



EU FOOD LAW AND ASPECTS OF EXTERNAL TRADE

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17 November
2009



EU TRADE IN AGRICULTURAL PRODUCTS

- EU Share of agricultural imports and exports in world total trade: 7 %
- EU total trade in agricultural products amounted to almost €153 billion in 2007, split between EU imports from third countries of €77.4 billion and exports of €75.1 billion
- EU is currently the largest global importer and exporter of agricultural products
- EU is the first importer from Developing countries.



EU FOOD LAW

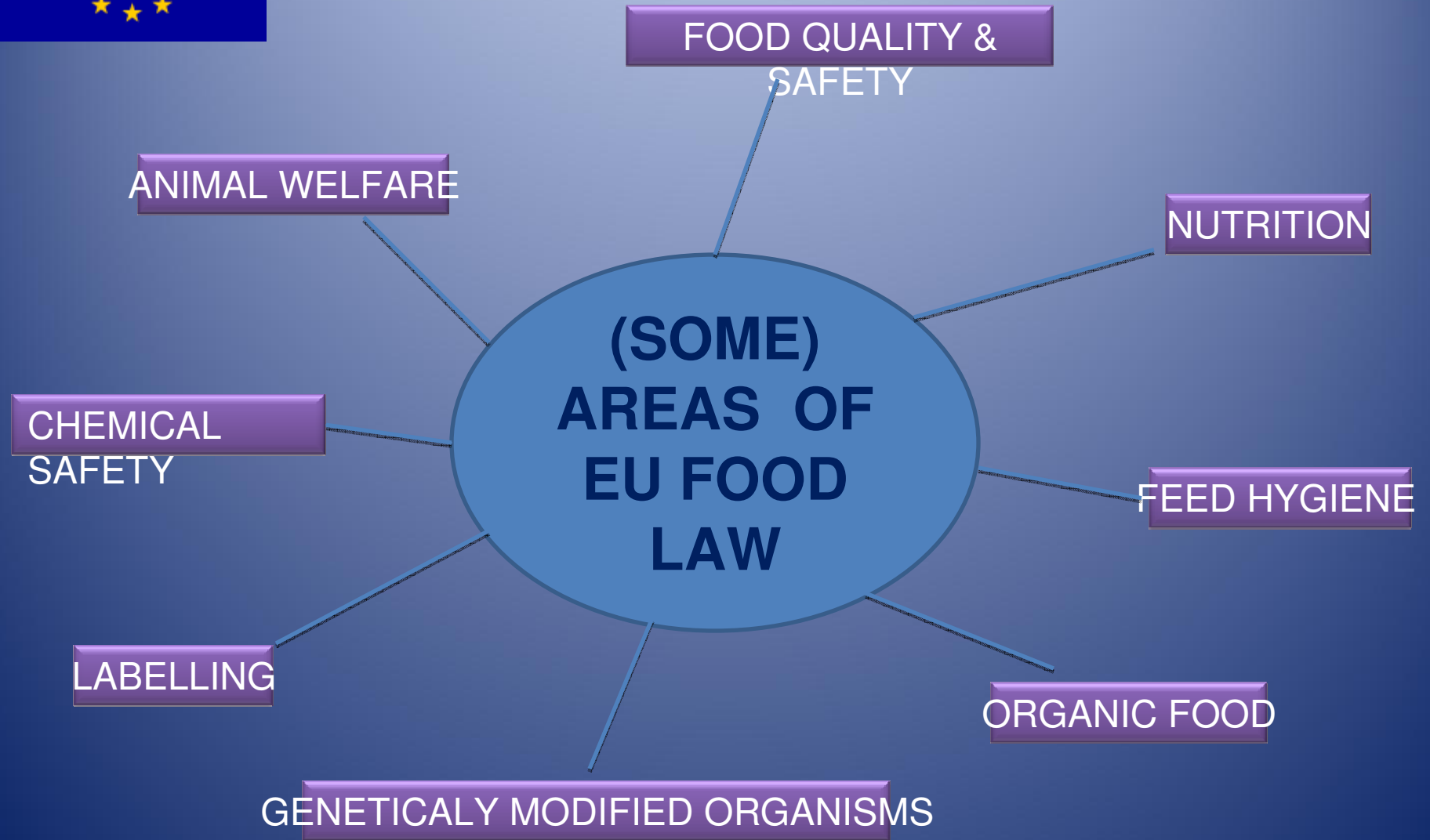
IS A BODY OF LEGISLATION WHICH TOGETHER AIMS TO ENSURE A HIGH LEVEL OF PROTECTION OF HUMAN LIFE AND HEALTH, TAKING INTO ACCOUNT THE PROTECTION OF ANIMAL AND WELFARE, PLANT HEALTH AND THE ENVIRONMENT.

