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RESTORING CONSUMERS CONFIDENCE AS REGARDS FOOD SAFETY

THE EUROPEAN COMPOUND FEED INDUSTRY CONTRIBUTION TO THE REFLECTION ABOUT THE EU COMMISSION WHITE PAPER ON FOOD SAFETY

1. General comments

FEFAC welcomes the new approach for establishing a coherent, harmonised EU policy for food safety which recognises the specific role of the animal feed sector in the food chain. FEFAC underlines that the EU has imposed strict quality and safety standards for feed production for more than thirty years, which were complemented by additional, voluntary quality assurance measure by the feed industry

2. Principles of food safety

FEFAC fully supports the integrated approach to food safety all along the food chain as proposed by the European Commission. It is important to stress that compound feed manufacturers produce app 120 Mio t of compound feed which represents 35 % of the total annual feed consumption of farm animals. The new food safety principles must therefore apply to all feedingstuffs whether produced on the farm or manufactured commercially to be effective. They have to be extended to suppliers of feed materials to the feed industry or home-mixers in order to be source-directed, knowing that the recent food safety problems had their origin in the supply chain to the feed industry.

3. Scientific advise and European Food Authority

FEFAC believes that the future European Food authority can make an important contribution to restore consumer confidence in delivering excellent, independent and transparent scientific advise on emerging food safety issues. Its success relies to a large extent on clear distinction of tasks, an inclusive approach towards stakeholder consultation and appropriate resources to carry out efficiently its tasks within meaningful time limits.

4. Feed-Related Regulatory Aspects

FEFAC recommends to clearly separate food safety related measures from other measures in the review process of EU feed legislation. FEFAC believes that certain measures listed in the White paper, such as modifying the labelling rules, changing basic principles of the Directive of undesirable substances and the proposed positive list of feed materials are not conducive to improved feed safety. The key to improved feed safety is the proposed extension of the Approval requirements for feed establishments to suppliers of certain feed materials imposing the development of quality assurance systems based on HACCP-principles. FEFAC is fully committed to further promote implementation of industry own-control systems via code of practices which must involve suppliers of feed materials.

5. Controls

FEFAC underlines the critical importance of a harmonised, balanced and effective EU official feed control programme covering all animal feed producers.

6. Consumer information

FEFAC invites the EU authorities to clearly distinguish between consumer information on product quality and on food safety. It is important to avoid confounding food safety considerations with animal welfare issues or nutritional quality which can be misleading for consumers.

7. International Dimension

FEFAC is concerned by the cost incidence of many of the White paper measures on livestock production in the EU which can only widen the gap between production costs between EU producers and third countries. The EU must ensure compliance with EU standards by imported livestock products to ensure the same safety guarantees to consumers in the EU while maintaining a level playing field for EU livestock producers.

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1. GENERAL COMMENTS

FEFAC representing the EU Compound Feed Industry supports the principle of an integrated legal framework programme aiming at restoring consumers confidence as regards food safety. FEFAC therefore welcomes the EU Commission White Paper on food safety and congratulates the EU Commission services for the announced comprehensive working programme.

FEFAC welcomes in principle the new approach "from farm to table" which establishes the principles of a consistent legal framework for feed & food safety. This new orientation takes into account the specific role of the feed sector in the overall food chain, as an important customer of agricultural raw materials and food industry by-products and a supplier to livestock farmers. It is important however to underline that, for 30 years, the EU has imposed legal obligations on feed compounders which have been enforced by Member States and were complemented by additional voluntary quality measures by the feed industry. It has to be made clear that recent problems had their origin in the upstream sector of the compound feed industry.

The EU Commission action plan constitutes a major milestone for the future of the EU feed legislation. FEFAC therefore urges the EU Commission to ensure the greatest transparency in the preparation of the specific proposals, and especially to ensure the involvement of stakeholders. In this context, FEFAC called on the EU Commission to establish a specific consultative forum dedicated to food safety, e.g. an Advisory Committee on Food Safety involving all interested parties including FEFAC (11)¹. Pending the creation of such a structure and since the publication of most of the EU Commission feed-related proposals is expected to take place by the end of 2000 according to the White Paper on food safety, FEFAC urges the EU Commission to seize any opportunity to organise consultation, either formal or informal, for example via working groups for which FEFAC commits itself to provide the best available expertise.

