

Press briefing

A new EU law for more transparency in the food chain (refit of the General Food Law)

No more dark secrets in the authorisation procedure for pesticides, GMOs, food additives and novel food!

The refit of the General Food Law in a nutshell:

Triggered by the European Citizens Initiative (ECI) ‘Stop Glyphosate’, the European Commission came out in April 2018 with a legislative proposal for a new EU Regulation on Transparency and sustainability of the EU risk assessment process in the food chain, which impacts the General Food Law of the EU as well as other related regulations (pesticides, GMOs, food additives and novel food). This new EU regulation is meant to respond to citizens’ concerns regarding the authorisation procedure of pesticides.

Indeed, the re-approval of the herbicide glyphosate in winter 2017 raised public awareness about the risks posed by pesticides and the shortcomings of the EU authorisation procedure. The ECI, signed by more than 1 400 000 European citizens, played an important role in this debate. Among other issues, it pointed out the lack of transparency in the authorisation procedure: studies used to prove the non-toxicity of the herbicide are not known, and most of them not even published in peer-reviewed scientific journals. Credible accusations of ghostwriting by industry and undue influence showed that this lack of transparency is undermining the quality of the assessment, as well as the trust of EU citizens in our institutions.

The Commission proposal, which aims at solving these issues, is currently being discussed and amended in the European Parliament. Its capacity to address them in a satisfactory way will very much depend on the result of the MEPs’ work.

Key elements of the EU Commission’s draft proposal

- Improving EU citizens’ confidence by creating a framework for EU risk communication
- Modifying the composition of EFSA’s management board and of its scientific panels
- Creating a public register of studies commissioned by business operators to obtain authorisations for products such as pesticides, GMOs, additives and novel food
- Laying down rules on transparency and confidentiality as regards the above-mentioned studies, other scientific data, minutes of meetings etc.

What would an ideal final EU regulation on transparency be? Our perspective

We need full transparency concerning the risk assessment process. In the current state of the draft, there is a clear risk that confidentiality provisions could weaken the whole reform.

To avoid such a pitfall, the following changes are necessary:

- All studies used to assess the safety of a product need to be accessible via a public register of studies on the safety of the products assessed, already **before** EFSA publishes its opinion. Only then can independent scientists contribute to EFSA's risk assessment.
- Contrary to what the industry is defending, information related directly to human or animal health as well as the environment should never be considered as confidential.
- There needs to be a narrow and closed list of information which can be kept confidential.
- Censored information in the released documents should be clearly marked (with black bars) - so it is at least clear where and how much information was kept secret.
- Statistics on the demands for confidentiality (number of demands made, authorised and refused, type of information concerned, etc) should be published.
- The rights under the 'Access to documents' and 'Aarhus' Regulation should not be weakened.

State of the debates in the European Parliament and calendar:

"Advanced" compromises have been reached within the Environment committee on risk communication and the organization of EFSA.

Regarding transparency issues, we support the compromises that are on the table so far, as they would make both risk assessment and risk management more transparent. However, the discussions on what information could be kept confidential have been more tricky, but the discussions are not over, and will continue further this week. It is of utmost importance that the confidentiality provisions do not put into question the improvements regarding transparency.

The vote in ENVI next Wednesday will be decisive, as there are still lots of amendments that are not covered by compromises.

The aim is to conclude the legislative process before the European elections in May 2019, to avoid any risk that the file is not taken up again in the next legislature. We have a window of opportunity here; let's make sure we get it right!

The next legislature will have to follow up on the many other issues raised by the Pest committee, which will conclude its work in the coming weeks.