2014 EU-TW Food Safety Seminar
(4-5 June 2014)

Event Report

The European Economic and Trade Office (EETO), together with the European Business Regulatory Cooperation (EBRC), the Taiwan Food and Drug Administration (TFDA), and the Bureau of Foreign Trade (BOFT) hosted food industry experts at its 2014 "EU-TW Food Safety Seminar" from 4-5 June in Taipei. The European Chamber of Commerce Taiwan (ECCT), the Taiwan Food Good Manufacturing Practice Development Association (GMP), and the Taiwan Food Industry Development Association (TFIDA) provided support to the event.

The seminar, attended on both days by around 200 participants, including representatives of European and Taiwanese regulatory authorities, academia, industry and consumer associations, is part of the EU efforts to enhance EU-Taiwan cooperation aimed at facilitating the harmonization of Taiwan's regulatory environment with international standards and share best practices with the aim of ensuring food safety and protection of consumers. The seminar, which concluded with a lively panel discussion, helped to clarify the effectiveness of food safety in the EU, improve understanding among various stakeholders in government and industry and provide a platform for further cooperation.

Day 1 – Wednesday, 4 June 2014
Shiu Ming-neng, Vice Minister of Ministry of Health and Welfare (MoHW), Viktoria Lövenberg, Deputy Head of the EETO, and Chiang Been-huang, Minister of State without Portfolio, Executive Yuan, delivered opening remarks at the seminar by welcoming greater information exchanges and future cooperation between Europe and Taiwan.

1. "Taiwan's Food Sanitation Act and food safety regulations" - Wu Tsung-his. Section Chief, Section of Food Imports Management, Food Safety Division, TFDA
Overview of Taiwan's Food Sanitation Act and related food safety regulations. Current rules on food labelling require that each food additive ingredient be labelled and the percentage of main ingredients of designated products be indicated. The Act includes provisions for penalties to be imposed on those who violate food importation rules. Systematic inspections are foreseen n for various products, including meat.

2. "The EU's food safety system" - Patrick Deboyser, Minister Counsellor, Delegation of the European Union to Thailand, DG SANCO
Regulation EC No 178/2002, which takes a coherent and comprehensive approach to food safety, covering traceability of the entire food chain (from farm to table) and a functional separation between risk assessment and risk management, through the creation of the European Food Safety Authority. The EU is providing training programs also open to third countries. Participants from Taiwan also took part in recent training programs.

3. "EU regulatory harmonization (WTO / international)" - Dr Hans Joostens, Policy Officer, DG Trade

The presentation provided an overview of key international principles of food safety, focusing on the framework of the WTO SPS Agreement and Codex Alimentarius, stressing the importance of respect of international rules and standards for being accepted as a predictable and reliable trading trade partner.

4. Q&A

Questions focused on the process of developing regulations and how do regulators work with and communicate with industry. The panelists explained that one of the general principles set out in Regulation EC No 178/2002 was the principle of transparency, which includes public consultation. EU and Member States are obliged to consult with stakeholders and there are mechanisms to safeguard this. Failure to consult can be a basis for the annulment of a legal act by the court. On consultation in the international context, European experience has shown that it was more efficient to maintain frequent and close communication between trading partners to clarify and address potential problems before they surface. On the subject of self-regulation of Food Business Operators (FBOs), the TFDA clarified that it aimed to encourage FBOs to do more in terms of self-regulation.

5. "Food controls in the EU - General framework" - Dr Hans Joostens

The presentation covered the key principles for EU food legislation and food control. In principle, everyone is involved in law making in the EU, with citizens, interest groups and experts consulted before the European Commission makes a formal proposal. Once adopted by the European Parliament and the Council of Ministers, implementation of regulations is the task of national or local authorities. Member States are obliged to carry out their own food controls regularly, on a risk basis and with appropriate frequency, without prior warning at any of stage of production, processing and distribution. The EU has a unique system of controls and additional layers guarantee a high level of safety for member states and for trading partners. While rules are strict, they are fair, transparent and consistent and the rewards for food exporters to the EU are substantial. Once granted access, FBOs can do business in all 28 member states. Trading partners can make use of the EU's unique set-up of control for their own imports and resource-efficiency.

