

## REVISION OF THE GENERAL FOOD LAW: TRANSPARENCY OF FOOD RISK ASSESSMENT



*Answering the need to address the lack of transparency and independence of the European Food Safety Authority (EFSA), the European Commission has taken the initiative to amend the General Food Law. EFSA, the European body conducting the risk assessment of products entering the European food chain, suffers from a number of shortcomings that needs to be addressed by the new regulation. SAFE, as a member of both the EFSA Technical Group on Database of Notification of Studies and the EFSA Stakeholder Sounding Board for the implementation of the revised General Food Law will be in a privileged position to ensure its proper implementation.*

### **Background**

In 2002, the General Food Law was adopted, creating a unified legal framework in the food chain all around the EU. The regulation also established the European Food Safety Authority (EFSA), a new body in charge of food and feed safety's risk assessment in the EU.

On the 6<sup>th</sup> of October 2017, a European Citizens' Initiative to 'Ban glyphosate and protect people and the environment from toxic pesticides' was submitted, followed two months later by the communication from the European Commission answering European citizens' concerns in this matter. The Commission acknowledged that trust in the regulatory system could only be ensured by transparency in decision-making and scientific assessments; and highlighted the importance of the 'quality and independence of the scientific studies that are the basis of the EU risk assessment carried out by EFSA'.

In January 2018, the conclusions of the Fitness Check of the General Food Law, launched in 2014 as part of the Regulatory Fitness and Performance programme, were completed. This Fitness Check stressed inter alia the need to improve transparency of the EU decision-making process and the possibility for EFSA to have access to qualified independent experts.

From the 23<sup>rd</sup> of January to the 20<sup>th</sup> of March 2018, a public consultation was launched to enable interested parties and EU citizens to be heard, which resulted in the confirmation of the necessity to improve public access to studies provided by the industry and used by EFSA for the risk assessments, in order to strengthen trust in the EU food risk assessment process.

Considering all these elements, the European Commission, on the 11<sup>th</sup> of April 2018, issued a proposal amending the General Food Law Regulation of 2002 as well as eight other legislative acts relating to smoke flavouring, food additives, feed additives, GMOs, food contact materials, plant protection products and novel foods, as well as food enzymes and flavourings.

### **Main issues**

As highlighted by the different aforementioned elements, the decision-making and risk assessment processes carried out by EFSA are currently perceived as opaque by organisations representing EU citizens and several

Member States. Indeed, rules concerning confidentiality in the risk assessment do not enable sufficient transparency and thus prevents the population from trusting the process.

Considering that most data and studies that EFSA relies upon in the evaluation of authorisation dossiers are paid and generated by the applicant for the authorisation, concerns regarding the transparency and independence of these data and studies can legitimately be raised.

In the light of growing scepticism about the neutrality and independence of EFSA's scientific risk assessment, risk communication is regarded as needing improvement.

In particular due to an insufficient financial compensation and recognition for their careers, EFSA faces difficulties to attract scientific experts. In addition, the vast majority of these experts come from only six EU countries, underlining the lack of commitment of most Member States to the scientific work of EFSA. This may be enhanced by the fact that EFSA's Management Board, unlike other EU Agencies, does not represent Member States.

### **SAFE's position**

SAFE would like to congratulate the European Commission for taking the initiative to respond to the European Citizens Initiative to 'ban glyphosate' and to the Fitness Check of the General Food Law by drafting a proposal to revise the General Food Law. SAFE would also like to point out the issues that this new law will have to address and to point out some areas of concern.

Rules on transparency will have to be clearer and reinforced by this new regulation. EFSA's research documents should be automatically and proactively published, thereby enabling other external scientists to repeat the experiments conducted during the risk assessments of some products, and see if they reach the same result. EFSA should have a greater control over applications, that is to say be systematically notified of studies performed or planned, automatically issue an advice regarding the content of the application and be able to double-check the information provided by the applicant. A better risk communication needs to be achieved, in particular by making documents easily accessible to consumers. EFSA's independence needs to be guaranteed, first by reducing the reliance on industry-funded studies and then by changing the structure of EFSA itself. There is a need for greater involvement and cooperation of Member States, which could also help to attract scientific experts and ensure sufficient expertise for EFSA in the long term.

Most of these elements have been raised in a workshop organised by SAFE in 2017, gathering stakeholders such as EU Officials, NGO members, industry representatives and journalists in order to identify recommendations for EFSA and find solutions for some of its challenges. From the discussions, it emerged that a tax on industries would offer the best solution to overcome EFSA lack of resources to ensure the right implementation of the new regulation on transparency and sustainability of the EU risk assessment model in the food chain.