

Mr Jean-Claude Juncker
President of the European Commission
European Commission Rue de la Loi /
Wetstraat 200
1049 Brussels
Belgium

Brussels, 11 September 2018

Open letter: Fundamental amendments of General Food Law necessary

Dear President Juncker,

The EU's General Food Law (Regulation EC 178/2002) was adopted in 2001 in response to the BSE crisis ("mad cow disease"). It is now to be revised as part of the "REFIT process" (Regulatory Fitness and Performance Programme) of the European Commission. To do so, the European Commission launched a so-called "Fitness Check" of the General Food Law in 2014. Its findings were published in January 2018.

This report came to the conclusion that the General Food Law (GFL) has achieved its core objectives, namely ensuring a high level of protection for consumers against health risks and fraud and the smooth functioning of the internal market. In the Commission's opinion, several significant improvements have been made, including better traceability, more clearly defined responsibilities for businesses in the market, greater transparency of the EU's decision-making processes and the systematic implementation of the risk analysis principle. The Commission also claims that consumer information obligations are now better integrated into food law and that the Rapid Alert System for Food and Feed (RASFF) has helped ensure that information can be exchanged quickly between countries in the increasingly globalised food market. Overall, the Commission's report concluded that there is now greater food safety and fewer food crises in Europe.

Our analysis shows that this assessment is detached from reality. The numerous food scandals that have plagued Europe since the General Food Law entered into force – e.g. dioxin-contaminated food, the E. coli scandal with over 50 fatalities, the horsemeat scandal, the fipronil scandal involving eggs contaminated with insecticide and, recently, the Lactalis scandal, where salmonella-contaminated baby milk was sold to consumers in 86 countries (just to name a few) – are proof that the scope and frequency of food scandals remain alarming. Therefore, it is not reasonable to claim that Europe's consumers are now sufficiently protected from health risks and fraud.

Food scandals will continue to emerge until the shortcomings in the General Food Law have been addressed through targeted amendments. The recent scandals have made it obvious that traceability throughout the whole food chain does not work in the EU, that the publication obligations of competent authorities are too weak and that the introduction of testing obligations for food business operators is essential.

foodwatch has drawn up eight well-founded demands that need to be addressed in order to protect Europeans from food scandals in the future. These demands can be found in the enclosed document. The current legislative proposal of the European Commission that was presented in April 2018 only addresses risk assessment and risk communication, issues that were raised during the controversial re-approval of glyphosate. However, the proposal makes no attempt whatsoever to deal with the proven fundamental weaknesses of the General Food Law.

foodwatch presented its list of proposed amendments to the Brussels press on 10 July. When the German news agency dpa confronted a Commission spokesperson with our concerns and demands, she replied, "Of course, there's always room for improvement." According to the spokesperson, these improvements have already been set in motion by the EU Commission. She also rejected our demands for effective traceability, claiming that food can already be traced along the entire production chain and arguing that this is how the authorities were able to solve the fipronil case.¹

With all due respect, the spokesperson's claims are completely false and disrespectful to the citizens of Europe. Accordingly, we hope that they are not an accurate representation of the Commission's views. The fact is that the fipronil case remains unsolved. The authorities are still unable to provide information on the distribution of the contaminated eggs. Public authorities were forced to admit that the eggs were not fully traceable.² This situation is not only unacceptable but also proof that the GFL has not passed its field trial. The health-protection and fraud-prevention provisions and their enforcement have proven grossly inadequate.

Dear President Juncker, it is obvious that the GFL has to be revised and updated immediately. foodwatch's demands are well-reasoned and based on irrefutable evidence. It is your responsibility to act now, as otherwise the European Commission has failed to adequately protect 500 million consumers in Europe from health risks, fraud and future scandals in the food market. We kindly ask you to respond to each of the fundamental demands foodwatch has raised in order to remedy the GFL's shortcomings as exposed by numerous food scandals over the past decade. And, with all due respect, we kindly ask you to ensure that the above-cited statement from the European Commission's spokesperson be corrected immediately or that evidence of full traceability of the fipronil-contaminated eggs be disclosed.

We look forward to receiving your response. In the meantime, please do not hesitate to contact us if you require any further information or would like to discuss these issues in greater detail.

Yours sincerely,



Thilo Bode

Director foodwatch International

¹ See original quote in German for example here <https://www.handelsblatt.com/wirtschaft-handel-und-finanzen-roundup-foodwatch-naechster-lebensmittelskandal-nur-eine-frage-der-zeit/22785518.html?ticket=ST-7679497-ZF1KdXgQbSMkqNChrQoH-ap6>

² "[...] a definitive and reliable estimation of the number of eggs placed on the market would not be possible." Written answer of the German Government from 4 September 2017 <http://dip21.bundestag.de/dip21/btd/18/134/1813477.pdf>; "The provision of tracing information on the egg flows was one of the most persistent problems encountered by the NVWA during the incident." Commission research on Fipronil in eggs, Mr W. Sorgdrager, <https://www.rijksoverheid.nl/ministeries/ministerie-van-landbouw-natuur-en-voedselkwaliteit/documenten/rapporten/2018/06/25/onderzoek-fipronil-in-eieren>