6. "Food controls in the EU – Controls by MS" - Dr Edzart Bruinier, Senior Scientific Officer of Veterinary Products, The Netherlands Food and Consumer Product Safety Authority

Overview of The Netherlands Food and Consumer Product Safety Authority (NVWA) and its activities. The NVWA follows the Regulation EC No 178/2002 and the HACCP principles. It provides guides of good practices for small businesses and approves sectoral national guides developed by industry. Supervision is ensured through audit, inspection and communication and is risk-based.

7. Q&A

On questions related to import requirements for food outside the EU, the panelist clarified that this requires inspection by the Food and Veterinary Office (FVO). The authorities of the exporting country have to verify that the importer is qualified. The EU will approve the importer if it has an appropriate food safety system in place. Companies that export food to the EU have to abide by EU rules. In case of serious incidents, EU authorities' first response is to ask the authorities of the respective trading partner to take the appropriate action. Only in severe cases

will a trading partner be blacklisted. In Taiwan, the EU deals with the Bureau of Standards, Metrology and Inspections (BSMI) which keeps a list of authorized companies.

8. "EU food safety risk management and communication" - Patrick Deboyser

In the EU, risk analysis was the basis of the food law except where this would be inappropriate. Risk assessment is based on the available scientific evidence undertaken in an independent, objective and transparent manner. Risk management takes into account international standards, the results of risk assessment, other factors legitimate to the issue under consideration and the precautionary principle. Since 2002, the EFSA has been responsible for assessing risk while the European Commission, Parliament, Council of Ministers and the Standing Committee have been responsible for risk management. There is a legal obligation to notify third countries concerned if a problematic product has been distributed to the third country. To protect FBOs, the name of the company is not disclosed until the information on the source of the product is validated. RASFF has about 6,000 notifications every year and is a useful tool to monitor risk. A food product may not be sold in the EU unless it is accompanied with an indication of the lot to which the food belongs. This type of batch number system is useful because it can easily allow for the removal of contaminated products. Regulation of traceability in the EU is flexible, with specific requirements laid down in vertical legislation regarding live animals, meat, fish, eggs, fruit and vegetables.

9. Q&A

On the role of EFSA in food safety, the panelists clarified that EFSA is not involved in monitoring or enforcement, except as a consultant in specific cases; Commission can ask EFSA for emergency consultation services. On RASFF, the panelists stressed that any third country can ask for online access to the system (eg. TFDA can see alerts related to Taiwan, including restricted information related to specific cases). On method to be used by FBOs to trace food, it was clarified that except in special cases like beef and eggs, the mechanism of traceability is not specified for operators. They can devise their own methods, as long as they are effective. The methods are then inspected through audits. FBOs have to provide a traceability system when applying for approval.

Day 2 – Thursday, 5 June 2014

1. "Food controls in the EU – Combatting fraud at the EU level" - Stéphane André, Policy Officer, DG SANCO

There was currently no unified EU-wide definition of food fraud, but generally a "food fraud" is committed when food is deliberately placed on the market, for financial gain, with the intention of deceiving the consumer. Responsibility for preventing food fraud lies mainly with FBOs. Member States are responsible for covering all stages of production and enforcing the law. Food safety policy is harmonized across the EU. Following the horse meat scandal, DG SANCO decided to set up a Food Fraud Network with food fraud contact points within member states and a food fraud team in DG SANCO. It is also developing a dedicated IT tool for the rapid and efficient exchange of information and alerts on food fraud cases.

2. "EU rules on labelling and traceability" - Patrick Deboyser

In the EU, labelling is compulsory. Food or feed which is placed on the market in the EU shall be adequately labelled or identified to facilitate its traceability, through relevant documentation or information in accordance with the relevant requirements or more specific provisions. Except in special cases like beef and eggs, the mechanism of traceability is not specified for operators. They can devise their own methods, as long as they are effective. The methods are then inspected through audits. FBOs have to provide a traceability system when applying for approval. The EU Rapid Alert System for Food and Feed (RASFF), created in 1979, has proved its usefulness in disseminating key information and mitigating the impact of food safety. In 2002, the RASF was enshrined in legislation. It was an extremely valuable tool not only for EU MS, but also third countries.

