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WORKING DOCUMENT

on ECA Special Report 2/2019 (Discharge 2018): EU food safety policy
protects us but faces challenges

Committee on Budgetary Control

Rapporteur: Tomáš Zdechovský

Summary

Food safety is a high priority for the EU, affects all citizens and is closely linked to trade policies. EU food safety policy aims to protect its citizens from three types of hazards in food: physical, biological and chemical.

The audit concentrated on chemical hazards and its aim is to assess whether the EU food safety model is soundly based and implemented to ensure no chemical hazards emanate from the consumption of products. The Court of Auditors concluded that the model is soundly based and respected worldwide. However, it observed that the model is currently over-stretched, as the Commission and Member States do not have the capacity to implement it fully.

According to the World Health Organization (WHO), European citizens enjoy one of the highest levels of assurance on the safety of their food in the world. The strength of the EU food safety model is based on its separation of risk assessment from risk management as well as on its safety assessment of chemicals before their use in the food chain and furthermore on its clear allocation of responsibilities between the private sector and public control authorities. However, the Court identified challenges faced by the model regarding its implementation.

The level of implementation envisaged in the EU food law has not been achieved, due to the EU legal framework governing chemicals in food, feed, plants and live animals still remaining a work in progress.

The European Food Safety Authority (EFSA) suffers backlogs in its work including in relation to chemicals, which threatens proper functioning. Furthermore, the legal framework is too extensive to ensure that public authorities fulfil all of the responsibilities. The EU model can best remain credible by complementing public control systems with private-sector ones.

Imported food from non-EU countries has to meet EU standards. The EU has limited the use of pesticides based on hazard criteria. Nevertheless, residues of such pesticides may be tolerated in products imported into the EU if a risk assessment has shown that there is no risk to consumers.

There are limitations in the control system as Member States faced difficulties in determining the nature of enforcement action to be taken in case of non-compliance. Furthermore, the Commission identified opportunities to enhance its procedures for the monitoring and enforcement of food legislation.

Based on these findings and conclusions, the Court recommends:

1. Reviewing the legislation and improving complementarity between private and public control systems:
 - (a) The Commission should, as a part of the current Regulatory Fitness and Performance Programme (REFIT) exercise on the legal framework governing food, feed, live animals and plants, assess potential changes to the legislation governing chemical hazards in light of the capacity to apply it consistently.

- (b) The Commission should build upon the work already started to encourage such complementarity identifying the way forward so that Member State public authorities can, where justified, rely more extensively on the checks carried out by the private sector to improve the efficiency of checks and the sustainability of the EU food safety model.

Target implementation date: 2020

- 2. Maintaining the same level of assurance for both EU produced and imported food
 - (a) For pesticide residues in food, the Commission should explain what action it will take to maintain the same level of assurance for both EU produced and imported food while remaining compliant with WTO rules.

Target implementation date: 2019

- 3. Facilitating consistent application of EU food law
 - (a) The Commission should give Member States further guidance on the application of enforcement measures.
 - (b) The Commission should put into action the opportunities it has identified to enhance its procedures for monitoring compliance with EU food rules.

Target implementation date: 2020

The Commission accepts all of the Court's recommendations.

Recommendations by the rapporteur

The European Parliament:

- 1. Welcomes the Court's report, and endorses its remarks and recommendations;
- 2. Notes that this audit, although bringing forward various valid aspects, has a limited impact on the Union's budget;
- 3. Welcomes that the EU food safety model is considered a point of reference worldwide and that Europe is the safest place in the world to eat;
- 4. Emphasises the importance of providing the same level of consumer protection for all foods, independently of their origin, especially in relation to pesticides residues; notes with regret the low import standards as revealed in the ECA audit; notes that a REFIT evaluation is currently ongoing regarding this legislation and that a report to the European Parliament and the Council will be prepared in 2019 regarding pesticides and residues thereof;
- 5. Notes with concern that the capacities of the public authorities to exercise food checks and fulfil all their responsibilities stemming from the legal framework are insufficient and limited; further notes with concern the small number of test controls currently executed by the Member States; calls on the Commission to take this into account when exploring the possibilities of bigger engagement of the private sector in food checks and invites the

Commission to optimize the resources available;

6. Is aware of the potential risks that the private sector inevitably represents, however invites the Commission to introduce a new self-sustaining system of checks and controls that will further involve private participants in the food chain and that will ensure their reliability;
7. Notes with regret the delays in the scientific assessments of food products and their ingredients due to low level of scientific expertise, limited resources and insufficient data from the Member States;
8. Calls on the Commission to fully engage in implementing the Court's recommendations and in providing Member States with timely and appropriate guidance in determining the nature of enforcement action to be taken in case of non-compliance;
9. Notes with regret that there are still many EU legal provisions pending implementation and action, including complete re-evaluation of methodology of measuring the food additive intake, update of the list of food flavourings, establishing maximum and minimum level of vitamins and minerals, harmonisation of processing factors in residue of pesticides, etc.
10. Notes the Commission's efforts to clear existing backlogs in the area of regulated food ingredients; notes in that regard that the REFIT exercise for pesticides legislation is currently ongoing and the recently adopted Commission legislative proposal amending the General Food Law addresses, amongst others, the long-term sustainability of the EU risk assessment in the food chain, and more specifically the scientific capacity of the EFSA.