Alongside the legislative programme, FEFAC together with its 14 EU Member Associations and its Associated Members in Pre-access countries will continue to encourage feed manufacturers in the implementation of codes of practices, the introduction of HACCP-based quality assurance systems and better communication towards stakeholders. It will also bring its contribution to the coming global dialogue on feed safety within the framework of the Codex Task Force on animal feed, aiming at developing global safety standards for feed production, irrespective of who produces animal feed.

¹ In brackets the reference to the corresponding paragraph of the EU Commission White Paper on Food Safety (COM (1999) 719final).

2. PRINCIPLES OF FOOD SAFETY

FEFAC fully agrees with the integrated approach put forward by the EU Commission. Food safety must be regarded as a primary objective for all involved stakeholders, from suppliers of feed materials to the feed sector to consumers. It must be recognised at this stage that the food chain cannot be represented by the means of a simple vertical flow chart. The feed sector is also an important customer of the food chain, processing app. 40 mio. t of food industry by-products that find their way in animal nutrition including 10 mio. t used as straight feedingstuffs by home-mixers. From this perspective, FEFAC shares the EU Commission view that the role and task of all stakeholders in the food chain must be clearly defined as to ensure food safety (8) (9).

In order to meet the objective of an integrated approach towards feed legislation in the framework of the new EU policy on food safety it must be made clear that the compound feed manufacturers produce app. 120 mio t representing about 35% of the total feed intake of farm animals in the EU. The rest is composed of roughages and home mixed feedingstuffs. This part of feed production must be fully encompassed in the new food safety policy concept of the European Union. The same must apply to feedingstuffs supplies from third countries.

The feed industry is familiar with the traceability concept which is part of the requirements of existing legislation such as Directive 95/69/EC for the Approval of feed establishments. It is also a prerequisite for the implementation of private or public feed assurance scheme implemented in the feed industry throughout the EU. However, it is worthwhile to recall that a clear distinction must be made between traceability, essentially based on record keeping intended to facilitate control and crisis management, and information to customers via products labels. FEFAC is of the opinion that labelling requirements aim at allowing each partner of the chain to fulfil its mission as indicated in the White Paper, whereas traceability is an essential risk management tool for authorities (10). Traceability therefore can be established on the control of assurance schemes including the suppliers of feed materials. The same must apply to home mixtures of the livestock producers.

The EU Commission refers to the Precautionary Principle as a concept to apply appropriately in risk management decisions. FEFAC welcomes the EU Commission initiative to open the debate as to define the basic elements of this principle and the conditions of its implementation.

FEFAC regrets the current confusion between strictly food safety aspects and issues that are not safety-related, the so-called "other legitimate factors". We do not see the merit to address measures related to nutritional value or labelling requirements within the framework of the White Paper on food safety. This could mislead consumers which might complicate the task of restoring their confidence in the safety of foodstuffs. Moreover, legal problems may emerge due to the difficulties in official control and in the area of know-how protection. However, it is not our intention to challenge the legitimacy of these social concerns at EU level but we do believe that they should be addressed in the framework of a more general reflection over sustainability taking into account the outcome of the ongoing international debate at both WTO and Codex Alimentarius levels.

3. SCIENTIFIC ADVICE AND EUROPEAN FOOD AUTHORITY (EFA)

FEFAC supports the EU Commission intention to extend the current Rapid Alert System for food products to the overall feed&food chain. At this stage of the reflection, we believe that an evaluation on the application of the rapid alert system for food products should be conducted, especially concerning statistical data split between true and false alerts as well as their impact on consumers purchases (18).

Basically, FEFAC strongly supports sound science as a base for a Food Safety Policy. We therefore welcome the EU Commission initiative to start reflections on the future of the EU scientific advice in the direction of the establishment of a European Food Authority. An excellent, independent and transparent scientific advice is one of the pillars to restore consumer confidence (29). However, FEFAC believes that it would be preferable to clearly differentiate scientific advice for Public health purpose from scientific advice for environmental, animal welfare or animal nutrition purposes.

FEFAC agrees that there must be a clear separation between risk management and risk assessment in order to ensure a political control so that the EFA should not be responsible of neither decision making nor control. We also hold the view that risk management would be best achieved if accompanied by a more responsible transparency, which for us means a more co-ordinated, comprehensive risk communication involving scientists of both the EFA and the national agencies. (31 to 34).

The European Food Authority should be independent both from EU institutions and private interests. In that sense, providing the EFA a separate legal status is essential (39).

