Introduction to the European Union's Food Safety System

Kai Kottenstede
swissnex,
University of Tübingen

kai@kottenste.de
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swissnex, University of Tübingen
Roots: a system born out of crisis

massive, radical reform to re-balance trade-bias, protect health and regain trust:

1) comprehensive approach: Regulation (EC) 178/2002
2) institutional re-organization: European Food Safety Authority

piecemeal fashion pro-market bias

BSE crisis, food scares, deep trust crisis

1997-2002: ‘Emergency’, toward the new food safety regime
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2003-present: ‘Global approach’, the new food safety regime
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piecemeal fashion pro-market bias

BSE crisis, food scares, deep trust crisis

Features: expanded scope

Comprehensive & integrated approach: from farm to fork, horizontal regulation, between Member States, EU internal & external

Broad: EU & Member States addressed

Allocation of responsibilities among business & public authorities

Transparency and participation

Inclusion of non-scientific facts and precautionary principle in risk analysis (public concerns)

Risk analysis as the foundation (Grundnorm) of EU food policy

EU-wide system for monitoring: tracebility, Rapid Alert System for Food and Feed
Features: separation to re-gain trust

1) Separation of controls/inspections from legislative responsibilities (DG SANCO, FVO)

2) Separation of scientific advice/assessment from legislation and from risk management (EU Commission, EFSA)
Features: EFSA manifestation of separation and „cornerstone of the regime“ (Alemanno 2008)

- Objective: Integrity of science, transparency, accountability leading to trustworthiness
- enable “scientification of politics” and limit/avoid “politicization of science” (Weingart 2001)
- Institutional setup:
  - EFSA as independent scientific institution responsible for risk assessment and risk communication (“scientific point of reference“)
  - EFSA not superior to Member States risk assessment authorities
  - Risk assessments non-binding for risk management
  - → double independence (scientific assessment and political process from each other)
Features: Separation not the standard model on national level

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<th>Bi-institutional, separate model</th>
<th>Structurally more integrated model</th>
<th>Fragmented (chaotic) model</th>
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* first signs of separation; ** = countries with no agency

(Abels/Kobusch 2010: 18/19)
Challenges

Separation of risk assessment and risk management

- Link/interaction between RA and RM necessary
- Politicization of science hard to avoid
  - Social construction of risk assessments (Alemanno 2008)
  - Science politics (Alemanno 2008)
  - EFSA focusses too much on scientific reputation, but science is contestable (Abels et al.)
- Approach for refinement: General framework of Safe Food Project

Independence questioned

- EFSA's aim to “win public respect” (Randall 2006)
- Politicization of science (counter opinions) lead to suspicion of “industry-bias”
- 2012: EFSA and Federal Institute for Risk Assessment (BfR) under scrutiny (NGOs, media)
- Without trust in independence of EFSA, the concept of separation collapses
Conclusion

1. A system maturing

„evolving system“  (Ely et al. 2006)

„dynamics of contestation“?  (Ansell/Vogel 2006)

2. So much more to it

institutional design of EFSA - multi-level regulation - international dimension – precautionary principle – participation – regulatory network/state – EU integration - ...

Contact: kai@kottenste.de