

Food - the EU Regulatory Framework



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15 May 2018

Science
for a safer world





Agenda

- Food and drink in the EU
- EU regulatory system for food
- Examples
- After UK Exit?

EU FOOD AND DRINK INDUSTRY FIGURES

TURNOVER

€1,098 billion

Largest manufacturing sector in the EU

VALUE ADDED

1.7%

of EU gross value added¹

CONSUMPTION

14%

of household expenditure on food and drink products

EMPLOYMENT

4.24 million people

Leading employer in the EU

NUMBER OF COMPANIES

289,000

SMEs¹

R&D EXPENDITURE

€2.8 billion

SALES WITHIN THE SINGLE MARKET

90%

of food and drink turnover

48.3%

of food and drink turnover

62.1%

of food and drink employment

EXTERNAL TRADE

€102 billion

Exports

€30.1 billion

Trade balance

€71.9 billion

Imports

17.3%

EU share of global exports

¹ For definition, see page 24
Sources: Eurostat; JRC; UN COMTRADE



WORLD MARKETS

TRADE FIGURES

International trade: a key source of growth for the industry

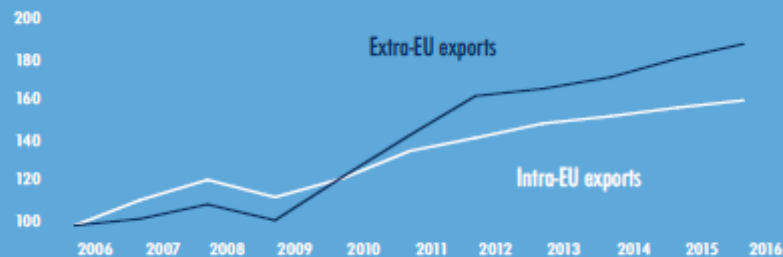
€102 billion
Exports¹

€71.9 billion
Imports¹

€30.1 billion
Trade balance

- EU food and drink exports increased for the 7th consecutive year to reach €102 billion in 2016 (+4% compared to 2015), while imports amounted to €71.9 billion (-1% compared to 2015).
- The EU is a net exporter of food and drinks with a positive trade balance of €30.1 billion.
- 29% of Member States' food and drink exports were sold to non-EU countries. Extra-EU exports register higher growth than exports within the EU.
- Key export growth markets include China, US, Australia, Norway, Canada and Korea.
- NAFTA remains by far the EU's largest trading partner by region, followed by the China region, EFTA, ASEAN, the ACP group of countries and Mercosur².

Evolution of extra and intra-EU exports (index, 2006=100)

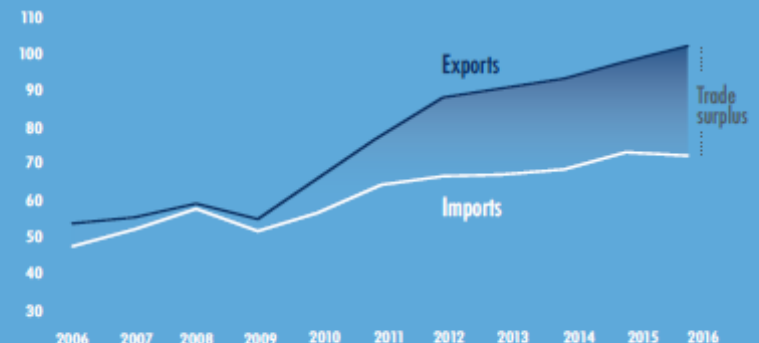


Source: Eurostat (Comext)

¹ Exports and imports refer to extra-EU trade, unless otherwise specified

² For definition, see page 24

EU food and drink trade (€ billion)



