



# Food controls in the EU General Framework

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# Outline

- EU – foundations of a unique single market
- EU's Food legislation – key principles for food control
- Outline EU level controls
- Importance for international trade
- Conclusions

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- From 6 countries to 28
- Over 20 years of a solid and well-functioning single market
- Embedded in the EU:

**"Safety as a *sine qua non* for the functioning of the internal market"**

This is a necessity

- 1993: EU's single market **free movement of goods**, persons, services and capitals
- Solid and comprehensive set of **EU harmonised legislation**
- Food safety - main responsibility by the Member State of origin
- Controls at borders between Member States abolished
- Controls at EU External borders strengthened

- Law making in EU: **EVERYONE INVOLVED**



# **EU's internal market: The world's largest trading bloc**

- Close cooperation, coordination, communication between 28 Member States/European Commission – uniform rules
- Free circulation - necessity of high level of safety
- Transparency, communication is key
- Compete on price, quality and marketing BUT NOT ON SAFETY

# SPS framework in the EU

- Trade within Europe is only possible if it can take place under safe conditions
- Single body of harmonised legislation based on a high level of protection
- A common approach towards imports from outside the EU
- Strict enforcement to ensure a level playing field
- Measures are transparent and science-based



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# EU General Food Law

- General principles: **risk analysis and scientific basis, precautionary principle, transparency**
- **Right of consumers** to safe food and to accurate and honest information
- EU commitment to follow **international obligations.**

# EU General Food Law

*What about food exported from EU?*

*...Food and feed exported (or re-exported) from the EU for placing on the market of a non-EU country **shall comply with the relevant requirements of food law**, unless otherwise requested by the authorities of the importing country...*

# **Regulation (EC) No 882/2004 – official controls**

## **Objective:**

- to ensure a harmonised approach with regard to official controls

## **Rules to underpin:**

- the integrated and horizontal approach necessary to implement a coherent control policy on feed and food safety, animal health and animal welfare.

# Regulation (EC) No 882/2004

Enforcement responsibility lies with Member States.

- set of rules to govern control activities.
- affords the powers to control compliance with EU rules and to enforce them, and the powers to supervise and monitor situations where risks for the health of humans or animals may arise;
- provides a **common** set of rules and procedures.

# Obligations for MS – official controls

- Carried out **regularly**, on a **risk basis** and with appropriate frequency, without prior warning
- At **any of the stages** of production, processing and distribution
- Same care to exports, placing on market within EU and on imports
- Same care to products dispatched to other MS

# EU General Food Law

## **All Member States:**

- Credible inspection and control system

## **All food and feed business operators:**

- Liability, Traceability, Reporting
- General hygiene rules.
- HACCP-based self-controls.
- Notification, risk based controls.

# EU General Food Law

## Procedures

- Rapid Alert System for Food and Feed, (RASFF) notifications by Member States, follow-up of the measures taken
- Rules for emergency procedures and crisis management: safeguard measures ...
- Rules for regulatory committee



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# Different levels of control EU

- From the farm to the fork
  - **(Consumers)**
  - **FBO**
  - **MS Authorities – official controls**
  - **EU level – European Commission/Court of Justice :  
UNIQUE**
  - **(trading partners)**

# Primary responsibility of FBOs\*

- import, produce and place on the market **safe food/feed**
- **identify hazards** to prevent, eliminate or reduce before products become available to consumers
- withdraw non-compliant feed and food
- inform consumers

\* Food and Feed Business Operators

# EU General Food Law

**Members States** enforce Food Law, lay down rules and sanctions, monitor and verify implementation, communicate on food safety and risk, assess guides to good practices for hygiene in agreement with FBOs

# EU General Food Law

**European Commission** test the performance of Member States' control capacities and capabilities through audits and inspections

**Safeguard measures**

## Requirements for competent authorities (1)

- Ensure impartiality, quality and consistency of official controls along with their appropriateness and effectiveness.
- Sufficient number of qualified and experienced staff free from any conflict of interests.
- Adequate laboratory capacity.
- Adequate facilities and equipment.
- Co-ordination amongst control bodies.
- Internal/external audits.

## Requirements for competent authorities (2)

- Rules for the delegation of control tasks in case of delegation to control bodies.
- Continuous training of staff.
- Documented control and verification procedures.
- Transparency and confidentiality.
- Reports on controls carried out

# Multi-annual control plans

- strategic objectives, prioritisation of controls, allocation of resources;
- competent authorities and their tasks;
- organisation and management of controls;
- delegation of tasks to control bodies;
- training of staff ;
- contingency plans (diseases, emergencies);
- organisation of co-operation and mutual assistance.



# Enforcement cooperation between national authorities

- Action in more than 1 Member State (MS) (risk or non-compliance): MS required to provide each other with administrative assistance
- Liaison bodies designated: communication between competent authorities
- Administrative assistance can be activated upon/without request.
- Co-ordination role for the European Commission.

# EU Reference laboratories

- Coordinate the application of the methods/techniques and organise proficiency tests;
- Provide/inform NRLs about methods/techniques;
- Provide training courses;
- provide scientific and technical assistance to the Commission, assist actively in the diagnosis of disease outbreaks in MS;
- collaborate with laboratories in third countries..

# EU – European Commission Food and Veterinary Office (FVO)

**Check** compliance with the EU food law within the EU and in countries exporting to the EU,

- General audit of authorities control systems
- Specific audits and inspections in case of risk
- **Inform** stakeholders of the outcome of its audits and inspections.

# FVO audits

- Audits based on international standards
- System-based audits
- Frequency – risk based
- Audit costs paid by the EU

# EU enforcement Action

Infringement procedure: in case of violation of EU law by a Member State

- letter of formal notice
- reasoned opinion
- referral to the Court of Justice.

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## **EU unique single market – the external dimension**

- EU produces very high quality, very safe food!
- EU's measures are benchmarks for safety and EU is very active in standard setting bodies
- EU plays by the rules – if your food is safe, you will secure access to our markets
- EU has an innovative and powerful food industry

# EU's unique integrated approach

- Uniform high level of food safety EU-wide: farm to the fork approach (NOT only final product counts)
- Unique: on top of national controls - additional layers of control:
  - **Between EU Member States**
  - **Layer at EU level (Commission/court of justice)**



# EU's unique integrated approach

- For imports into the EU:
  - **Access to one single stable/predictable market**
  - **Over 500 Mio consumers– access to 28 countries**
  - **Transparent rules: one set-of requirements**
  - **No discrimination between trading partners – e.g. 1 certificate/commodity (same for all)**
  - **EU SPS rules –WTO Rules respected**

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# Conclusions

- EU high level of food safety
- Unique system of controls
- Additional layers guarantee of high level of safety also for trading partners
- Trading partners: can make use of EU's unique set-up of control for their own imports – resource-efficiency

# Thank you

