

Commission proposal COM(2000)716 laying down the general principles and requirements of food law, establishing the European Food Authority and laying down procedures in matters of food safety

Briefing paper

1. The main features of the Commission proposal COM (2000) 716 viewed from a feed angle

On 8 November 2000, the EU Commission transmitted to the EU Council & the EP a proposal for a regulation laying down common principles and requirements for EU food law, harmonising divergent approaches both at European and national level and encompassing the overall food & feed chain (COM (2000) 716). This proposal also establishes the structure, mission and rules of procedure of the European Food Authority. This draft regulation corresponds to item 1, 2 and 3 of the Annex of the EU Commission White Paper on Food Safety.

1.1 General food law

The main provisions of the general food law are the following:

- Definition of the term "food": Food means any substance or product intended to be, or expected to be ingested by humans. This means a.o. that products which may have different outputs (e.g. feed or food) shall comply with food requirements until their final destination is fully known.
- The feed chain is concerned at all stages of production and distribution, which includes farmers, food businesses and home-mixers. Feed business is defined as "any undertaking whether for profit or not and whether public or private, carrying out operation of production, manufacture processing, storage or distribution of feed including any agricultural producer producing, processing or storing feed for feeding to food animals on his own holding".
- Establishments of general principles: Food law shall pursue the objective of the protection of human life, taking into account the precautionary principle, and consumers' interests, guarantee the traceability of food and feed and clearly establish responsibilities for food and feed business operators and public authorities. For that purpose, the EU Commission gives a definition of traceability, which is the capability to trace a food, feed, food producing animal or ingredient through all stages of production and distribution. From a practical angle, this means implementing procedures to identify businesses from which materials have been sourced and to whom final products have been supplied, with an adequate labelling to facilitate traceability.

These guiding principles will form the basis for any future revision of existing and new proposals in the field of food and feed legislation.

1.2 Food Safety Authority

The second part of the proposal concerns the establishment of a European Food Authority.

- The mission would cover all food safety-related aspects including animal health and animal welfare.
- The structure would be based on a board composed of representatives of the EU Commission (4), the EU Council (4), the European Parliament (4) and consumers and industry (4). An advisory forum composed of 1 representative from equivalent bodies in the 15 Member States would assist the board.
- The scientific work would be carried out by a Scientific Committee assisted by 8 panels of scientists (one for “additives and products or substances used in feed”, one on “plant protection products and residues”, one on “food additives, flavouring, processing aids and materials in contact with food”, one on “GMOs”, one on “dietetic products, nutrition and allergies”, one on “biological hazards”, one on “contaminants in the food chain” and one on “animal health and welfare”).
- The European Food Authority would be responsible for operating the rapid alert system, which means that notifications should in the future be sent to the EFA that would be responsible to release the information with additional comments if necessary.
- The EFA would also be involved in the crisis management unit still to be set up as well as in risk communication. Risk management will remain a responsibility of the EU Commission and Member States.

1.3 Rapid Alert system

The third part of the proposal concerns the establishment of a specific rapid alert system for food & feed products, to be operated within EFA. Operators will be responsible to notify to public authorities any potential threat to human health and shall co-operate with authorities.

1.4 Decision making process

Finally, the EU Commission proposes to set up a horizontal Committee on Food Safety and Animal Health covering the activity of the Standing Committees on Foodstuffs, Animal Nutrition, Plant Health and the Standing Veterinary Committee.

2. Appraisal of the proposed approach

2.1 A global approach covering feed and food

The feed chain is a major element of the food chain for two main reasons:

Feed safety has an impact on animal and thus on the safety of food from animal origin; there is no discussion about that.

The feed chain is an essential customer for food businesses (see chart in [Annex 1](#)). The EU livestock population uses each year app. 390 mio. t of feedstuffs which can be split in 4 categories:

- Grains produced by EU farmers: 114 mio. t (thereof 52 mio. t processed by the feed industry and 62 mio. t used directly by home-mixers)
- Co-products from the food industry: 80 mio. t (thereof 55 mio. t used by the feed industry and 25 mio. t used directly by home-mixers).
- Other feedingstuffs: 185 mio. t of roughages, tapioca, dried fodders (thereof 8 mio. t used by the feed industry and 177 mio. t used by home-mixers).
- Minerals: 10 mio. t (thereof 4 mio. t used by the feed industry and 6 mio. t used by home mixers).

This means that the feed chain relies on food operators (including crop producers) to source nearly 2/3 of its feedstuffs.

