Food law in the European Union. Green paper

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OBJECTIVE: to present a green paper on European legislation in the field of foodstuffs with a view to launching an in-depth debate within the Community institutions, the Member States and interested circles on the question of whether current food legislation meets the requirements of consumers, producers, processors and dealers. This consultation procedure should also determine: . if monitoring and inspection systems are operating satisfactorily; . how Community food legislation might be developed in the future. CONTENT: food legislation is an area of public interest. A high level of safety and public control are needed in order to ensure that food is safe and wholesome and that other consumer interests are properly protected. At present, most national laws governing foodstuffs were harmonized when the internal market and the common agricultural policy were established. In particular, quality standards have been adopted for a good number of agricultural foodstuffs. However, there is at present no general legislative text which clearly defines the fundamental principles and obligations of the parties concerned in the field of foodstuffs. The purpose of the Commission's green paper is therefore to collect comments from interested circles on a series of questions. For example: - Can the same general rules be applied to agricultural production and the agro-foodstuffs industry despite the differences between these two sectors? - Should the principle of the responsibility of the producer for defective products be extended to primary agricultural production? - What is the best way of applying the principle of subsidiarity to foodstuffs legislation (with a clear definition of "foodstuffs")? - How can the independence and objectivity of scientific advisors and committees be guaranteed? - How can we ensure that markings and labelling contain information of relevance to the consumer without being overly detailed? The interested circles, the Community institutions and the national authorities are called on to send their observations on the questions raised in the green paper to the Commission by 31 July 1997. The Commission will decide on the action needed in this area on the basis of the comments received. This action may include: . presenting a proposal for a general directive on Community foodstuff legislation; . strengthening or amending existing legislative provisions. Elements of this new legislation: 1) The Commission considers that in-depth consultation with the social partners when food legislation is drafted is a good way of ensuring that it will meet its objectives. The social partners could be encouraged to participate more actively in the evaluation of the costs and benefits of the proposed new legislation. 2) It also considers that using regulations rather than directives would enhance the transparency of the legislation and avoid problems of late and incorrect transposition into national law (although the directive will still be the instrument of choice for the framework legislation). 3) With regard to hygiene, the Commission considers that the first priority must be to ensure that there is a coherent set of Community rules. The best way of achieving this would be to apply common principles in a generalized manner and limit standardizing regulations to cases in which they are deemed indispensable. Regulations relating to food hygiene must be designed and implemented with sufficient flexibility to guarantee a high level of protection without imposing unnecessary charges on enterprises. 4) With regard to labelling, binding rules should allow consumers easy access to essential information on foodstuffs. A proper balance needs to be found which will guarantee that consumers obtain all the relevant information while avoiding overly detailed requirements. 5) The existence of independent, authoritative opinions is of prime importance. Measures should be taken to allow centralized coordination of the number, scope, composition and activities of scientific committees, in order to guarantee a high level of competence and perfect coherence of scientific opinion. Everything needs to be done to ensure that scientific conclusions are presented in a clear and convincing manner. In addition, consumer concerns need to be taken into account during the decision-making process. 6) With regard to producers' responsibility, legislation must clearly define responsibilities at all levels (producers, processors, distributors and retailers) for the supply of safe, wholesome food fit for human consumption, of a given quality and duly identified, and the responsibilities of the relevant control bodies. Extending the directive on responsibility for defective products to primary agricultural production would increase the overall level of consumer protection. However, the Commission considers that this extension is no substitute for the implementation of suitable rules on the safety of products and official

control systems. 7) The penalties for which provision is made in the event of infringement of Community legislation on the internal market should be equivalent to the penalties laid down at national level, i.e. they should be effective, proportionate and dissuasive. In order to guarantee that the rules imposed are implemented, the Commission considers that greater recourse should be taken to standing committees when examining questions relating to the interpretation of Community legislation and studying unforeseen problems which arise when it is implemented.