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COURT  
OF AUDITORS

## Background paper



# Food safety in the EU

February 2018

The EU's policy on food safety takes an integrated approach and encompasses the entire food chain, from animal feed, animal health, plant protection and food production to processing, storage, transport, import and export, as well as retail sales.

The implementation of this integrated food-safety policy in the EU involves various actions: providing an effective control system, managing international relations with third countries and international organisations, and conducting science-based risk management.

The European Court of Auditors is currently examining whether the EU food safety model is based on sound principles, and whether the way it is implemented is effective in keeping the products we consume in the EU safe. As the EU's policy on food safety is necessarily broad, the audit will focus on the decisions and the control systems concerning chemical hazards that could put at risk the safety of the products we consume in the EU.

Audit evidence will be collected through reviews and analyses of relevant legislation, and by monitoring data, publications, and other documents. We will carry out on-the-spot visits and interviews with various Commission departments as well as with relevant EU agencies and authorities, and other stakeholders, including supranational bodies. We have selected three Member States (the Netherlands, Italy and Slovenia) for audit visits in order to provide a picture of how systems work on the ground.

This audit report will form part of a series on various aspects of the food chain produced by the European Court of Auditors. The series also includes Food Waste (published in January 2017), Animal Welfare (currently underway) and Organic Food (also planned for 2018).

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## THE CONCEPT OF FOOD SAFETY

Food safety is a scientific discipline whose aim is to keep humans safe from any disease coming from any eaten food. **Figure 1** shows how the concept of food safety contrasts with other related terms such as food quality, food fraud and food defence, terms which are often misused in discussions related to food safety.

**Figure 1: Food protection risk matrix**

Consequence	Gain: economic	Food Quality	Food Fraud
	Harm: public health, economic or terror	Food Safety	Food Defence
		Unintentional	Intentional
		Action	

Source: Spink, John; Moyer, Douglas C. (2011-11-01). ["Defining the Public Health Threat of Food Fraud". \*Journal of Food Science\*. 76 \(9\): R157–R163. doi:10.1111/j.1750-3841.2011.02417.x. ISSN 1750-3841.](#)

The aim of any food safety model is to combat three types of hazards<sup>1</sup>:

- **Physical hazards** are objects in food that may cause injury if eaten. They are usually a result of unsafe food-handling practices or accidental contamination.
- **Biological hazards** include parasites, viruses and bacteria that can make us sick. A proper implementation of HACCP (Hazard Analysis Critical Control Point) protocol is the main tool used to minimise the risk of biological hazards.
- **Chemical hazards** consist of poisonous substances which occur naturally or which are added during food production or handling. Examples include cleaning agents, pesticides and certain metals. While the risk of improper use of certain chemicals may be checked at the time of application (e.g. by means of documentation on use of pesticides at farm level), the presence of residues may affect further stages of

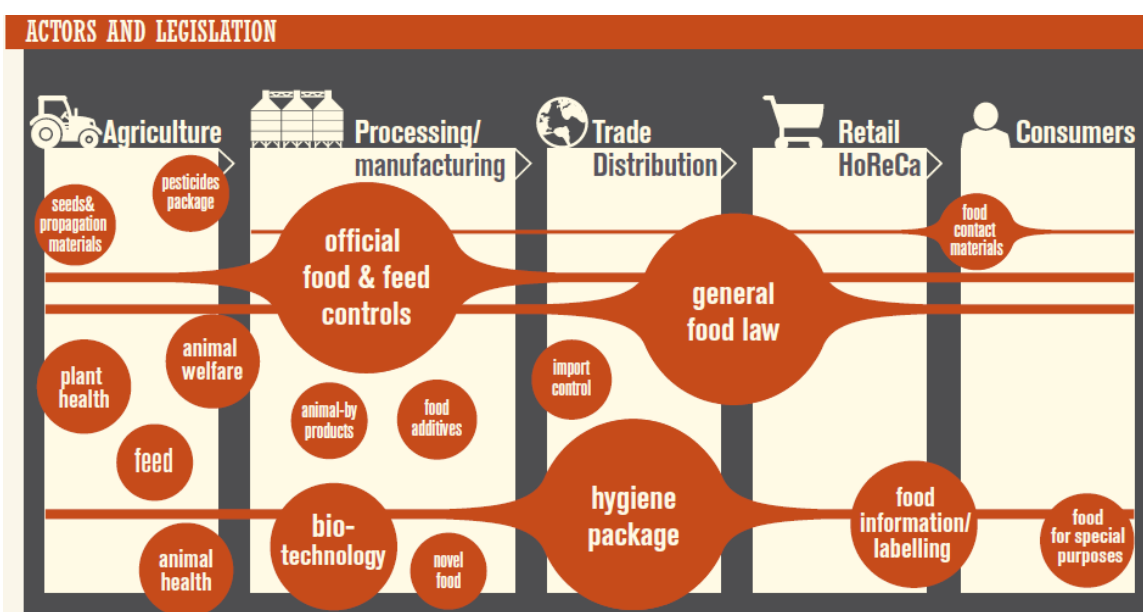
the food supply chain or even have an effect on different types of products. For example, pesticides may be properly or improperly used when growing plants as feed, and pesticide residues may be detected when testing food of animal origin.