3. "Industry self-regulation" - Ms Bonnie Sun Pan, Chairperson, GMP & Professor, National Taiwan Ocean University

The presentation provided a brief history of food safety in Taiwan. The act governing food sanitation in Taiwan was introduced in 1975. Good Manufacturing Practices (GMP) was introduced in 1989, changing the mindset of food operators. In 1989 the CAS certification for agricultural products was introduced. There are 5,200 registered food businesses in Taiwan, accounting for 66% of food businesses that are members of GMP in Taiwan. Over the past 25 years the Industrial Development Bureau (IDB) has invested €24.5 million in self-regulation. GMP Taiwan has higher standards than international GMP and that more than 400 GMP member companies in Taiwan are compliant with Codex and HACCP.

4. Q&A

On a question why are trans-fats not allowed to be listed in the new EU labelling regulations, the panelists clarified that FBOs in the EU are proactively taking action to reduce trans-fats in their products already. FBOs are likely to phase out palm oil owing to consumer opposition to trans-fats as well as for environmental reasons given the poor environmental record of palm oil producers. Currently palm oil is in the list of categories that have to be labeled. However, in the process of phasing out trans-fats, producers often compensate for this by increasing the level of saturated fats. Commission's view is that the total fat content is the most important issue that consumers need to be aware of.

On a question whether ingredients of ingredients need to be labelled, the panelists noted that this was also covered under the EU's new labeling rules.

5. "EU regulation on GMOs – GMO authorisation" - Patrick Deboyser

The presentation provided a brief overview of the EU's legislative framework. Applications for GMO authorisations must be filed in the EU and they are free of charge. A scientific opinion (ESFA) will be provided within six months of the application and the Commission will make a decision within three months of the opinion. If granted, based on a positive opinion of the standing committee (in line with the EFSA opinion), the authorization will be valid for 10 years and may be renewed upon request. To date the EU has granted a number of authorisations for GM food/feed (8 for cotton, 29 for maize, 2 for genetically modified microorganisms, 3 for oilseed rape, 7 for soybeans and 1 for sugar beet) but only one GMO for maize has been authorized for cultivation. It is grown in Spain, which is the only country in the EU cultivating this type of maize.

On the other hand, animal feed in the EU is predominantly GM. About 80% of the maize and soy used in the EU for animal feed is genetically modified (and labelled as such). The EU could not feed its cattle if it were not for GMOs.

6. "GMO labelling" - Stéphane André

Provisions for the labelling of GM food and feed are set out in Regulations (EC) 1829/2003 and 1830/2003. These provisions apply to food and feed containing or consisting of GMOs, food and feed produced from or containing ingredients produced from GMOs (such as oil, starch, derivatives or lecithin), where DNA or proteins from the GMO cannot be detected anymore. All food or feed products containing/produced from authorised GMOs must be labelled. The label aims to allow consumer to make an informed purchasing choice. Exemptions are allowed for food and feed products containing, consisting of or produced from GMOs in a proportion no higher than 0.9% of the food/feed ingredient considered individually or food/feed consisting of a single ingredient, provided that this presence is adventitious or technically unavoidable, operators are in a position to supply evidence to competent authorities that they have taken appropriate steps to avoid the presence of such material. There is a precise protocol for labeling. And the wordings for the following cases were indicated: when the food consists of more than one ingredient, when there is no list of ingredient, for non-pre-packaged food, and when the feed contains or consists of or is produced from GMOs.

7. "Food and beverage management – Hazard Analysis and Critical Control Point (HACCP) in the EU" - Dr Thomas Pavie, Deputy Agriculture counselor for North Asia Region, French Embassy, China

Presentation focused on concrete experience from the point of view of a food safety inspector. HACCP is a science-based and systematic approach aimed at identification, evaluation and control to ensure the safety of food. It was first introduced in 1993. Since 2004, FBOs have been required to put in place, implement and maintain a permanent procedure or procedures based on the HACCP principles. HACCP is complex, especially for processed food. For this reason experts are needed to assist inspectors. France's national HACCP guidelines are frequently updated to take into account industry changes.