EU FOOD AND DRINK MARKET SHARE

Number 1 exporter and number 2 importer of food and drink products in the world

17.3%

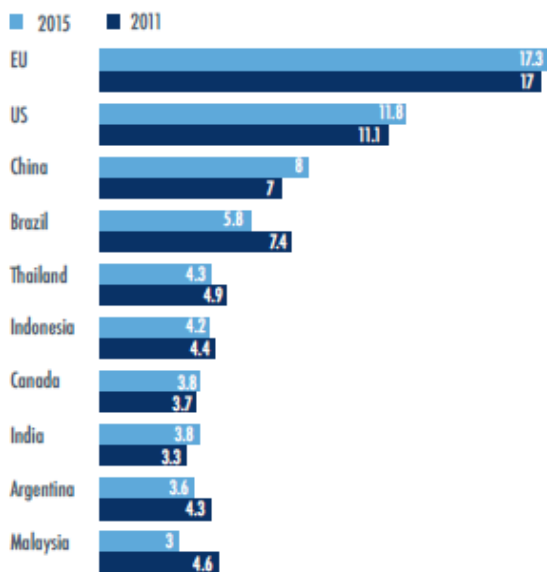
EU share in global food and drink exports

13.4%

EU share in global food and drink imports

- In 2015, global exports of food and drinks contracted by 10% compared to the previous year.
- While the EU share in global exports has declined over the past decade, it has stabilised in recent years at around 17%.
- The performance of EU products in selected third countries' imports is mostly positive, with a few exceptions – such as Russia – where EU market share has declined significantly in recent years.

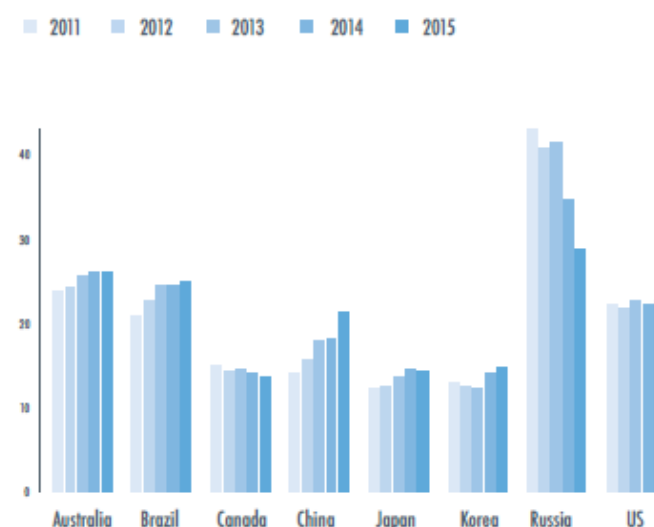
Share of global food and drink exports (%)



Top 10 exporters and importers of food and drink products (2015, \$ billion)



Share of EU products in total food and drink imports of selected countries (2011-2015, %)



Source: UN COMTRADE

EU27-UK TRADE

The UK is the largest trading partner of the EU27

€31.3 billion

EU27 food and drink exports to the UK

€12.9 billion

EU27 food and drink imports from the UK

€18.4 billion

Trade balance

Exports of food and drink products to the UK for the top 10 Member States (2016)