## REGULATORY ENVIRONMENT

### *Legislation governing EU policy on food safety*

The body of legislation governing EU policy on food safety is very large. Each of the circles in **Figure 2** represents numerous legal provisions, ranging from articles in the EU Treaties, to directives, regulations, decisions, agreements, etc.

**Figure 2:** Body of legal provisions governing EU policy on food safety



Source: European Commission.

However, three pieces of legislation are especially important.

- The Treaty on the Functioning of the European Union provides the basis for the EU food safety policy: it empowers the EU to take action to promote public health and consumer protection<sup>2</sup>.

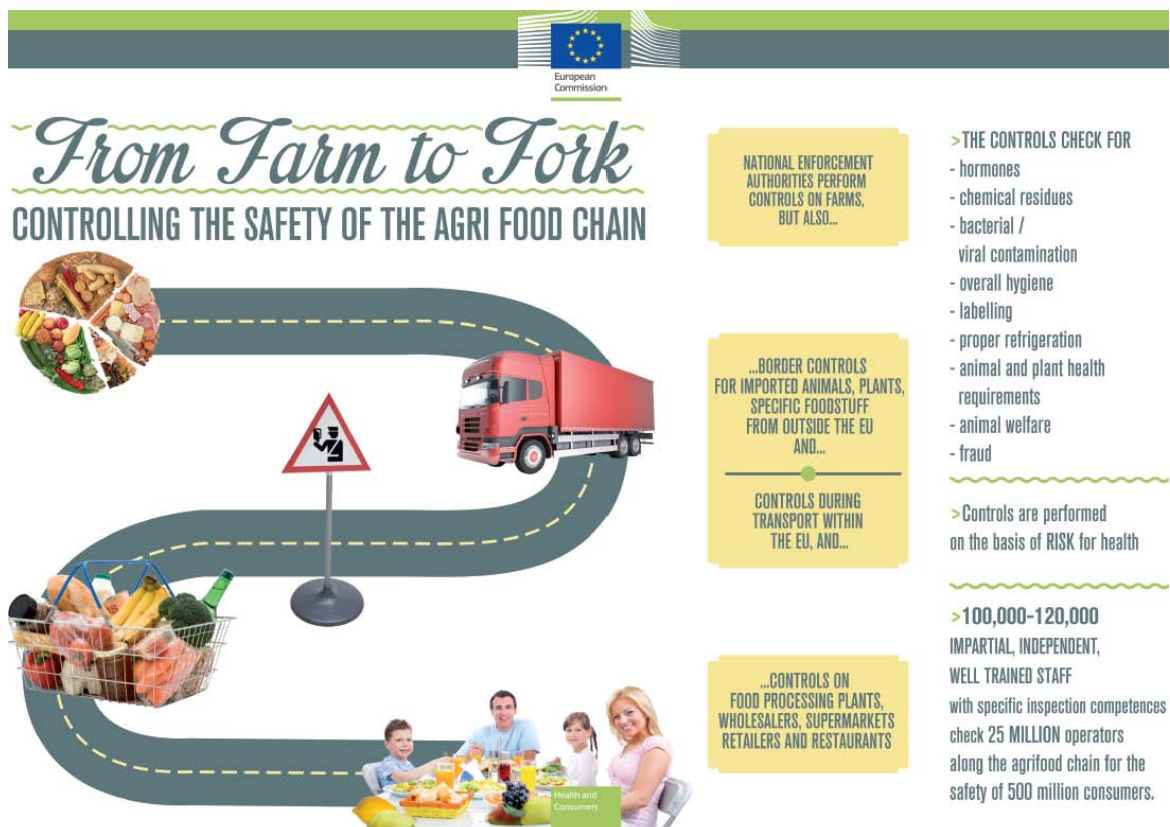
- Regulation (EC) No 178/2002 lays down the general principles and requirements of food and feed law (General Food Law Regulation). It sets out a framework for the development of food and feed legislation both at EU and national level, and covers all stages of food and feed production and distribution.
- Regulation (EC) No 882/2004 on official controls performed to verify compliance with feed and food law, animal health and animal welfare rules<sup>3</sup>.