8. Q&A

The panelists provide more details regarding the training of food safety inspectors in NL. Candidates first have to pass an exam and undergo one year of training, including one week of work in the dairy industry and one week in the meat industry, and followed by a one month of training in HACCP. After this, they have a further exam which includes a case study. Inspectors also undergo frequent additional training helped by a network of inspectors more specialized in HACCP, which give tutorials to inspectors. On a question whether EU's GMO rules are discriminatory towards its trading partners, the panelists pointed out that the EU imports huge amounts of food from third countries and had approved 50 GMOs. However, consumers in the EU do not want GMO food and FBOs and retailers are giving consumers what they want. 75% of world's soy today is GM so the chance of GM soy getting into the human food processing business is high.

9. Concluding panel discussion, moderated by GMP Chairperson, Bonnie Sun Pan

Why was EC No 178/2002 passed so quickly?
The background was a number of food safety crises, especially one related to dioxin. When Romano Prodi took over as Commission President in 1999, he made food safety one of his top priorities. Besides creation of DG SANCO, the main element was providing a scientific basis for food safety. Post-2002 there have been relatively few food scares and the new system has prevented crises becoming severe because of systems put in place to address problems following the scandals.

Does the EU pay attention to the source in the labelling of bulk products?
This issue is left to Member States, except for allergenic substances. Regulations are different for different products but labelling for pre-packaged products has to be standard.

How does the EU's traceability system work?
The food law provides a "one step back and one step forward" traceability. It is important to have an internal traceability system if you need to recall a product. In NL, a horse meat company did not keep records so they had a huge recall and loss as a result during the horse meat scandal. Even the best traceability or labelling rules would not be able to eliminate fraud. The objective of the food law is to achieve food safety. NL also has a criminal investigation division for this purpose. Record keeping has become second nature for FBOs.

Taiwan has seen some food scandals involving additives, which is why all additive producers have to be registered. What kind of mechanism does the EU use to apply risk management?
The EU has two different mechanisms. Registration is compulsory for any FBO. Every country has different ways of registering, but all need to ensure that the competent authority has access. Once registered, FBOs need to gain approval of their operations before they can do business. All of these companies are listed on the EU website, by category and registration number. Risk assessment is done by type of product and company history. This helps to allocate resources depending on risk. Authorities send inspectors to companies that pose the biggest risk. The EU does not have an organization in charge of GMP across industry but by sector, such as farms and retailers and most FBOs adopt even higher hygiene standards than GMP.

How does the EU support small businesses?
There is a culture in Europe of consulting with industry. Taiwan would do well to develop a similar culture proactively. The EU is willing to help with legislation, by arranging visits to the EU and to arrange briefings on issues of concern. It must be a constructive dialogue. There is also a need for support for small industry in Taiwan. In NL small businesses get a lot of support from associations and federations. They organize themselves with people that can speak for them. In this way all stakeholders can learn from one another. At EU level, further assistance is provided by giving industry a longer time to adjust to the implementation of new rules. It can also give waivers to SMEs to cut down paper work as long as this has not impact on food safety. Smart and safe should be a motto to follow and building bridges with industry associations is important.

Do products have to be registered in the EU?
Registration is for companies and approval is for its processes, not for actual products and ingredients. According to the TFDA, registration in Taiwan is the same. Companies do not need to provide product information but just indicate what they will produce and sell. For high risk products, producers will have to be registered. Taiwanese government is looking into creating a "food cloud", which takes account the whole food chain. The idea is to include registration data, traceability and food safety in the cloud. Manufacturers will be asked to key in detailed information.

Approach of Taiwanese government is punitive rather than cooperative. Is the government willing to change?
There are only a few dishonest FBOs. Following recent food scandals involving additives, restrictions have become too severe in Taiwan. Panelists agreed that the regulator must find a way to strike the right balance, especially after a crisis. Stricter laws will not necessarily lead to better results. For a food business in the international market, if a certificate is required, it is the shared responsibility of the government and FBOs to make sure speed is ensured. Transparency of import conditions for business operators is also important to help FBOs. Therefore, close cooperation between all stakeholders is important.