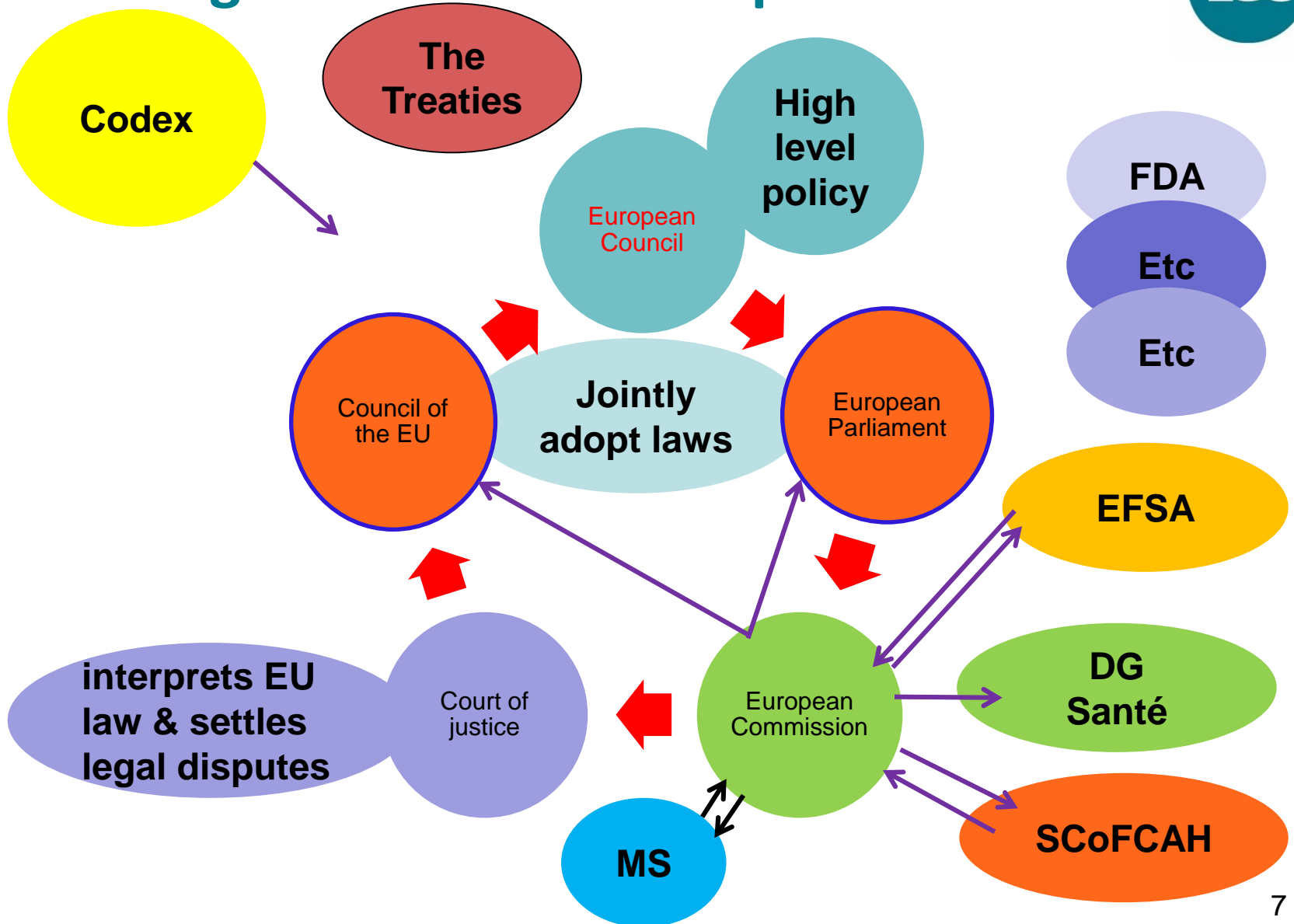
Member State	Exports to the UK (€ billion)	Share of Member States total exports ¹ (%)	Rank of UK as export destination
Netherlands	5.3	10.0	3
France	4.5	9.8	3
Germany	4.3	6.6	1
Ireland	4.1	35.1	1
Italy	2.9	9.0	4
Belgium	2.8	7.9	4
Spain	1.9	6.5	4
Poland	1.8	9.4	2
Denmark	1.4	10.3	3
Greece	0.3	8.2	3

EU27 exports of food and drink products to the UK amounted to €31.3 billion in 2016 ... almost x2 the exports to US and x3 the exports to China.

UK relies on EU27 both as an export destination and sourcing market. Among the EU27 Ireland has the strongest trade link with the UK, > a third of its food and drink exports →UK and about half of its imports ←UK.

Wine is the EU27 most prominent product exported to the UK, while spirits dominate the EU27 imports from the UK.

Regulation in the European Union



Ordinary legislative procedure

http://www.europarl.europa.eu/external/appendix/legislativeprocedure/europarl_ordinarylegislativeprocedure_howitworks_en.pdf



#1 Commission proposal

European Commission submits legislative proposal to the European Parliament



Next steps

#3 1st reading in Council

During its 1st reading, the Council may decide to accept Parliament's position in which case the legislative act is adopted, or it may amend Parliament's position, and return the proposal to Parliament for a 2nd reading.