In addition to this, specific legislation exists for each of the particular domains (e.g. animal health, feed, food additives).

### *System for official controls*

The EU's food safety control systems follow an integrated approach. They cover processes at all stages of the entire food supply chain (see **Figure 3**).

**Figure 3: EU control systems for food safety**



Source: European Commission.

The Official Controls Regulation (EC) No 882/2004 forms the basis for the checks carried out. The Regulation sets out an integrated and uniform approach to official controls along the agri-food chain. It allows competent authorities to verify compliance with food and feed law and to prevent, eliminate and reduce to acceptable levels risks to human beings and animals. The Regulation also lays down specific rules for official controls on imported products.

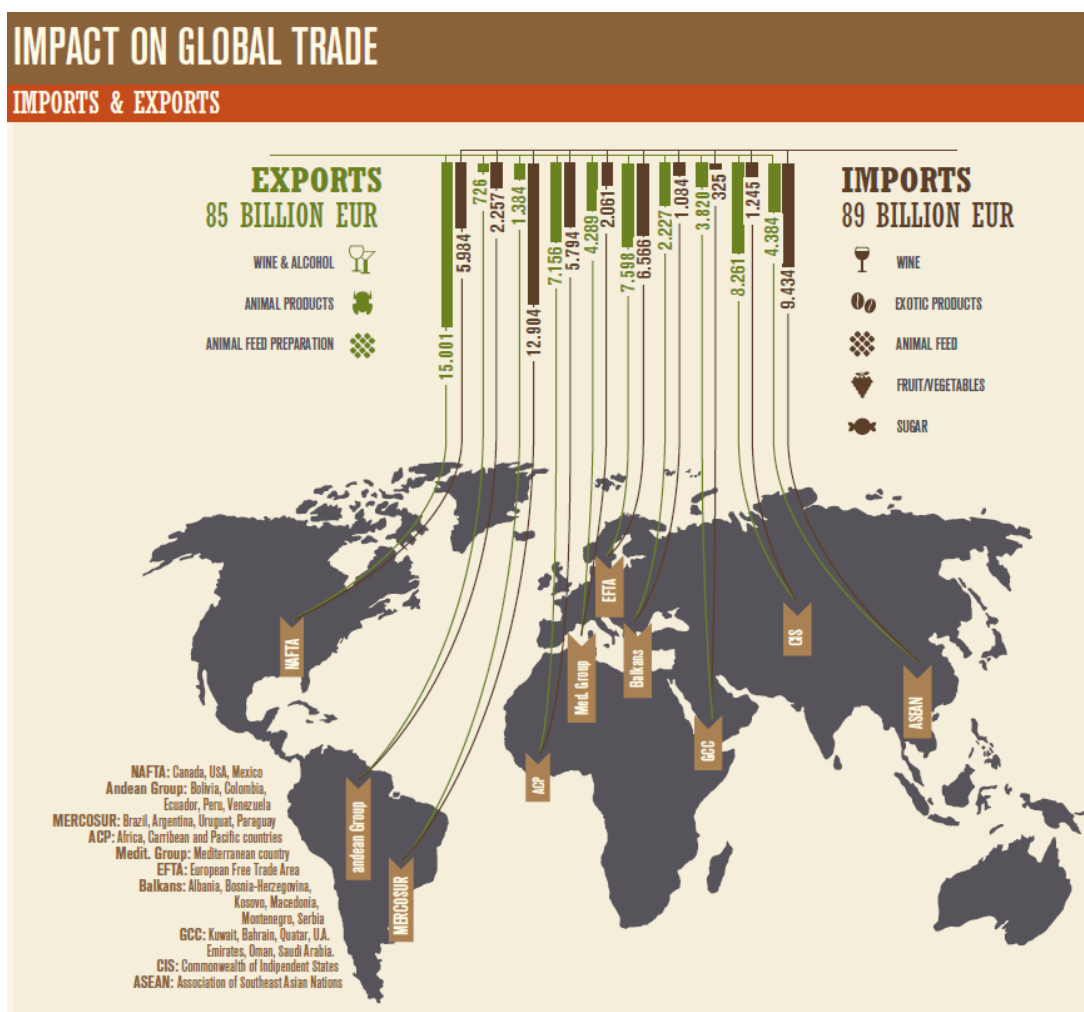
### *Control systems for imports*

Checks on imports aim at ensuring that imports are compliant with EU legislation in the same way that products produced in the EU are. The underlying principle is that all food products on EU markets must be safe, irrespective of their origin. The checks set by the EU should be consistent with standards set by international bodies working in the field of food safety and animal and plant health<sup>4</sup>.

## **EU FOOD SAFETY FUNDING**

A dedicated heading (chapter 17) of the EU budget indicates the funds allocated to “food and feed safety, animal health, animal welfare and plant health”. The total ceiling for the expenditure of this heading for the period 2014-2020 is set at 1 892 million euro. The food sector in Europe is made up of around 287 000 enterprises with an annual turnover of approximately one trillion euro. The added value of this industry is estimated at 203 billion euro, and the industry provides employment for 4.25 million persons. The scale of this activity therefore has a tangible impact on global trade (***Figure 4***).

**Figure 4:** The impact of food industry on global trade



Source: European Commission.

## ROLES AND RESPONSIBILITIES

Businesses involved in the food chain have primary responsibility for food safety. However, the EU institutions and Member States have also important obligations imposed by food law.