The harmonised approach for food and feed must be welcomed, not only because operators specialised in feed business will be subject to similar rules as those applied in the food chain but also because food businesses will have to implement the same safety precautions for both food- and feedstuffs. This must be considered as major achievement for the new EU food and feed safety policy.

2.2A consistent approach for a harmonised food and feed legislation

Since the EU food & feed legislations have been developed independently for many years, a number of concepts and approaches differ. For example, the equivalent of the term “placing on the market” used in the food law is “putting into circulation” for the feed side. A harmonisation of concepts used in food and feed law is a first step towards more transparency and consistency. Other examples are the authorisation procedures usually applied in the feed chain, e.g. for additives, which are different from those implemented in the food chain.

2.3A less prescriptive feed legislation: towards more responsibility for operators

The harmonisation of food & feed legislation as laid down in the proposal means that the future feed legislation should follow new principles, i.e. that it should be less prescriptive as to the means to achieve the objective of feed safety. Operators will however be in charge of implementing quality systems and thus becoming more responsible for the safety of their products. It must be highlighted that the scope of the proposal covers all operators of the feed chain, including suppliers of feed materials and home-mixers. This must be regarded as a significant improvement in the EU feed safety legislation.

The feed industry is prepared to take up this challenge and to further develop its guidelines for the establishment of national codes of practice for the production of

safe feedingstuffs in co-operation with Public Authorities. Such guidelines clearly address the requirements set by the proposal COM (2000) 716 as regards traceability (article 9), responsibilities (article 10 and 15) and feed safety (article 13). The revision of Directive 95/69/EC for the approval of feed establishments as foreseen in the EU White Paper on food safety (item 25 of the Annex) will be a good starting point.

The same commitment must be expected from other partners of the feed chain, i.e. primary producers, food businesses, producers of minerals, traders and home-mixers. To complete the framework, similar requirements should be obtained from third countries suppliers of feed materials. Hence, joint efforts will be requested from EU Institutions and the feed industry to help all the partners of the feed chain to reach this high level of safety which the EU has decided to establish.

2.4 A first step towards a recast of the feed legislation

After more than 25 years of existence, the European feed legislation has become excessively extensive and complex to the detriment of consistency and transparency for all the parties concerned, including the final consumer.

Now that harmonization of EU feed legislation has reached its climax and that a new orientation is given towards consistency between food and feed law, there is a need to improve this legislation through a process of clarification of basic rules and principles and the tidying up of outdated provisions. The purpose of a new approach to feed legislation, involving its simplification, is to maintain consumer confidence in EU animal products. This should be achieved through the development of a general feed Regulation setting out the principles and objectives for harmonized feed law concerning production and use of animal feed. Such a recast of the EU feed legislation has been demanded since 1997 by FEFAC, which received a favourable response from the former President of the Commission, Mr J. Santer. However, simplification did not receive so far high priority status by DG SANCO, due to the BSE crisis management. FEFAC therefore welcomes the EU Commission announcement to move towards the establishment of such a framework regulation, as indicated in the White Paper on Food Safety (item 5 of the Annex). A proposal is expected by the end of 2001.

In this context an effective enforcement and monitoring of feed legislation at all stages of the production and use of animal feed is essential, to provide the customers of animal feed and the consumers of animal products with the best possible guarantees concerning safety, quality and the environment in a single market.

FEFAC encourages the EU Commission to pursue in this direction and would like to highlight the major principles and loopholes in the current legislation that must be filled:

- A clear borderline must be established between feedstuffs and products for other uses. Numerous examples of provisions can be found in the current legislation covering both feedstuffs and other products, e.g. the proposal for a revision of the Food Hygiene Directive (COM (2000) 438) which provides in Annex II, Chapter IX, paragraph 7 that: “Hazardous and/or inedible substances, including animal feedstuffs, shall be adequately labelled and stored in separate and secure containers”. Another example is the proposal for a regulation concerning animal by-products not intended for human consumption (COM (2000) 574) which deals with products intended for animal consumption, industrial use or disposal in the same text. Consumers confidence in feed safety cannot be restored under these conditions.
- Legal measures regarding both feed production and use should continue to be based on scientific criteria. These are the only reliable criteria that can provide information to the public authorities, consumers and producers on how feedingstuffs production systems should be established and which products should be allowed for the production and use of animal feed. There are no valid alternatives to this concept.
- A precondition to the EU harmonized control of feedingstuffs labelling is the presence of EU harmonized analytical methods.
- Feedingstuffs controls should be based on Hazard Analysis Critical Control Point-principles (HACCP-principles). This also means a further development of auto-control based on Codes of Good Manufacturing Practices or other systems guaranteeing basic legal requirements (ISO-standards), where the official control supervises only the critical control points. This approach would lead to full compatibility between legal measures and voluntary industry codes to the benefit of all parties involved.
- Maximum Residue Limits (MRL’s) have to be introduced for additives.