THIS INTEGRATED “FARM TO FOLK” APPROACH CONSTITUTES A GENERAL PRINCIPLE FOR EU FOOD SAFETY POLICY.



CONTEXT OF EU FOOD LAW

- Food-related crises of 1980s & 1990s
- Changes in food production & processing
- Harmonised legislation required for development of the EU's internal market





KEY EU REGULATIONS

- Regulation (EC) N. 178/2002 (General EU Food Law)
- Regulation (EC) N. 852 & 853/2004 (Hygiene rules: animal & non animal origin)
- Regulation (EC) N. 882/2004 (Official controls)
- Regulation (EC) N. 1935/2004 (Materials in contact with foods)
- Regulation (EC) N. 1881/2004 (Max. levels of contaminants)
- Regulation (EC) N. 1881/2004 (Max. levels of pesticide residues)

• Regulation (EC) N. 1831/2003 (Food additives)



GENERAL FOOD LAW REGULATION (EC) N. 178/2002

- Creates a base upon which other legislation operates
- Creates the European Food Safety Authority (EFSA)
- Legal Basis for the Rapid Alert System for Food & Feed (RASFF)
- Establishes compliance/equivalence
- Defines traceability
- Responsibility for food importers
- Risk assessment and risk management



EFSA'S ROLE

- Contribute to the improvement food safety
- Building consumer confidence in EU food safety
- Building confidence and trust of trading partners in the EU food supply



EFSA'S SCIENTIFIC PANELS

- Scientific Committee
- Animal Health and Welfare (AHAW)
- Food additives and nutrient sources added to food (ANS)
- Biological hazards (BIOHAZ)
- Food contact materials, enzymes, flavourings, and processing aids (CEF)
- Contaminants in the Food Chain (CONTAM)
- Additives and products in Animal feed (FEEDAP)
- Genetically Modified Organisms (GMO)
- Dietetic products, nutrition and allergies (NDA)
- Plant health (PLH)
- Plant Protection Products (PPR)



HYGIENE RULES

REGULATION (EC) N. 852 & 853/2004

- Food establishments must implement HACCP principles
- A general obligation on the operator to monitor the food safety of products and processes under his responsibility (Art. 4.1)
- General hygiene provisions for primary production & Detailed requirements after primary production (Art. 4.2)
- Procedures based on the HACCP principles (Art. 5)
- Registration of establishments (Art. 6)



OFFICIAL CONTROLS REGULATION (EC) N. 882/2004

What are official controls?

- Regular controls and risk-based
- Frequency adapted to the objective
- Takes account of reliable own checks
- Unexpectedly, apart for audits
- Along the whole chain
- On process, material, substance, activity & transport
- Both for export and import
- Measures in case of non-compliance



OFFICIAL CONTROLS REGULATION (EC) N. 882/2004

What are official controls about?

- Examination of any control system
- Inspection
- Checks on hygiene conditions
- Assessment of GHP, GMP, HACCP
- Examination of records, manuals
- Interviews with operators
- Controls with own instruments
- Sampling and analysis



OFFICIAL CONTROLS REGULATION (EC) N. 882/2004

Possible actions following official controls

- Entry allowed if checks OK
- Official detection of non-compliance with food or feed law and:
 - order destruction, special treatment or re-dispatch
 - order recall or withdrawal from market and then as above



EU FOOD LAW IN A GLOBALISED WORLD

- Considers international standards
- International obligations
- Right to restrain trade to protect health
- Measures based on scientific principles and risk
- Assessment (in proportion to the potential risk involved)
- No unjustified discrimination to WTO members.