### *The Commission's responsibilities*

Food safety provisions are decided at EU level. The Commission, taking account of advice given by specialised EU agencies, puts forward rules to be followed to guarantee the



safety of the food consumed in the EU. The Directorate-General for Health and Food Safety (DG SANTE) is the Commission department in charge of this policy.

The Commission verifies that control systems at national level are effective. To this end, DG SANTE carries out inspections in Member States to check that official controls have been carried out in accordance with Multi-Annual National Control Plans (MANCPs) and in compliance with EU standards. The Commission prepares an annual report on the overall operation of official controls in Member States based on their audits and on their annual reports.

Before approving imports of food of animal origin into the EU, the Commission verifies the non-EU exporting country's animal, plant and public health situation. This includes the evaluation of relevant legislation, control systems, disease surveillance measures and laboratory facilities. The Commission also carries out inspections in non-EU countries to assess the situation on the spot. Based on the results of these inspections and the guarantees given by the non-EU country, the Commission registers the country, setting the specific conditions under which imports will be authorised and drawing up a list of approved establishments in the country.

After the non-EU country is registered, the Commission also carries out audits to verify that its control systems comply with EU food law, or that the country has equivalent legislation in place. It also audits the Member States' import control systems to verify that controls at all EU borders provide adequate protection.

### *EU agencies and authorities*

At EU level, the following European Agencies play an important role in the EU's food safety policy by providing scientific advice.

- **The European Food Safety Authority (EFSA)** provides independent scientific advice that forms the basis for European policies and legislation. It also advises on existing and emerging risks associated with the food chain. EFSA's work covers

food and feed safety, nutrition, animal health and welfare as well as plant protection and plant health.

