

Brussels, 27 June 2001

OPINION

of the Committee of the Regions

of 14 June 2001

on the

**Commission Proposal for a Regulation laying down the general principles of food law,
establishing the European Food Authority, and laying down procedures in matters of food**

COM(2000) 716 final - 2000/0286 COD

The Committee of the Regions

HAVING REGARD TO the proposal for a Regulation of the European Parliament and the Council laying down the general principles of food law, establishing the European Food Authority, and laying down procedures in matters of food (COM(2000) 716 final - 2000/0286 COD);

HAVING REGARD TO the Council decision of 22 December 2000, under Articles 265(1) and 152 of the Treaty establishing the European Community, to consult it on this matter;

HAVING REGARD TO the decision of its Bureau on 13 June 2000 to instruct Commission 5 for Social Policy, Public Health, Consumer Protection, Research and Tourism to prepare the Committee's work on this subject;

HAVING REGARD TO the draft Opinion (CdR 64/2001 rev.1) adopted by Commission 5 on 19 April 2001 (rapporteur: **Mrs Haijanen, FIN-PPE**);

unanimously adopted the following opinion at its 39th plenary session on 13 and 14 June 2001 (meeting of 14 June).

Views and recommendations of the Committee of the Regions

1. Over the last few years serious doubts have been expressed about food safety in Europe. At their worst, crises such as those over dioxins and BSE, have undermined the European Community's general credibility. The Commission's proposal establishes an important

framework for improving food safety. It is important that the starting point for food and feed law should be the protection of human health.

2. The general and common principles clarify the existing legislation on feeds and food, and has evolved over a forty-year period from what are partly contradictory objectives. Both food business operators and surveillance authorities have therefore encountered problems in applying Community and national legislation.
3. The proposal emphasises the importance of the entire food supply chain from farm and river to the table. Food law is concerned with basic principles and requirements for placing food on the market and ensuring that food supplied to consumers is safe. This is why it is equally important for primary production, including feed, to be subject to controls.
4. The setting up of a European Food Authority is to be welcomed, as the Community must be able to base its food law on scientific expertise. Such an authority must be impartial and function transparently.
5. The food sector is characterised by small businesses and operators. Farms, retail outlets and restaurants in Europe are generally small undertakings. Even food processing is still largely carried out by small- or medium-sized companies. Food legislation should therefore take account of the special nature of traditional products which are important in some areas and regions. New regulations should not jeopardise these products as they help maintain cultural diversity in the EU. The local and regional level therefore has a key role to play in ensuring food safety.
6. The proposal assigns responsibility for food and feed safety to producers. This is sensible, as producers themselves know best which stages of the food production process they are responsible for. The principle included in the legislation is designed to remind operators of this responsibility.
7. Although common principles can and should be laid down for European food law, local and regional players must be left sufficient room for manoeuvre. Food production is an area in which Europe has strong local traditions. Regionally produced food products also have a major impact on employment and other economic factors. For example, the production and consumption of food locally helps to save energy and limit transportation costs. It also helps to improve the quality of food by avoiding delays resulting from storage and transportation.
8. There are differences within Europe with regard to the occurrence of food risks. These differences relate to climate, as well as the forms, methods and traditions of production. In some regions efforts may have been made over many years to eliminate food risks. Achievements of this kind must not be jeopardised when, for example, animals or food are transported between regions.
9. The local aspect of food production and distribution must be taken into account so that the general principles of food safety - such as the requirement for safe food - are not undermined. High quality and safe food production is also of benefit to producers, as good quality food products can also be sold in markets other than local ones. Artificial barriers should not therefore be erected against the sale of food from regional or small-scale producers. Insofar as a given food and its production methods comply with the general objectives of the legislation, the product should be allowed to be sold throughout the Community.
10. The local dimension of food safety and role of small-scale producers pose a significant challenge from the surveillance perspective. Whatever the basis of these controls - whether national, local or an approved private system - controls will only work if they are

implemented locally. For the implementation of the legislation to be credible, checks must take place regularly. Local inspectors have a key role to play in this respect. The Commission has said that it will draw up a proposal for a regulation on the control of foodstuffs during 2001. Member States should ensure that sufficient resources are available for local inspections and, if necessary, increase them. In order to ensure that the inspections are as uniform as possible, there must be coordination at Member State and Community level.

11. It is essential that all foodstuffs imported from third countries, whether for human or animal consumption, comply with European food legislation and are inspected using identical methods and procedures. This will ensure EU producers do not have to cope with unfair competition.
12. The principles outlined in the proposal also apply to local surveillance authorities. However, good principles must not make the system unworkable. The idea of basing decision-making on scientific risk assessment, in other words risk management, can rarely be fully implemented with local authority resources. Inspectors should be able to rely on common sense based on their particular expertise. Hence, scientific risk assessment should in particular be carried out by the new European Food Authority.
13. The proposal also lays down general provisions on special food-related cases, such as food poisoning. Incidents of this kind usually occur locally. Even far-reaching, cross-border epidemics or crises often begin locally. This is why local action and effective cooperation between different authorities and food business operators is crucial in order to prevent and manage crisis situations.
14. The Committee suggests reviewing and harmonising - with the agreement of the Member States - the legal concepts relating to the different types of infringement of food legislation in order to encourage controls and provide a level playing field for internal competition.
15. Food safety is therefore increasingly a local and regional issue. However the proposal makes no mention of the role of the Committee of the Regions. The Committee of the Regions must be represented on the EFA Management Board and, if necessary, be able to request scientific opinions from it.

16. The Committee of the Regions is furthermore of the opinion that the European Food Authority should practise maximum openness and transparency. The decisions of the Management Board and its documents must be accessible to all citizens.

Brussels, 14 June 2001

The President

The Secretary-General

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of the

Committee of the Regions

Committee of the Regions

Jos Chabert

Vincenzo Falcone

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