#4 2nd reading in Parliament

Parliament examines Council's position and approves it, in which case the act is approved; or rejects it, in which case the act will not enter into force and the whole procedure is ended; or proposes amendments and returns the proposal to Council for a 2nd reading.

The legislative proposal **is not adopted**



The legislative proposal **is adopted**

The vast majority of proposals are adopted at this stage

The legislative proposal is adopted

proposal is adopted

#5 2nd reading in Council

Council examines Parliament's 2nd reading position and either approves all of Parliament's amendments meaning the act is adopted, or does not approve all amendments, leading to the convening of the Conciliation Committee.

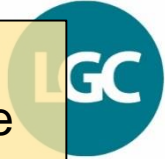
#6 Conciliation

The Conciliation Committee, composed of an equal number of MEPs and Council representatives, tries to reach agreement on a joint text. If unsuccessful, the legislative act will not enter into force and the procedure is ended. If a joint text is agreed, it is forwarded to the European Parliament and Council for a 3rd reading.

#7a 3rd reading in Parliament

The European Parliament examines the joint text and votes in plenary. It cannot change the wording of the joint text. If it rejects it or fails to act on it, the act is not adopted and the procedure is ended. If it is approved by Parliament and Council, the act is adopted.

The legislative proposal is not adopted



#7a 3rd reading in Parliament

European Parliament examines joint text & votes in plenary. Cannot change the wording. If it rejects it or fails to act on it, the act is not adopted and the procedure is ended. If it is approved by Parliament and Council, the act is adopted

#7b 3rd reading in the Council

Council examines joint text, cannot change it. If it rejects or does not act it will not enter into force & procedure is ended. If it approves & Parliament also approves it, the act is adopted

If proposal rejected at any stage, or no compromise, it is not adopted - procedure ends. New procedure can start only with a new proposal from the Commission.

... jointly signed by the Presidents and Secretaries General of both institutions. After signature, the texts are published in the Official Journal and become official.

Proposal adopted

Once both European Parliament and Council have approved the final text of a legislative proposal, it is jointly signed by the Presidents and Secretaries General of both institutions. After signature, the texts are published in the Official Journal and become official.

Proposal not adopted

If a legislative proposal is rejected at any stage of the procedure, or the Parliament and Council cannot reach a compromise, the proposal is not adopted and the procedure is ended. A new procedure can start only with a new proposal from the Commission.

Read more



Foodlaw-Reading

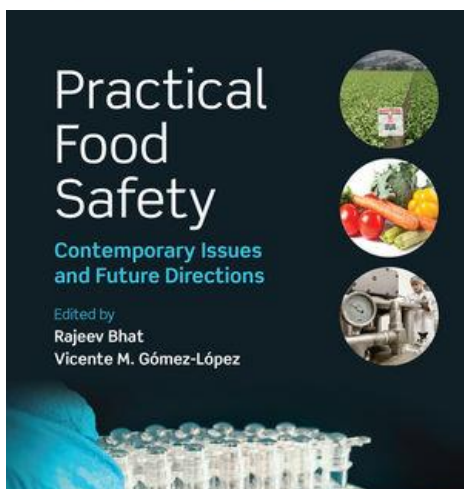
Dr David Jukes, The University of Reading, UK



- Home
- News
- Additives
- Labelling
- Links
- Search

Welcome to the home page of 'Foodlaw-Reading'. Based at the University of Reading, UK, the site is maintained by Dr David Jukes. It seeks to provide easy access to sources of information on current food laws and its development. The main focus is on the UK and the EU although some additional information in international developments is also provided (especially issues linked to Codex and the WTO). It is hoped that it will also help those seeking to learn about and understand food law issues. Please note that it is maintained as time permits and updates may at times be delayed.

