BEUC The European Consumer Organisation

The Consumer Voice in Europe

European Commission
DG SANTE

Ref.: BEUC-L-2018-015/CPE/cm

Brussels, 16 January 2018

Re: BEUC comments on EC roadmap regarding the initiative on "*Transparency and sustainability of the EU risk assessment model in the food chain*"

Dear Madam/Sir,

BEUC, the European Consumer Organisation, welcomes the opportunity to provide feedback on the roadmap describing the scope and purpose of the announced Commission Proposal for a Regulation on transparency and sustainability of the EU food and feed safety risk assessment model.

We deplore, however, the unfortunate timing for the publication of the roadmap for comments. It has not allowed proper consultation of our member organisations, whose feedback we rely on to form our positions. Likewise, the detailed findings of the General Food Law 'REFIT' evaluation were published only two days before closure of the consultation on the present initiative. This is regrettable as they served to inform its drafting.

That said, we wish to submit the following comments on the roadmap content.

- **Section A – Context and problem definition**

We agree with the Commission that the fact EFSA relies on industry-funded studies for its risk assessments creates suspicions. BEUC has long called for **making the knowledge base on which EFSA informs its scientific opinions publicly available**[1]. This would enhance peer scrutiny and, as such, could significantly increase consumer trust in EFSA's work.

In addition, and without departing from the principle that industry should bear the costs of studies required to prove a product it wants to put on the market is safe, we see the fundamental need to tackle the **lack of public funding for research**, including in the food area. This would help broaden the evidence base considered by EFSA when forming its scientific opinions with independent research in the public interest. While the General Food Law is not the right instrument to address this issue, we would welcome an EU strategy to promote **truly independent, publicly-funded research**.

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[1] See BEUC's response to the public consultation on Open EFSA.

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BEUC also fully concurs with the Commission that "*transparency in scientific assessments and decision-making is vital to ensuring trust in the regulatory system*"[2]. The proposed initiative, however, **will only contribute to increasing transparency in the risk *assessment*** of regulated products and substances, whereas we believe it is also necessary to make **risk *management* decisions more transparent**. Consumers need to be able to understand the reasons leading to some policy options being chosen over others to address the risk(s) identified during risk assessment (e.g. decision to resort to precautionary principle or not; decision to go for full ban vs. setting of legal limit).

Moreover, as part of the problem definition, we miss a recognition of the fact that **disagreements over a product/substance authorisation can arise from considerations that go beyond science/risk assessment and belong to the "*other legitimate factors*"** to be considered in risk *management*. This can be for instance the technological need and the risk to mislead consumers when it comes to food additives, or the nutritional relevance when it comes to authorising a new health claim[3].

From the consumer perspective, consideration by EU policy makers of these "*other legitimate factors*" is particularly important. Not only science and safety, but also socio-economic, ethical, environmental, etc. aspects as well as consumer preferences and attitudes towards certain technologies **deserve full consideration** by decision-makers when weighing policy options. We have occasionally deplored the relative weight (real or perceived) given to various conflicting considerations in decision-making. It would be important for EU decision-makers to better explain the political choices (including possible trade-offs) behind any measure for it to be better accepted or, at least, understood by EU consumers.

For risk management decisions to be more transparent, it is also essential to **make public the votes of Member States** in Comitology decisions. We are aware of the Commission's proposal to increase transparency and accountability in the procedures for implementation of EU legislation[4], which is currently under discussion with the Council and European Parliament. However, we believe it is necessary to increase voting transparency not just at Appeal Committee level, but **already at Standing Committee level**. That will help ensure greater accountability in the decision-making process.

Regarding risk communication, beyond the challenge of communicating complex scientific opinions to a lay public, another issue we find missing in the roadmap is that of the **divergences in risk assessment** that can exist between EFSA and national (or international) food safety agencies (e.g. on the safety of caffeine safety, Bisphenol A, or glyphosate), or between national agencies themselves (e. g. recently on fipronil). Consumers need to understand why different food safety agencies sometime come up with different scientific advice on certain issues.

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[2] See Communication from the Commission on the European Citizens' Initiative "Ban glyphosate and protect people and the environment from toxic pesticides".
[3] Claims on the health effects of glucose, although found to be substantiated by EFSA, were refused by the European Commission and Member States as they would have conveyed a conflicting and confusing message to consumers, by encouraging consumption of sugars.
[4] http://europa.eu/rapid/press-release_IP-17-264_en.htm

- **Section B – Aim of the initiative**

As said, we welcome the Commission's intention to improve transparency in risk assessment. In determining the types of studies and data (e.g. data contained in application dossiers) which can be made publicly available, public health interests should prevail over commercial considerations.

About EFSA, the agency's limited resources and increasing workload have put it under strain over recent years. **It is crucial that EFSA receives sufficient funding** so that it can cope with the growing number of authorisation dossiers on its desk whilst at the same time having some budget left to undertake wider work (e.g. self-tasking, where knowledge gaps have been identified as part of EFSA's scientific evaluations). Due consideration must be given to how EFSA can attract – and retain – top-quality scientists on its expert panels.

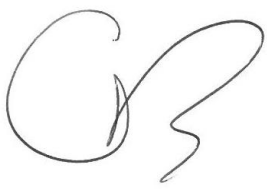
Strengthening the scientific cooperation with Member States is important, especially regarding the provision of data to EFSA to inform the risk assessment. It may also help address divergencies in risk assessment at an early stage, thereby preventing potentially conflicting (and confusing) risk communication messages.

The issue of fees for EFSA, whilst not mentioned in the roadmap, is likely to resurface considering the growing resource constraints faced by the agency. It is a legitimate question, especially where companies, whose products are authorised following evaluation by EFSA, derive a direct commercial benefit from the agency's work. However, given the persisting controversy surrounding EFSA's independence, it is vital that, if fees are eventually introduced, they are collected in such a way that EFSA cannot be accused of any conflicts of interests. **It is fundamental that EFSA's relationship with industry in no way changes (or can be suspected of having changed) because of fees**, i.e. industry should not infer from fees that it is paying for a service and it should not expect EFSA to be more responsive to its needs, rather than those of EU citizens.

The only way to guarantee there is no "client-provider" relationship would be to set up a system whereby fees would form part of EFSA's more general allocated budget, which would help avoid any issues around conflicts of interests. Moreover, the introduction of fees should not result in EFSA receiving less funding from the Member States – otherwise it would be purposeless as a change in balance between public vs. private funding would further reinforce the public perception of a lack of independence of EFSA.

We thank you in advance for taking the above comments into consideration.

Yours faithfully,



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