ALIGNMENT WITH INTERNATIONAL STANDARDS/RECOMMENDATIONS

FOOD SAFETY

**CODEX
ALIMENTARIUS
COMMISSION –
FAO/WHO**

(Rome)

<http://www.codexalimentarius.net>

ANIMAL HEALTH

**OIE - OFFICE
INTERNATIONAL
DES EPIZOOTIES**

(Paris)

<http://www.oie.int>

PLANT HEALTH

**IPPC
INTERNATIONAL
PLANT
PROTECTION
CONVENTION**

(Rome)

<http://www.ippc.int>

WTO SPS AGREEMENT



EU FOOD LAW & THIRD COUNTRIES

- Requirements applicable to Third Countries at least equivalent to those applying to Member States
- Third countries to be authorised before sending animal products to EU, lists of establishments necessary
- Plant products: Importer must ensure safe origin of food



PROCEDURES TO BE FOLLOWED

- Formal request
- Detailed questionnaire to be completed on:
 - Structures and powers of the Competent Authority
 - Legislation relating to animal health, public health and residues
 - Desk evaluation of the answers



PROCEDURES TO BE FOLLOWED

- Based on evaluation, on the spot inspection
- If outcome of the evaluation positive:
 - listing of third country
 - listing of establishments
 - definition of the certification



EU FOOD LAW: IMPLICATIONS FOR EXPORTERS TO THE EU OF FOOD OF NON-ANIMAL ORIGIN (fruit, vegetables)

- Identify from whom and to whom a product has been supplied (traceability)
- Have systems and procedures in place that allow for this information to be made available to the authorities
- (Generally) can enter the EU without certification by the competent authorities of the third country of dispatch
- Food arriving in the EU is not subjected to a pre-notification procedure on arrival.



EU FOOD LAW: IMPLICATIONS FOR EXPORTERS TO THE EU OF FOOD OF ANIMAL ORIGIN (meat, fish, dairy)

- Be listed as an approved establishment to export to the EU
- Identify from whom and to whom a product has been supplied (traceability)
- Have systems and procedures in place that allow for this information to be made available to the authorities



A SINGLE MARKET FOR GOODS

- Once allowed into the EU, goods including live animals and animal products can be traded in any Member State
- Free movement of goods may be restricted only in exceptional cases (e.g. public Health, environment, or consumer protection risks)



EC'S TECHNICAL ASSISTANCE

TYPICAL ACTIONS

- Strengthening national and regional administrations and competent authorities and supporting the private sector
- Upgrading quality infrastructure
- Address both trade concerns - non-tariff barriers aspects, as well as agriculture sector development concerns via
 - trade related programmes with Ministries of Trade
 - agriculture sector programmes with technical Ministries (Fisheries, Agriculture, Plant protection services, Veterinary services).



BETTER TRAINING FOR SAFER FOOD (BTSF)

- Targeted training on EU import conditions and EU SPS standards
 - Intended for EU Member States and also for Third Countries
 - Workshops with focus on theory and practice, case studies, simulation exercises (both in Brussels as well as in TC)
 - Hands-on training on specific subjects (specific topics, laboratory training both in EU MS as in TC)
 - “Ad hoc” trainings in TC
 - > flexible, targeted, demand-driven, tailor-made



TECHNICAL ASSISTANCE: EU AID FOR TRADE 2007

SPS assistance a priority issue in the context of EC trade related assistance to third countries.

Comprehensive multi-annual programmes - needs identified in feasibility studies, identification missions, and trade needs assessments.

Areas of support - capacity building of relevant ministries, SPS regulations, enquiry points, traceability systems, testing, inspection systems, upgrading of laboratories, specific issues in important export sectors including problems/weakness by Food and Veterinary Office.



TECHNICAL ASSISTANCE: EU AID FOR TRADE 2007

EC AID FOR TRADE VOLUME: 2007

Trade Related Assistance

EC TRA up from € 940 million to € 1,020 million

Total Aid for Trade

EU AfT reached €7.17 billion in 2007

EU (EC + MS) AFT constitutes more than a third of global AFT (2007) and the EU collectively is the world's largest AfT donor



FINAL WORDS

- High food standards are necessary
- Food can & must be safe regardless of its origin
- Transparency is key
- Safety is fundamental but should not be used for protectionist reasons
- Close co-operation in a multilateral framework will facilitate trade in food