<http://www.reading.ac.uk/foodlaw/>



Food and feed law:

Compendium of UK food and feed legislation
with associated context and changes during
October – December 2017

Government Chemist Programme Report

<https://www.gov.uk/government/organisations/government-chemist>

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Protection of the Agri-Food Chain by Chemical Analysis: The European Context

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²Government Laboratory, Homantin Government Offices, Hong Kong, China

In the EU -- 5 different sorts of 'law'

1. Regulations – binding in entirety across the EU
2. Directives – set a goal, individual MS to decide how...
3. Decisions - specific & directly binding on those addressed
4. Recommendations - not binding, suggest a line of action
5. Opinions - not binding, issued by the main EU institutions

EU legal measures can be accessed at Eur-Lex,

<http://eur-lex.europa.eu/homepage.html>

Regulations

binding in entirety across the EU, e.g.



Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety

Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 *on official controls*

Regulation 669/2009 – Commission Regulation (EC) No 669/2009 lays down rules concerning increased levels of official controls on imports of feed and food of non-animal origin when warranted by evidence of increasing threats to the food chain.

Periodically updated as new threats emerge or others are brought under control, RASFF & the findings of audits to third countries carried out by the Directorate for Health and Food Audits and Analysis ...
Chemical hazards currently focus on aflatoxins, ochratoxin A, pesticides residues, Sudan dyes, and sulphites

Consequence of the UK notification in accordance with Article 50 of the Treaty on European Union



Removal of UK laboratories as EU reference laboratories (EURLs).

Duties shared among other EURLs as detailed in each Regulation.

Commission Regulation (EU) 2018/221 of 15 February 2018 removed the designation of the UK EU reference laboratory for transmissible spongiform encephalopathies as of 31 December 2018 .

Commission Regulation (EU) 2018/222 of 15 February 2018 removed the designation of the UK EU reference laboratory for monitoring the viral and bacteriological contamination of bivalve molluscs as of 31 December 2018 .

Commission Regulation (EU) 2018/455 of 16 March 2018 removed the designation of the Centre for Environment, Fisheries & Aquaculture Science (Cefas), Weymouth Laboratory, as the EU reference laboratory for crustacean diseases from 1 July 2018

Directives – set a goal, individual MS to decide how...

Less used now, e.g. food labelling formerly under Directive 2000/13/EC is now controlled by Regulation (EU) No. 1169/2011

Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption

Directive 2009/54/EC on the exploitation and marketing of natural mineral waters

Directive 2003/40/EC establishing a list of parameters, concentration limits and labelling for natural mineral waters

Directive 2001/110/EC relating to honey



Burns, Dillon, Warren & Walker, 2018, A Critical Review of the Factors Available for the Identification and Determination of Mānuka Honey, Food Analytical Methods, <https://doi.org/10.1007/s12161-018-1154-9>

Decisions - specific & directly binding on those addressed, (e.g. any or all MS or an individual company)



Decision 2013/287/EU of 13 June 2013 on unauthorized GM rice

Commission Implementing Decision (EU) 2017/1396 of 26 July 2017 amended the Annex to Decision 2007/453/EC as regards country BSE status. Northern Ireland, Scotland and Poland were recognised as having a negligible BSE risk. England and Wales remain currently listed as countries with a controlled BSE risk

Commission Implementing Decision (EU) 2016/1774 of 4 October 2016 amended Decision 2010/381/EU which requires at least 10 % of consignments of aquaculture products from India for human consumption to be tested for the presence of pharmacologically active substances, in particular, chloramphenicol, tetracycline, oxytetracycline and chlortetracycline and of metabolites of nitrofurans.

John Points, D. Thorburn Burns, Michael J. Walker, 2014, Forensic issues in the analysis of trace nitrofurans in food of animal origin, *Food Control*, 50, 92-103

Recommendations - not binding suggest a line of action



Commission Recommendation 2012/154/EU on monitoring of the presence of ergot alkaloids in feed and food

Commission Recommendation (EU) 2016/2115 of 1 December 2016 recommended monitoring for the presence of Δ^9 -tetrahydrocannabinol, precursors and cannabinoids in food of animal origin ...fed hemp

Commission Recommendation (EU) 2018/334 of 1 March 2018 discusses measures effectively to tackle illegal content online

Commission Recommendation 2013/711/EU sets out action levels for polychlorinated dibenzo-para-dioxins and polychlorinated dibenzofurans (PCDD/Fs) and dioxin-like PCBs in food ... a tool for competent authorities and FBOs to identify & reduce or eliminate sources of contamination

Opinions - not binding, issued by the main EU institutions



The Commission aims better to align the existing Regulation (EC) No 110/2008 on spirit drinks with the Treaty on the Functioning of the European Union. In June 2017 the European Economic and Social Committee published a generally supportive opinion on the proposal.