Transparency: Preliminary opinions should be made available for comments to the public as already experienced with SSC's opinions. From a general viewpoint, any scientific draft report or opinion should be published on internet together with an extensive and regularly updated working calendar, including the different issues to be addressed and a provisional timeframe for completion of the opinions after consultation of stakeholders (43).

Tasks: We hold the view that the new structure should be Public Health-oriented only and should encompass the entire food & feed chain from suppliers of agricultural raw materials to processors, retailers, caterers and consumers (45).

The EFA should be given the mission of publishing initiative reports on emerging public health concerns. It also should co-ordinate data collection with a view to produce regularly a report on the situation of food & feed safety in the EU (49-50).

Resources: Considering the public vocation of the mission of the new structure, its financing should be ensured by Public funding. Adequate human and financial resources should be allocated to allow scientists to fulfil their missions and to produce scientific advice timely so as not to delay or constrain unduly any regulatory or commercial decisions dependent upon them (57). These resources would also be necessary to ensure the best scientific advice and co-ordination with national agencies, thus enabling the EU authorities to properly manage on a common scientific basis any emerging food safety problem (52-53).

4. FEED-RELATED REGULATORY ASPECTS (69)

Among the numerous measures listed in the Annex of the White Paper on Food Safety, FEFAC identified 15 directly or indirectly feed-related measures. Most of these proposals constitute a major step towards full harmonisation of EU feed legislation and its enforcement in all Member States. In the light of the EU Commission statement as regards open dialogue and transparency (11), FEFAC believes that consultation before publishing any legislative proposal would be of the greatest benefit to both stakeholders and the EU Commission.

Again FEFAC would have appreciated if a clear distinction would have been made between safety- and non safety-related measures. In FEFAC's opinion, feed safety is the priority and therefore measures that may have a direct and measurable impact on feed safety should be identified as such.

The establishment of a safeguard clause together with the implementation of a rapid alert system combined with a harmonised official feed control programme are top priorities. The clarification of certain definitions of prohibited products in the so-called negative list is also important, as well as the exclusion of fallen stocks in meat and bone meal products destined for the feed chain which was requested by the EU feed industry. All these measures have a clear benefit to Public Health.

FEFAC also supports the EU Commission view that the feed chain must implement effective own controls. Instruments like codes of practices have been developed and implemented in the feed industry over the past years and the introduction of HACCP based quality assurance systems is the next step. However, the feed industry is only one of the partners of the feed chain and cannot shoulder the primary responsibility of feed safety which lays also in the hands of feed material suppliers and livestock farmers who produce their own feed. FEFAC therefore supports the EU Commission in its intention to extend the scope of the Approval Directive 95/69/EC to all feed manufacturers including certain suppliers of feed materials.

FEFAC regrets that the White Paper on Food Safety does not address the essential question regarding the sources of risk factors. Any contamination has a source which often finds its origin in industrial pollution of the environment. We would have expected the EU Commission to have addressed this crucial element within the framework of the White Paper on food safety. We believe that strengthening the EU feed & food legislation can only be effective if accompanied by measures aiming at reducing industrial pollution, privileging source-directed measures as suggested by the CODEX Alimentarius Commission.

We are confident that such measures if properly implemented can measurably improve Public Health and may prevent further crisis. Instead, the EU White Paper on food safety presents measures such as mandatory percentage declaration of feed ingredients, the deletion of the dilution derogation for undesirable substances or the creation of a positive list of ingredients. None of these measures would have prevented past incidents to occur. This is why FEFAC expresses at this stage its concern that EU decision-makers may run the risk of dispersing their efforts.

Resources could certainly be used more efficiently in shaping the EU feed legislation in a more transparent, comprehensive form. FEFAC is convinced that the consolidation and restructuring of the EU feed legislation would be instrumental to better inform other stakeholders and therefore would be a major step in the direction of restoring consumers confidence. In this respect, the proposal for a feed regulation establishing the basic principles of the feed legislation goes in the right direction.

5. CONTROLS

The establishment of a Community framework for official controls on all food and feed safety aspects is certainly required. In our analysis the recent food crisis and affairs are not the result of gaps in the legislation but of insufficient controls both at official and industry level (88).

In FEFAC's opinion, official controls must be harmonised, balanced and effective.

