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General Food law

Explanatory Meeting on the Acquis - Chapter 12

These slides accompany the explanation of the acquis to Albania and North Macedonia and can only be used for that purpose. Their content is subject to further development of the acquis and interpretation by the Court of Justice of the European Union

18-22 February 2019

Food Safety

Introduction

Regulation (EC)178/2002 lays down **general principles and requirements** of Food Law

Provides a **framework** to ensure a coherent approach in the development of food legislation

Lays down **definitions**, principles and **obligations** at all stages of food/feed production and distribution

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Precautionary Principle

Option open to risk managers when scientific information inconclusive or incomplete in some way

- reasonable grounds for concern
- supporting information and data incomplete

Measures or actions taken while seeking more complete scientific and other data

Have to comply with normal principles of non-discrimination and proportionality and should be considered as provisional

Traceability (1)

Identification of origin of feed and food ingredients and food sources is of prime importance

When products faulty facilitates withdrawal of foods and enables consumers to be provided with targeted and accurate information concerning implicated products

Defined as the ability to trace and follow food, feed, and ingredients through all stages of production, processing and distribution

Traceability (2)

Covers all food and feed, all business operators, without prejudice to existing legislation on specific sectors

Requirement limited to ensuring that businesses are at least able to identify the immediate supplier of the product in question and the immediate subsequent recipient, with the exemption of retailers to final consumers (**one step back-one step forward**)

Responsibilities

Basic principle: primary responsibility for ensuring compliance with food law, and in particular the safety of the food/feed, rests with the food/feed business

There must be adequate and effective controls organised by the competent authorities of the Member States

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European Food Safety Authority (EFSA)

Keystone of EU risk assessment regarding food and feed safety

Collaboration with national authorities

Open consultation with stakeholders

Provides independent scientific advice and clear communication on existing and emerging risks

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Rapid Alert System for Food and Feed (RASFF)

Provide food and feed control authorities with an effective tool to exchange information about measures taken responding to serious risks detected in relation to food or feed.

Helps Member States to act more rapidly and in a coordinated manner in response to a health threat caused by food or feed.

Adoption of emergency measures

Powers conferred to the European Commission for taking emergency measures

When risk cannot be contained satisfactorily by means of measures taken by the Member States

Can be initiated by Commission itself, or requested by a Member State

Emergency measures (2)

Can take the form of:

- a suspension of the marketing or use of the feed or food in question;
- subjecting the use and marketing of the feed or food to special conditions; or
- any other appropriate interim measure.

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Crisis Management

Establishment of a general plan for food/feed crisis management and creation of a crisis unit

EFSA participates in the crisis unit and provides scientific and technical assistance

Responsible for collecting and evaluating all relevant information and identifying options available to prevent, eliminate or reduce risk

Standing Committee on the food chain and animal health (SCFCAH)

Assists the Commission

Composed of representatives of the Member States

Chaired by representative of the Commission

Future

Identified shortcomings:

Transparency of risk analysis remains an important issue in terms of perception;

Shortcomings (continued)

Risk communication not always effective with negative impact on consumers' trust and acceptability of risk management decisions

A number of negative signals identified on capacity of EFSA to maintain a high level of scientific expertise and fully engage all Member States in scientific cooperation