2.5 The European Food Authority: the right approach but the wrong scope

Basically, FEAC has always stressed the importance of establishing an independent centralized authority at EU level to ensure the proper functioning of the internal market. An independent and transparent scientific advice is one of the pillars to restore consumer confidence. The idea of establishing a Food Safety Authority is therefore a good step in the right direction.

However, FEAC believes that the proposed mission of the EFA encompasses too many different areas. If the main purpose of the authority is to restore consumers’ confidence vis-à-vis the safety of food products, then the EFA should only deal with Public Health matters and not with environment protection, animal welfare or animal nutrition.

Regarding the scientific advice, the current mission of SCAN would be split up in the future between the panel on "additives and products or substances used in feed", the panel on "contaminants in the food chain" and the Scientific Committee itself. FEFAC can support this orientation, which may encourage a consistent and rapid scientific evaluation of the impact of contaminants on food safety.

The excellence of the scientific advice to be given by the EFA depends on the quality of the chosen experts and the available resources. FEFAC considers however that access to data is the key to the success of the EFA. And it is probably in this area that improvements are most required. [Annex 2](#) includes a description of the current decision-making process as regards the fixation of maximum limits for contaminants in the feed chain. We do believe that this process can be improved in two major directions as illustrated in [Annex 3](#):

- Consultation of interested parties: current scientific committees used this option from time to time. It proved to be effective and should be developed further in the future.
- Feedback from monitoring: the feedback was ensured through national authorities, which was not the best way to ensure consistency and regularity in data communication. Involving operators, which could confidentially report directly to the EFA on the results of internal checking and monitoring plans, would certainly help scientists in their work.

Regarding communication, FEFAC supports the publication of scientific advice on internet as proposed by the EU Commission. However, this type of unilateral communication does not match the expectations of stakeholders preferring a possibility to dialogue with scientists. Therefore, FEFAC proposes to establish a forum dedicated to exchange of views between scientists and stakeholders.

2.6 The rapid alert system: a key tool for operators, consumers and public authorities

FEFAC welcomes the proposal to develop a comprehensive rapid alert system encompassing the whole food and feed chain. FEFAC has already included the proposed provisions (feed control Directive 95/53/EC) in its own guidelines for the establishment of a national Code of practice, especially as regards the co-operation between operators and public authorities. The scheme could certainly be improved if alert tools would be multiplied. So far, the EU Commission ensures the relay for transmitting information to national competent authorities which in turn inform controllers and, from time to time, operators. FEFAC holds the view that operators should be the first informed since they are the most interested parties in case of a contamination. This could be achieved through information relays with associations at each stage, i.e. that European associations should be informed by the EU Commission whereas national association would be informed by national competent authorities.

2.7 The Committee on food safety and animal health has to ensure coordination tasks

For years, competence regarding food safety and animal health have been shared between four regulatory committees, one on Foodstuffs, one on Animal Nutrition, one on Plant Health and the Standing Veterinary Committee. Communication between regulatory committees was not easy, sometimes leading to diverging approaches to similar problems. Setting up a horizontal regulatory committee responsible for harmonising the position is determinant to ensure consistency in the decision-making process. However, looking through the agenda of the current regulatory committees, FEFAC does not see how this new Committee on food safety and animal health could deal with all matters currently dealt with at individual committee level. This means that the new Committee should primarily fulfil a co-ordinating role on top of the current structure, in a similar manner as proposed for scientific advice, i.e. a horizontal scientific committee co-ordinating the work of vertical panels.

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Note : This briefing paper was prepared by FEFAC, the European compound feed manufacturers' federation, representing 15 Member Associations in 13 EU countries (without Luxembourg and Greece), Switzerland, Poland and the Czech Republic.

This briefing paper has been developed to provide input to the Council's and the European Parliament's discussions on the above-mentioned Commission proposal and does not represent an official position or statement on behalf of FEFAC's Member Associations or individual member companies.