

# SPECIAL REPORT

## Simplification of EU Food Legislation – A Work in Progress

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### Introduction

The European Commission has identified simplification of EU legislation as a priority action for the EU in achieving growth and jobs<sup>1</sup>. Both the European Parliament and the European Council of Member States have requested such simplification in order to enhance the quality of EU legislation<sup>2</sup>. The overall objective of the Commission is to contribute to a European regulatory framework that fulfils the highest standards of law making while respecting the principles of subsidiarity and proportionality. It considers that review of the Community acquis, the full body of EC treaties and EU secondary legislation, must become a continuous and systematic process enabling the legislator to revise legislation taking all legitimate private sector and public interests into account.

Agriculture and foodstuffs are identified as areas of legislation where simplification is likely to lead to improved industrial competitiveness<sup>3</sup>.

### Approach to “Simplification”

In its “Strategy for the simplification of the regulatory environment”, adopted by the European Commission on 25 October 2005, a three-year rolling program is proposed. This identifies those pieces of legislation to be reviewed and assessed with a view to simplification.

The European Commission intends to proceed on a sectoral basis. Both general and sector specific legislation would be assessed for impact. An analysis of the benefits and the costs would also be undertaken. The European Commission intends to use repeal, codification, recasting, modification of the regulatory approach and reinforcement of the use of information technology, as methods to achieve simplification. It underlines, however, that better regulation is not de-regulation. It also intends to assess the special needs of and difficul-

ties faced by small and medium-sized enterprises (SMEs).

### Specific EU Food Law Areas Subject to Simplification

The following general areas of EU food law are expected to be reviewed for simplification:

Existing legislation on *food additives*, *sweeteners*, and *colours* in foodstuffs would be recast into one single act by replacing the current Directives with a single Regulation. The aim is to create more effective evaluation and authorization procedures and to speed up decision-making to the benefit of manufacturers and consumers. The resultant legislation should be more precise and easier to consult.

Existing legislation governing *food flavourings* would be recast, modernized and adapted to technical progress. A new evaluation procedure would be introduced including a method for defining “natural” flavourings.

Existing laws of the Member States relating to the *labelling, presentation and advertising* of foodstuffs would be merged, simplified and clarified, bringing all common aspects together in one single instrument. The review may also examine the consistency of labelling legislation with other labelling requirements relating to health, ethics and origin labelling.

The Regulation on the *protection of geographical indications and designations of origin* for agricultural products and foodstuffs would be revised in order to improve the efficiency of the registration processes for geographical indications, improve competitiveness in the different sectors, as well as ensuring the repeal of obsolete legal acts.

The Regulation on *certificates of specific character* for agricultural products and foodstuffs would be revised in order to simplify procedures and improve the registration process.

The European Commission also intends to condense legislation in sectors such as rice, cereals, sheep meat and goat meat, sugar, beef and veal, fruit and vegetables, poultry meat, eggs, pig meat, seeds and olive oil and table olives. A step-by-step process would be

1 See European Commission Communication on “Better regulation for Growth and Jobs in the European Union”, adopted on 16 March 2005

2 As expressed in the Inter-Institutional Agreement on Better Law-Making agreed in December 2003 by the European Parliament, the European Commission and the Council (OJ C 321, 31.12.2003, p. 1).

3 See Annex 2 of the October 2005 European Commission Communication on “Better regulation for Growth and Jobs in the European Union”.

launched whereby the existing 21 sectoral Common Market Organizations would be recast and unified into one single horizontal instrument.

Regulations on the *common organization of the markets in processed fruit and vegetables* would be reviewed with the aim of improving competitiveness of the industry, reducing trade distortions and improving market management instruments.

### European Commission Spring Summit 2006 – “Simplification in full swing”

In March 2006, the European Commission’s “Spring Summit” produced a report highlighting 20 simplification proposals currently pending before the European Council and the European Parliament. In the area of foodstuffs, the following measures are included:

- a simplified regime for the *protection of geographical indications and designations of origin* for agricultural products and foodstuffs (applicable since 30 March 2006);
- a simplified regime for *organic production* of agricultural products and *indications* referring thereto on agricultural products and foodstuffs (adoption foreseen May 2006);
- a simplified regime for *certificates of specific character* for agricultural products and foodstuffs; and
- simplified *marketing standards for eggs*.

Furthermore, the revision of two Regulations to improve the competitiveness of the fruit and vegetables sector has been given priority in the European Commission’s Legislative and Work Program for 2006. In addition, on 9 March 2006, the European Commission’s Directorate General for Health and Consumer Protection (DG SANCO) released a consultative document entitled “Labelling: Competitiveness, Consumer Information and Better Regulation for the EU”. Industry stakeholders and interested parties have been invited to comment on the document before 16 June 2006.

### Next Steps

European Commission President Barroso recently delivered a speech to the European Parliament in Strasbourg in which he referred to the simplification program generally, but also identified concrete action taken in the area of food legislation. He sought the support of the European Parliament in identifying the appropriate targets for the program and for securing the best results. He also emphasized that the European Parliament and the European Council should not delay the adoption of simplification proposals.

Industry reaction to the European Commission’s proposed simplification measures has been mixed though generally positive. The consultation on food labelling, for example, is very much welcomed. Consumers criti-

cize current food labelling for lack of clarity due to the size of lettering, and technical information that is difficult to understand. The review currently under way points to this need, yet at the same time provides an opportunity to provide clearer information on food labels. The simplification process will run until, at least, 2008.

The Confederation of the Food and Drink Industries of the EU (CIAA) identifies some of the most salient objectives that the review should seek to achieve. These are that new legislation should be sufficiently clear to prevent diverging interpretations, be practically achievable and enforceable, introduce proportionate measures compared to declared objectives or risks, be science-based, and take into account and avoid divergence from existing international standards.

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