Harmonisation: FEFAC supports the EU Commission approach aiming at harmonising controls throughout the EU. This is a prerequisite to ensure the best co-operation between Member States and to facilitate the risk management, especially in crisis situation. We indeed strongly believe that confidence between Member States as regards national control systems is essential to avoid over-reaction as experienced recently, with damaging consequences for both consumers and industry (90).

Balance: It is important that a EU feed control programme does cover all feed producers, not only EU commercial feed manufacturers but also farmers who produce their own feeds and also feedingstuffs producers in Third-countries who export livestock products to the EU.

Efficiency: FEFAC welcomes the extension of the mandate of the FVO to cover feed legislation (89). FEFAC believes that one of the criteria to evaluate the efficiency of a control system is the extent to which it is risk-oriented, i.e. that it results from a risk-analysis leading to an identification of the critical points all along the feed & food chain, thus allowing better targeted controls. In other words, it should be based on the application of the HACCP principles all along the feed & food chain. Another criteria would be the extent to which a national control system takes industrial own-checks into account, within the framework of private assurance schemes for example.

FEFAC remains convinced that controls over the EU feed & food legislation must remain a mission of public interest to guarantee Public Health. It is of the opinion that consumers confidence in national control systems would be best ensured if control costs are borne by Public authorities. However, where EU control fees should be implemented, i.e. for the EU Approval of feed establishments, FEFAC requests that it does not generate distortions among feed producers, either commercial feed manufacturers, integrated livestock operators or farm mixers (87).

6. CONSUMER INFORMATION

Improving communication between stakeholders is an essential objective to ensure that the EU food safety policy is transparent and well understood by each partner of the chain. In that respect, the EU Commission proposals as regards dialogue between the scientific community, the EU institutions and consumers should be extended to all stakeholders (96).

FEFAC has always been in favour of consumer choice and the EU feed industry contributed over the past years to respond to consumers demands through specific quality chains. FEFAC therefore invites the EU authorities to clearly distinguish between product quality information which is given on the product label and food safety information which is delivered to consumers by different communication means. Confounding food safety considerations with animal welfare or nutritional quality is fully misleading and does not clarify the debate.

However, since these aspects are addressed within the White Paper on food safety, FEFAC is willing to make its contribution to the debate for the definition of EU quality standards for certain products so that consumers are better informed.

7. INTERNATIONAL DIMENSION

The international dimension should be regarded from two angles: compliance of imported products with EU standards and competitiveness of EU-produced goods on the world market. On the one hand, imported foodstuffs must be produced and marketed respecting EU standards. On the other hand, higher EU standards should be fixed following a cost/benefit approach including considerations as to the capacity of the EU operators to remain competitive on the world market or to the capacity of the EU to impose its standards at international level. Exporting food products to third countries indeed provides a significant, positive contribution not only to the EU economy but also to the EU employment.

As for the EU livestock sector, FEFAC shares the concern of livestock producers about the increasing gap between EU and Third-country production costs. Again, FEFAC would like to separate additional cost factors between those that are directly safety-related from those stemming from other factors.

- Added costs for the EU livestock industry in relation to public health:
 - Phasing out of antibiotics as growth promoters;
 - increasing EU dependence in imported proteins as a result of the reduction of the use of certain animal proteins;
 - lower limits of undesirable substances compared to a large majority of third countries;
 - limited access to EU produced feed materials due to Dioxin contamination resulting from industrial pollution.

- Added costs for the EU livestock industry resulting from non-safety-aspects:
 - Higher minimum standards for animal welfare;
 - Incidence of the indication of feed ingredients percentages declaration on feed costs.

Taking into account the necessary compliance of imported products with EU standards to guarantee a level playing field, FEFAC considers that it is of the utmost importance for the EU to obtain a clear recognition of its right to determine its own level of food safety, on the basis of sound science within the framework of the SPS agreement. As for non-safety standards, FEFAC would like to refer to the on-going debate on non safety-related factors which still need to be recognised at CODEX level. Pending the outcome of this discussion, the EU institutions should not accept labelling of imported products that would not comply with EU standards as an alternative. EU standards which are scientifically based should apply to both imported and home-produced products without discrimination.

From the exportation angle, FEFAC does not believe that the EU White Paper and higher EU standards will offer new markets for the EU livestock industry; to the contrary, higher production costs within the EU will hamper exports of livestock products. It is possible that products which can presently be exported without export refunds will need these in the future as the difference in production costs between the EU and non-EU countries widens, and that the cost of export refunds will increase thereby hitting WTO expenditure limits earlier than at present.

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