Council Recommendation of 11 July 2017 on the 2017 National Reform Programme of the United Kingdom and delivering a Council opinion on the 2017 Convergence Programme of the United Kingdom (2017/C 261/27)

Commission Opinion of 27 September 2017 relating to the plan for the disposal of radioactive waste arising from the Radiana National Disposal Facility, located adjacent to the Kozloduy Nuclear Power Plant site in Bulgaria

Standing Committees are made up of representatives from EU governments and public authorities

Ensure EU decisions and regulations on food and feed safety, animal health and welfare and plant health are practicable and effective.

SCoFCAH covers entire food supply chain, from animal health issues on farm to the product on the consumer's table

Chaired by a European Commission representative

SCoFCAH, (2010) *“Following requests for clarification as regards the proposed listing of noodles from China under Annex I to Regulation (EC) No 669/2009, the Commission clarified that, based upon available data, the level of 10 mg/kg could be used to distinguish noodles with acceptable unavoidable background presence of aluminium from noodles presenting unacceptable levels. Vote: qualified majority by 338 votes in favour, 7 votes abstained”*

European Court

European Court (Third Chamber) 13 September 2017 (Case C-111/16) the court reaffirmed that MS cannot adopt interim emergency measures on GMOs solely on the basis of the ‘precautionary principle’, without appropriate conditions being satisfied (... likely to constitute a serious risk to human health, animal health or the environment)

Desinewed meat’ (DSM) and mechanically separated meat (MSM)

Judgment of the Court (Tenth Chamber) 16 October 2014, Case C-453/13, Request for a preliminary ruling under Article 267 TFEU from the High Court of Justice (England and Wales), Queen’s Bench Division (Administrative Court) (United Kingdom), in the proceedings The Queen, on the application of: Newby Foods Ltd v Food Standards Agency, and Case No: C1/2016/2112, In the Court of Appeal (Civil Division) on Appeal From High Court, Queen's Bench Division, Administrative Court, Mr. Justice Edwards-Stuart, CO69232012, (Jones, LJ, Beatson LJ and Moyland LJ).

RASFF - FOOD & FEED SAFETY ALERTS

[RASFF portal](#)

[RASFF consumers' portal](#)

[How does RASFF work](#)

[Implementing Regulation and Guidance](#)

[Members of RASFF network](#)

[Country fact sheets](#)

[Reports and publications](#)

[Fipronil incident](#)

RASFF - Food and Feed Safety Alerts

The EU has one of the highest food safety standards in the world – largely thanks to the solid set of EU legislation in place, which ensures that food is safe for consumers. A key tool to ensure the flow of information to enabling swift reaction when risks to public health are detected in the food chain is **RASFF – the Rapid Alert System for Food and Feed**.

Created in 1979, RASFF enables information to be shared efficiently between its members (EU-28 national food safety authorities, Commission, EFSA, ESA, Norway, Liechtenstein, Iceland and Switzerland) and provides a round-the-clock service to ensure that urgent notifications are sent, received and responded to collectively and efficiently. Thanks to RASFF, many food safety risks had been averted before they could have been harmful to European consumers.

Vital information exchanged through RASFF can lead to products being recalled from the market. A robust system, which has matured over the years, RASFF continues to show its value to ensure food safety in the EU and beyond.

New publication: the [2016 RASFF annual report](#) 

The 2016 RASFF annual report introduces Sankey charts and country fact sheets, giving a deeper insight in the data on the activity of RASFF in 2016.

