

The Consumer Voice in Europe

EFSA STRATEGY 2020

BEUC response to the public consultation



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Summary

BEUC fully supports the five strategic objectives outlined in the draft EFSA strategy 2020.

We support the fundamental values that guide the activities of EFSA, namely scientific excellence, independence, openness, innovation and cooperation, as pivotal elements to maintain consumer trust in EFSA and ultimately in the safety of the food they eat.

We encourage EFSA to make greater use of its self-tasked role of supplementing the questions if needed. In our view EFSA should be allowed to take a broad look at the issues which could impact public health and consumers, rather than just narrowly responding to a mandate. It should do this on nutrition/public health issues as well as food safety issues when relevant. The Agency should be allowed to modify the questions from the European Commission and to extend their scope if it considers it relevant from a scientific point of view.

We welcome EFSA's intention to make available the documentation on information gathering and the evaluation process. We also consider important to share information on the selection and use of the scientific evidence as well as on the methodologies used for the risk assessment. We also firmly believe in the need to provide public access to the data used in the risk assessment process.

We fully support EFSA's ambition to foster stakeholder engagement throughout the development of scientific assessments, but it is also important to stress the fact that risk assessment is an essentially scientific and objective activity, therefore should remain as such. In defining the framework of interaction with stakeholders, safeguarding the independence of risk assessment should always remain the priority.

We also point out that greater stakeholder involvement and participation bears the risk of giving disproportionate influence to the most affluent interested parties at the expense of other less resourced groups, introducing an inherent bias in favour of the industry at the expense of public interest organisations.

The gap in financial resources, staff and expertise between food companies and civil society organisations is, and will remain, significant. This should be carefully considered and addressed when designing the new framework of interaction with stakeholders.

We welcome the idea to set up cooperation initiatives with Member States, other EU agencies and international partners to improve the efficiency of scientific assessment and contribute to the development of the EU and international risk assessment community.

BEUC also supports EFSA's intention to strengthen processes and tools related to emerging risks and to develop a "toolbox" for crisis preparedness.

BEUC, The European Consumer Organisation, welcomes the opportunity to comment on the draft EFSA Strategy 2020¹ and EFSA's commitment to ensure its work is in line with the expectations and priorities of stakeholders.

BEUC fully supports the five strategic objectives outlined in the draft strategy. We provide below more specific comments on each of the five objectives.

1. Prioritise public engagement in the process of scientific assessment

Public engagement, openness and transparency, are essential elements to ensure consumer trust in regulatory authorities.

We agree on the need to ensure that **EFSA mandates** should capture societal needs and support the possibility of enabling stakeholders' participation in the framing of mandates.

With regard to self-tasking initiatives we encourage EFSA to make greater use of its self-tasking role of supplementing the questions if needed. In our view EFSA should be allowed to take a broad look at the issues which could impact on public health and consumers, rather than just narrowly responding to a mandate. For example, although a substance or a process may be safe on its own, its use might lower the general level of safety. For instance EFSA could have put its opinion on the safety and efficacy of meat washes (e.g. lactic acid² or peroxyacetic acid³) into perspective by comparing such treatments with the farm to fork approach. Also, with regard to the food enzyme thrombin EFSA was mandated to look at the safety of the food enzyme in itself but not at the potential microbial risk of consuming a rare steak of re-constituted meat⁴. We firmly believe the Agency should have the possibility to expand the mandate received from the European Commission in order to cover all the potential risks. It should do this on food safety issues as well as nutrition/public health issues when relevant.

The Agency should be allowed to modify the questions from the European Commission and to extend their scope if it considers it relevant from a scientific point of view. More generally, the Agency should be given the possibility to work on a subject on its own initiative. At present, the work assigned to EFSA by the Commission is defined by the political and regulatory agenda, not public health priorities.

EFSA should be able to determine its priorities and agenda for itself, and not fully determined by the European Commission. In order for EFSA to get closer to EU consumers and be perceived as an organisation responding to consumer needs, we suggest that stakeholders have the possibility of submitting questions to the Agency.

We welcome EFSA's intention to **make available the documentation on information gathering and the evaluation process**.

In particular we agree on the need to improving traceability of discussions and the transparency of the scientific decision making process for example by ensuring that the minutes of the working groups are always available.

We also consider important to share information on the selection and use of the scientific evidence as well as on the methodologies used for the risk assessment. We also firmly believe on the need to provide public access to the data used in the risk assessment process (see also point 2).

¹ <http://www.efsa.europa.eu/sites/default/files/151008.pdf>

² http://www.efsa.europa.eu/sites/default/files/scientific_output/files/main_documents/2317.pdf

³ http://www.efsa.europa.eu/sites/default/files/scientific_output/files/main_documents/3599.pdf

⁴ http://www.efsa.europa.eu/sites/default/files/scientific_output/files/main_documents/4018.pdf

We encourage EFSA to better reflect its opinion in the summary. From our experience it emerged that some summaries were not fully consistent with the full opinion and this might lead to misinterpretation of EFSA scientific advice. While we understand that scientific opinions are not always clear-cut and easy to communicate, we believe more efforts should be made to make the opinions more straightforward and understandable for a lay-person.

It would also be helpful to state at the beginning of each opinion the question of the Commission it intends to address in order to clarify the scope of the opinion and the specific tasks EFSA was assigned.

We fully support EFSA's ambition to **foster engagement with stakeholders throughout the development of scientific assessments**, but it is also important to stress the fact that risk assessment is an essentially scientific and objective activity, therefore should remain as such. In defining the framework of interaction with stakeholders, safeguarding the independence of risk assessment should always remain the priority.

