing cooperation mechanisms within the EU, in particular the Network for surveillance and control of communicable diseases in the EU.

Guidelines will be developed for protective measures that can be taken, particularly at external frontiers and in emergency situations. Other actions include training, providing information on the capacities of laboratories that can help prevent and fight health threats and, most important, what serums, vaccines and antibiotics are available.

It is in this strand that development of the technical requirements for quality and safety of blood tissues and cells will be tackled. Actions will establish traceability systems for blood, tissues and cells to allow identification of each individual donation regardless of the country of origin. It will establish vigilance systems including rapid communication of any threats posed by substances of human origin and quality management systems for establishments collecting and processing substances of human origin.

Strand 3: Addressing health determinants

In this area of activity, the new approach to health protection can be most clearly seen. Instead of concentrating on specific diseases, actions will aim to tackle the root causes of disease or "health determinants", through effective health promotion and disease prevention measures.

Smoking, for example, is a health determinant and the Commission is already involved in a number of actions to discourage the habit, particularly in young people. "There can be no doubt," said Commissioner David Byrne, "that the EU is now firmly established as a major player in tobacco control at a global level."

The programme is ready for enlargement

The programme takes account of enlargement of the EU, ensuring participation of applicant countries who will be new Member States early in the lifetime of the new programme. The aim is to ensure that they can play an active role in the programme from the beginning. For example, they will take part in structures to be developed under strand 2 and as soon as it is possible, in the early warning and response structures.

These proposed measures taken together, represent nothing less than a radical shake-up of the way the EU protects and improves public health. The far reaching potential of the networking systems – both human and electronic – will enable a much faster and effective response to health risks than is currently possible. And further, the public will have access to a huge range of authoritative information that will help them to lead healthier lives.

Full text of the "Proposal for a decision of the European Parliament and of the Council adopting a programme of Community action in the field of public health (2001-2006)" at: *http://europa.eu.int/eur-lex/en/com/pdf/2002/en_502PC0029.pdf*

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The views expressed in Consumer Voice do not necessarily reflect the opinions of the European Commission.

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