RELATED LINKS

- [Information note on EU measures concerning the illegal use of fipronil on some poultry farms \(10 August 2017\)](#)
- [Access the RASFF portal](#)
- [Access the RASFF Consumers' Portal](#)
- [RASFF video presentation](#)

RELATED DOCUMENTS

- [Q&A Rapid Alert System for Food and Feed](#)
- [RASFF annual report 2016 !\[\]\(841791881156cc7108c4050183c5b497_img.jpg\) - NEW](#)
- [RASFF Infographic !\[\]\(2095a0984d344b1d716465bc36aa6a04_img.jpg\)](#)
- [History of RASFF as a](#)

EU & Codex - total aflatoxins

2008 Codex maximum of $10 \mu\text{g kg}^{-1}$ for total aflatoxins in ready-to-eat almonds, hazelnuts, and pistachios

EU then limit was $4 \mu\text{g kg}^{-1}$

EFSA (2007) - Commission “ ... public health not adversely affected by increasing limit to $10 \mu\text{g kg}^{-1}$ for almonds, hazelnuts, and pistachios.

$8 \mu\text{g kg}^{-1}$ was retained for aflatoxin B₁ in both almonds, and pistachios with $5 \mu\text{g kg}^{-1}$ for aflatoxin B₁ in hazelnuts

Importance of reducing highly contaminated foods reaching the market

Feb 2018: Effect on public health of a possible increase of the maximum level for ‘aflatoxin total’ from 4 to $10 \mu\text{g kg}^{-1}$ in peanuts and processed products thereof, intended for direct human consumption or use as an ingredient in foodstuffs

<http://www.efsa.europa.eu/en/press/news/070302>

<https://www.efsa.europa.eu/en/efsajournal/pub/5175>



Brussels, 1 February 2018

NOTICE TO STAKEHOLDERS

WITHDRAWAL OF THE UNITED KINGDOM AND EU FOOD LAW

FOOD LABELLING AND FOOD INFORMATION, HEALTH AND IDENTIFICATION MARKS

FOOD INGREDIENTS, FOOD COMPOSITION, CONTAMINANTS AND RESIDUE LIMITS; FOOD CONTACT MATERIAL

REQUIREMENTS FOR FOOD BUSINESS OPERATORS AND AUTHORISATION HOLDERS, OR THEIR REPRESENTATIVES, TO BE ESTABLISHED IN THE EU; SUBMISSION OF EU AUTHORISATION REQUESTS THROUGH AN EU MEMBER STATE

FOOD PRODUCTION RULES/FOOD HYGIENE RULES, FOOD IRRADIATION, ORGANIC PRODUCTION

Conclusions

BSE, *Salmonella*, Dioxins ...

EU white paper on food safety, 1999, EFSA, & overarching laws on food safety, quality and traceability

EU food law now a settled area ... apart from (in no particular order):

1. Allergen PAL and harmonisation of enforcement
2. CoO labelling
3. Food fraud, food crime, dual quality products ...
4. Enforcement cost recovery

EU regulation evolves in a lengthy process, taking with it 28 MS, strives for consensus and removal of barriers to trade ... takes into account 'political' opinions, EFSA – valuable but not the 'holy grail' of RA automatically accepted by all,

Conclusions

Food is one of the most intimate and evocative areas of our lives

In one of the largest food trading bloc on the planet we need regulation that :

- Safeguards citizens' safety
- Maintains trust (precautionary approach, open decision making...)
- Respects our preferences and choice
- Stimulates trade and economic growth
- Is a bulwark against unsafe products from elsewhere
- Harmonised and optimised regulation, locally and on a global basis

I believe, by and large, the EU regulatory system has done most of that ... but what do you think?

Acknowledgements

Any views in this presentation represent those of M Walker personally and do not necessarily represent the views of the Government Chemist, LGC or BEIS.

No responsibility can be taken for the use made of any view, information or advice given.

In particular, any view, information or advice given should not be taken as an authoritative statement or interpretation of the law, as this is a matter for the courts.



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FUNDED BY BEIS

