

(2000/C 303 E/055)

**WRITTEN QUESTION E-2446/99****by Roberta Angelilli (UEN) to the Commission**

(16 December 1999)

*Subject:* Consumer protection in Lazio

In the wake of recent events in various Member States involving adulterated or genetically modified food, a debate on food safety and hygiene is now under way also in Italy; at the centre of the debate are the inspections that should be enforced by the authorities with a view to protecting public health.

Numerous directives, including 93/99/EEC<sup>(1)</sup>, 86/96/COL (recommendation by the EFTA supervisory authority), 90/220/EEC<sup>(2)</sup>, 89/397/EEC<sup>(3)</sup> and 93/43/EEC<sup>(4)</sup> clearly set out several parameters which the inspections are supposed to fulfil. According to these parameters, 30 to 50 sample checks per 10 000 inhabitants should be carried out. Thus in the case of Rome and its province, 15 000 – 20 000 inspections should be conducted. Unfortunately, however, only some 11 samples per day, or 4 000 per year, are actually analysed in Rome – far fewer than the number prescribed by the European directives. Even after the infamous dioxin-contaminated chicken scandal, the Lazio region failed to set up any serious food-inspection programmes, thereby exposing consumers to grave danger.

Can the Commission therefore say:

1. whether there are any other directives on the above subjects;
2. whether Italy has fully transposed all such directives;
3. if not, what action the Commission has taken, or intends to take, against the competent Italian authorities, notably the regional authorities of Lazio;
4. whether, given the urgency of the situation due to the constant threat to consumer health in Lazio, it feels it should take direct action and order adequate inspections?

<sup>(1)</sup> OJ L 290, 24.11.1993, p. 14.

<sup>(2)</sup> OJ L 117, 8.5.1990, p. 15.

<sup>(3)</sup> OJ L 186, 30.6.1989, p. 23.

<sup>(4)</sup> OJ L 175, 19.7.1993, p. 1.

**Answer given by Mr Byrne on behalf of the Commission**

(4 February 2000)

Council Directive 89/397/EEC of 14 June 1989 on the official control of foodstuffs and Council Directive 93/99/EEC of 29 October 1993 on the additional measures relating to the control of foodstuffs require controls to be carried out by the Member States to ensure that the provisions of both European and national foodstuffs legislation are met. The two Council directives contain the general principles and requirements for the controls of a wide range of foodstuffs legislation including the hygiene of foodstuffs, contaminants, labelling, additives, sweeteners, flavourings, and material in contact with food. They do not lay down inspection or sampling frequencies, but rather establish the general principles that food establishments should be inspected at a frequency proportionate to the risk, with samples taken where necessary to support inspection activities. Although an important adjunct to other control work, sampling alone is not the cornerstone, as it provides only limited information.

The underlying principle of control legislation is to ensure that controls are applied at the point of manufacture of the foodstuff by the food business. These controls are in turn monitored by the authorities through inspection, audit and where necessary, sampling. Controls at the point of manufacture provide a

more solid basis for ensuring the safety of the food rather than the sampling of foods on the market, although Member States are encouraged to undertake some sampling at market level for monitoring and surveillance purposes.

Under Article 14 of Directive 89/397/EEC the Member States submit to the Commission the results of their control activities including the number of inspections carried out, the number of infringements found and an overview of the samples that have been taken for certain classes of foodstuffs. The Italian authorities have submitted their control statistics to the Commission under this provision and these illustrate that the Italian control authorities follow the principles established in the control directives. The statistics are not broken down into the regions of each Member State.

Every year since 1993 the Commission has recommended to the Member States that certain food controls are carried out throughout the Community to address a particular issue. In some cases this involves the sampling and analysis of foods, and indeed Recommendation 86/96/COL of 10th July 1996 reflects the implementation of the 1996 co-ordinated programme in the European Economic Area (EEA) area. For the year 2000, the programme will focus on the controls carried out in relation to the bulk transport of foodstuffs, the application of food safety systems in certain types of food businesses and the accuracy of labelling relating to nutritional information. As with all previous years the Commission has not made recommendations concerning the level or rate of samples to be taken or the number of food businesses that should be included in the programme.

Sampling is also undertaken in the Member States in relation to compulsory residue monitoring plans within the framework of Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products<sup>(1)</sup>. These plans include monitoring for polychlorinated biphenyls (PCBs) and other environmental contaminants like dioxin. Italy complied by submitting results from year 1998 and with the proposed plan for 1999.

In addition to the statistical information on controls provided by the Member States, the Commission undertakes audits of the Member States under the provision of Article 5 of Directive 93/99/EEC, and under the provisions of other directives relating to the production of foods of animal origin. These are undertaken by the Commission's food and veterinary office.

Article 4 of Council Directive 90/220/EEC of 23 April 1990 on the deliberate release into the environment of genetically modified organisms<sup>(2)</sup> provides that Member States should ensure that the competent authority organises inspection and control measures as appropriate, to ensure compliance with the Directive. This may include sampling and control to determine whether a genetically modified organism (GMO) has, or has not, been authorised. Whilst this relates to experimental and commercial releases of GMOs it does not extend to the inspection and sampling of GMOs in foodstuffs.

The Commission is aware that improvements are generally required in the consistency of controls carried out by the Member States. European legislation on controls needs to be modernised in order to take advantage of new control techniques and the lessons learned as a result of the recent food safety scares on bovine spongiform encephalopathy (BSE) and dioxin. In this respect, the Commission's white paper on food safety<sup>(3)</sup> made recommendations for improvements in the legislation on control, to ensure their adequacy at all parts of the production chain from farm to fork, including new provisions for the control of animal feeding stuffs. The Commission also increased the emphasis placed on the monitoring of the competent authorities for food control in Member States by the Commission's food and veterinary office.

Information concerning controls in Member States can be found on the website: <http://europa.eu.int/comm/dg24/health>

<sup>(1)</sup> OJ L 125, 23.5.1996.

<sup>(2)</sup> OJ L 117, 8.5.1990.

<sup>(3)</sup> COM(1999) 719 final.