

FEDIOL position on Commission legislative proposal on transparency and sustainability of the EU risk assessment in the food chain

FEDIOL welcomes the Commission proposal on the transparency and sustainability of the EU risk assessment in the food chain¹. Overall, it supports work to address public perceptions on the EU risk assessment in the food chain and improvements in risk communication.

Within the scope of FEDIOL, FEDIOL members do not have regulated products per se. FEDIOL comments are therefore focused on proposed transparency rules applicable to data that are not supporting a request for authorization under EU food law.

1. Access to data not supporting a request for authorization under EU food law: not before EFSA opinion is released

Industry supports increased transparency and access to data, **provided that any data are put into context and are not released before EFSA final scientific opinion is finalised.**

We note that the current Commission proposal on transparency and sustainability of the risk assessment model in the food chain foresees publication *without delay* of all *supporting scientific data and other supplementary information supporting requests from the European Parliament, the Commission and the Member States for a scientific output, including a scientific opinion* (revised article 38 (c)) and article 39 a) and b).

We would like to highlight that this would lead to misinterpretations and consumers' fears without knowing EFSA final assessment.

Taking the example of contaminants, one single level of a contaminant A will not say anything about the levels found overall in food products or in which categories it would occur the most. It also does not provide any information about the total exposure per population group (mean vs. P95) or the overall toxicity of the contaminant. **Interpreting and assessing those data is therefore only possible as from the time EFSA panel experts express their final analysis through EFSA opinion.**

It should also be noted that at the time when industry answers an EFSA call for data, it is not yet sure whether data A, B or C are going to be used by EFSA in its risk assessment.

¹ Proposal for a Regulation of the European Parliament and of the Council on the transparency and sustainability of the EU risk assessment in the food chain amending Regulation (EC) No 178/2002 [on general food law], Directive 2001/18/EC [on the deliberate release into the environment of GMOs], Regulation (EC) No 1829/2003 [on GM food and feed], Regulation (EC) No 1831/2003 [on feed additives], Regulation (EC) No 2065/2003 [on smoke flavourings], Regulation (EC) No 1935/2004 [on food contact materials], Regulation (EC) No 1331/2008 [on the common authorization procedure for food additives, food enzymes and food flavourings], Regulation (EC) No 1107/2009 [on plant protection products] and Regulation (EU) No 2015/2283 [on novel foods], COM(2018) 179.

Indeed, EFSA assesses all data to check whether they meet quality criteria and may hence decide to not use them – either in part or in full.

Also, in the case of highly concentrated sectors like ours, some information - such as the method used, the crop in which the sample was taken or the laboratory which performed the test - appearing trivial could de facto lead to knowing the company having submitted the data. This would breach the principle that information on the name of the company providing such data are confidential information which should not be disclosed.

FEDIOL therefore strongly calls upon such data to be released as from the time EFSA opinion is finalised.

For those reasons, FEDIOL trusts that appreciation of *without delay* for such type of data should take due account of : 1) whether submitted data are actually used in EFSA opinion; 2) putting data in context – representing a single data of a contaminant X without considering the full exposure; 3) releasing them together with EFSA opinion. FEDIOL trusts that this should be achieved through modalities of access to data, as foreseen in EFSA internal rules in the proposed revised article 38 §3.

FEDIOL is convinced that releasing data not supporting a request for authorisation at the same time as EFSA final opinion would equally achieve the objective of increased transparency and support the risk assessment process, in an objective and scientifically sound manner.

2. Improving risk communication

FEDIOL welcomes the proposed introduction of a new section 1a on risk communication. FEDIOL trusts that the setting of objectives, general principles and a general plan for risk communication by the Commission – in close cooperation with EFSA, Member States and public consultation – is a way to ensure a better and more targeted work.

FEDIOL is convinced that strengthened collaboration between Member States and the Commission to avoid different or contradicting messages - for issues under normal conditions or in case of crisis – would be a clear improvement. FEDIOL therefore welcomes *accurate, appropriate and timely information (...) to provide a sound basis for understanding risk management decisions, (...) whilst taking into account risk perceptions and promoting appropriate involvement of all interested parties (...)* as key objectives and principles foreseen under article 8a and 8b.

3. Involvement of Member States

FEDIOL supports EFSA work. EFSA's work is indispensable for the trust in our food system. There is a need to maintain the existing high level of scientific expertise within EFSA to continue guaranteeing its risk assessments robustness.

FEDIOL welcomes that the additional tasks foreseen by the proposal are also accompanied by additional staff resources (as provided for in Commission staff working document). However, EFSA core tasks should not be hampered by such additional tasks. Hence, EFSA available resources for existing tasks should also be re-evaluated, with a view to increase those to continue maintaining its high performing work.

Given the increasing level of requests to EFSA on numerous issues, it is crucial to allocate adequate resources to maintain its leading scientific role in Europe and beyond. FEDIOL also concurs with the need to strengthen scientific cooperation between Member States and EFSA, but also the collaboration between EFSA and other international bodies such as JECFA. Links with international bodies should also be explicitly mentioned in the proposal.

FEDIOL further welcomes that each Member State will have to nominate an equal number of experts into EFSA scientific panels for appointment after evaluation (article 5a). It also supports the principle of independence of such experts, including from *any instruction at national level* (article 5d). The *conflict of interest* concept, which is not explicitly defined in the proposal, should equally encompass industry and NGOs.

4. Controls and verification studies

FEDIOL welcomes the inclusion of new controls and audits by Commission experts (article 32d), to ensure adherence to relevant standards. However, it is important that such standards, the frame under which studies should be performed etc. are clearly defined through subsequent delegated acts or via Commission and EFSA guidance. They should be based on quality criteria and internationally recognized principles such as those from the OECD. This should equally entail additional staff resources, as foreseen by the proposal.

In cases where EFSA might need to verify evidence used in risk assessment process, FEDIOL would like to highlight that the circumstances under which this mechanism is triggered should be clearly defined, which is not yet the case. So far, article 32e only refers to *exceptional circumstances*.

FEDIOL and structure of the EU vegetable oil and fat sector

FEDIOL is the European federation representing the interests of the European vegetable oil and protein meal industry. Directly and indirectly, FEDIOL covers about 180 processing sites that crush oilseeds/oil fruits and/or refine crude vegetable oils and fats. These plants belong to around 35 companies. It is estimated that over 80% of the EU crushing and refining activities is covered by the FEDIOL membership structure.

The activity of oilseed processing is spread over 17 Member States with a concentration of plants with crushing and refining activities in countries such as Germany, the Netherlands, France, Spain, UK, Italy, Czech Republic, Poland and Belgium.