Stakeholders' involvement and participation enhance the senses of ownership, legitimacy and consensus. "Input legitimacy"⁵ is important, but for an independent scientific body like EFSA, "output legitimacy" should also be preserved. If the risk assessment process is too participative it is no longer independent and most of all EFSA would lose control and accountability of the final outcome.

To safeguard its independence and to remain credible to consumers, EFSA needs to keep its distance from the food industry whose products it assesses.

BEUC supports further broadening of the panel's work, but this should be done in a way that precludes greater influence from industry.

We also believe that face-to-face meetings between EFSA and each individual applicant should be prohibited as they have the potential to increase pressure on scientific experts and be excessively burdensome for EFSA staff. We argue that it is very difficult to gather knowledge from stakeholders in practice without being influenced by their evaluations. EFSA should focus instead on improving the Application Desk services to make sure food manufacturers and research bodies are informed about the kind of scientific evidence EFSA requires to perform proper scientific assessments.

Technical meetings organised to improve regular interaction between EFSA and its stakeholders in certain areas, such as health claims, should not be misused by food manufacturers to challenge EFSA's opinions on specific products. Such meetings should exclusively remain an opportunity for EFSA to explain what they expect from applicants and discuss general guidelines.

Great care is needed also over pre-submission meetings: these should not occur with individual companies.

⁵ Schmidt V. (2013), *Democracy and Legitimacy in the European Union*, *Political Studies*, Volume 61, Issue 1, pages 2-22.

The European Commission White Paper on Food Safety⁶ has identified scientific advice as being produced to the highest standards of independence, excellence and transparency as a basic requirement for consumers' confidence in EU food safety policy. Moreover the General Food Law regulation 178/2002 highlights: *"in order for there to be confidence in the scientific basis for food law, risk assessment should be undertaken in an independent, objective and transparent manner, on the basis of the available scientific information and data"*⁷.

To maintain consumer confidence in EFSA's scientific integrity as well as the public's perception of its independence, this should be safeguarded.

We also point out that greater stakeholder involvement and participation bear the risk of giving disproportionate influence to the most affluent interested parties at the expense of other less resourced groups, introducing an inherent bias in favour of the industry at the expense of public interest organisations.

The gap in financial resources, staff and expertise between food companies and public interest organisations is, and will remain, significant. This should be carefully considered and addressed when designing the new framework of interaction with stakeholders.

EFSA needs to ensure sufficient checks are in place so that a balance of stakeholder interests is safeguarded and should explore the possibility of "positive discrimination" in favour of consumer/public interest representation when needed.

For instance, it can be very challenging for a consumer organisation to keep track of all the public consultations launched by the Agency and provide meaningful input, whilst the food industry can count on more staff and expertise to act within the consultation process.

In addition, it can be discouraging for civil society organisations to travel to EFSA if they are allowed to participate in only a small part of a meeting as some agenda items are not open to all participants. To increase participation, we encourage EFSA to use web streaming for these meetings more regularly or host them in venues more readily accessible to wider range of stakeholders. More generally we invite the Agency to use all means enabling wide consultations (internet consultation or surveys) and extend the duration of the public consultations in order to allow for greater stakeholder participation. We also encourage EFSA to build upon the stakeholder platform in order to promote a balanced and informative interaction between EFSA and its stakeholders.

2. Widen EFSA's evidence base and optimise access to its data

In order to formulate its scientific opinions EFSA collects a large amount of data, scientific studies and other publications. Making the knowledge base on which EFSA informs its decision publicly available is a fundamental step towards improving transparency and gaining legitimacy.

More open and systematic data sharing can significantly increase consumers' trust in EFSA work. To enhance scientific scrutiny, EFSA assessments should be fully reproducible by other scientists.

⁶ 'White paper on food safety', European Commission COM (719) final, 2000.

⁷ Regulation (EC) No 178/2002.

It is also important to stress that EFSA is looking at the totality of the evidence, to the extent possible - and not just for generic opinions, but also for applications. EFSA was set up to ensure food safety and protect public health and these principles should be reflected in its data gathering. Open and targeted calls for data/information are therefore important, as well as EFSA ensuring that it supports the panels/Scientific Committee by way of robust searches etc. Possible data gaps should always be clearly communicated.

The focus should be on publication of data, rather than too cautious or narrow an interpretation of what is commercially confidential.

In determining the types of data which can be disseminated – e.g. data contained in application dossiers – public health interests should prevail over commercial considerations. In addition to the source of the scientific studies and reports EFSA uses to formulate its opinions, it would be important to disclose who funded the research. The lack of public funding for research, including in the food area, generates a risk of having to rely only on industry funded research and the evidence⁸ shows that research results might be inappropriately influenced by bias.

3. Build the EU's scientific assessment capacity and knowledge community

We welcome the idea to set up cooperation initiatives with Member States, other EU agencies and international partners to improve the efficiency of scientific assessment and contribute to the development of the EU and international risk assessment community.

4. Prepare for future risk assessment challenges

BEUC supports EFSA's intention to strengthen processes and tools related to emerging risks and to develop a "toolbox" for crisis preparedness. We also agree that EFSA should become a hub in methodologies and tools for risk assessment at EU and international level.

5. Create an environment and culture that reflects EFSA's values

BEUC supports the fundamental values that guide the activities of EFSA, namely scientific excellence, independence, openness, innovation and cooperation, as pivotal elements to maintain consumers trust in EFSA and ultimately in the safety of the food they eat.

END

⁸ Lesser, L.I., C.B. Ebbeling, M. Goozner, D. Wypij, and D.S. Ludwig. 2007. 'Relationship between funding source and conclusion among nutrition-related scientific articles'. Public Library of Science Medicine 4:41-46.



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