- **The European Medicines Agency (EMA)** is responsible for the protection and promotion of public and animal health. It does so by evaluating and supervising the use of medicines for human and veterinary use.
- **The Consumers, Health, Agriculture and Food Executive Agency's (CHAFEA's)** mandate includes actions in the field of health, consumer protection, food safety as well as information and the promotion of agricultural products. Currently, CHAFEA implements the EU Health Programme, the Consumer Programme, Better Training for Safer Food (BTSF) initiative and the Promotion of Agriculture Products Programme.

The European Centre for Disease Prevention and Control (ECDC), the Community Plant Variety Office (CPVO) and the European Chemicals Agency (ECHA) complete the list of EU agencies working in the field of food safety.

### *Member States' responsibilities*

Member States are mainly responsible for the enforcement of agri-food chain legislation. National authorities operate official national control systems to verify that operators' activities and goods placed on the EU market comply with relevant standards and requirements. The Official Controls Regulation requires Member States to carry out checks regularly, on a risk basis and with an appropriate frequency which depends on specific products (e.g. "sampling levels and frequency" for live animals and animal products). Checks should cover all stages of the food chain.

This includes mandatory border controls and checks based on harmonised import conditions, agreements with non-EU countries, and these countries' MANCPs. The Member States carry out documentary, identity and physical checks, including laboratory analysis, to verify that the goods conform to their description and meet EU import conditions. Following these checks and after completion of the entry documents, the

Member State authorities can release the goods for free circulation. The Member States report on the details and the results of the checks to the Commission.

### *Food and feed business operators*

Food and feed business operators include farmers, fishermen, processors, distributors, importers, retailers, etc. All of them are subject to general and specific legal requirements. According to the Commission, primary responsibility for ensuring compliance with food law –and in particular the safety of food – rests with food (or feed) business operators. To complement and support this principle, the competent authorities of the Member States must carry out adequate and effective controls.

## **ISSUES IDENTIFIED WHEN PREPARING THE AUDIT**

When preparing our audits, we carry out an issue analysis of the policy area or programmes that we intend to examine. Since these issues are identified before the audit work commences, they should not be regarded as audit observations, conclusions or recommendations.

In the course of our audit on food safety, we will look at those areas in relation to the issues that were identified. In particular, we will check:

- whether Member States implement control system for chemicals in food/feed/live animals and plants as stipulated in legislation; and
- whether the Commission monitors the Member States' control systems for chemicals in food/feed/live animals and plants as stipulated in legislation;
- whether the EU's import conditions can guarantee that the key EU requirements in connection with chemicals in food/feed/live animals and plants are respected.

We will also analyse whether the EU food safety model for chemicals is in line with international best practice and guided by science.

## **ABOUT ECA SPECIAL REPORTS AND BACKGROUND PAPERS**

Our special reports set out the results of audits of EU policies and programmes or management topics related to specific budgetary areas.

Background papers provide information based on preparatory work undertaken before the start of an on-going audit task. They are intended as a source of information for those interested in the audited policy and/or programme.

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- <sup>1</sup> Article 3(14) of Regulation 178/2002: 'hazard' means a biological, chemical or physical agent in, or condition of, food or feed with the potential to cause an adverse health effect.
  - <sup>2</sup> Article 168 sets out that a high level of human health protection must be ensured in the definition and implementation of all Union policies and activities. Article 169 lays down that in order to promote the interest of consumers and to ensure high level of consumer protection, the Union shall contribute to protecting health, safety and economic interests of consumers.
  - <sup>3</sup> Regulation (EU) 625/2017 will replace Regulation (EC) No 882/2004. However, its entry into force has been set at 14 December 2019. When provisions of Regulation (EC) No 882/2004 are mentioned in this paper, care has been taken to check whether the content of those provisions is affected by the text of the new Regulation. The same care will be taken throughout the audit work.
  - <sup>4</sup> The Codex Alimentarius Commission, the World Organisation for Animal Health (OIE) and the International Plant Protection Convention (IPPC).