White paper on food safety : Wednesday 12 April 2000 / European Standing Committe C.

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WHITE PAPER ON FOOD SAFETY

Wednesday 12 April 2000

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European Standing Committee C

Wednesday 12 April 2000

[MR. JOHNATHAN SAYEED *in the Chair*]

White Paper on Food Safety

10.30 am

The Parliamentary Under-Secretary of State for Health (Ms Gisela Stuart): I welcome the opportunity to debate this important document, which was published by the Commission earlier this year. It follows on from the Commission's Green Paper on general principles of food law in the Community, which was published in April 1997.

The White Paper has been presented as a major initiative designed to promote, restore and maintain the confidence of European Union consumers in the safety of food in the EU. It sets out a major programme of legislative reform and the establishment of a new European Food Authority. It seeks to obtain views on the proposed EFA by the end of April, which explains the timing of this debate. Naturally, the Government will respond to the Commission and we are encouraging all UK interested parties to do likewise.

In formulating our views, we have met key organisations representing consumers, retailers, manufacturers and producers and discussed various issues with them. Many of those organisations are also making representations to the House of Lords Select Committee on the European Union, which is holding its own inquiry into the White Paper. As the report states, even if the White Paper were confined solely to the envisaged legislative programme, it would be of considerable significance. A number of the proposals are ones on which the UK has been pressing and we will be keen to see more detail on them when they are produced by the Commission.

The EFA is, however, the main item for consideration today. Starting from the principle that we regard the protection of consumer health as paramount and agree that it is necessary to take steps to re-establish public confidence following recent EU food scares, we welcome the proposal to set up a new independent EU body.

There is little concrete detail in the White Paper, and the Commission wishes to hear the ideas and views of all interested parties. Particular issues have already been discussed in general terms within the Agriculture and Internal Market Councils. The presidency and the Commission have been keen to assess member states' initial reactions. There is unanimous support for the establishment of the EFA, but as with everything, when all 15 member states are gathered together, everyone is coming from slightly different angles. We all agree, however, that it must start from the premise of a rationalisation of existing resources available to the Commission and provide a coherent, streamlined and effective approach to the consideration of food safety issues.

The UK has an opportunity, therefore, to set out what we would like to see. The EFA must, of course, meet all the proposed criteria of independence, openness and scientific excellence. In doing so, it must command the respect of national Governments and EU consumers. Although it has received a cautious welcome, it has already been criticised by press and consumer groups as toothless and an inadequate response to current consumer concerns. That is because the Commission proposes a body that can undertake only scientific risk assessment and not propose solutions. We must give careful thought to that problem.

The food industry has also expressed concerns about the need for such an agency and questioned whether the rationalisation of existing Commission services might be a better starting point. We acknowledge that view, but we understand the political concerns that drove President Romano Prodi to make the current proposals and we are prepared to give him our support in this radical new look at food safety.

There is certainly a need to review food safety policy and the handling of food safety issues. The establishment of the EFA sits well with the principle of pulling together responsibility for food safety into one body, as we have done with the Food Standards Agency. However, it may need to do rather more than the Commission proposes in the White Paper if it is to have any effective role in reassuring consumers and providing the coherence at EU level sought by member states.

We must address a number of crucial issues, one of which is funding, as the Scrutiny Committee mentioned, but I shall return to that later. Major concerns also include risk analysis, the EFA's scope and accountability and its relationship with national agencies. Effective risk analysis is the key to sound food safety decisions. The White Paper recognises that there are three components of risk analysis, including risk assessment and risk management. The Commission proposes to confine the role of the EFA to risk assessment and communication. The Commission will continue to be responisble for risk management—the identification of regulatory options and formulation of legislative proposals—and presumably will have a separate risk communication role of its own.

Some member states have suggested that the EFA should be able to make recommendations to risk managers. Other member states prefer the more limited approach. We welcome some of the ideas, especially if they mirror what we have set in place for the Food Standards Agency. However, we must be careful that equivalent food standards authorities in other member states are risk-only and science-only bodies. The relationships might not be straightforward. It is important that the system is transparent and, above all, gains consumer confidence.

Consumers are concerned that a food authority that is reponsible for providing only scientific advice will have inadequate influence on legislation. The food industry is concerned that the EFA might be excessively precautionary. We agree that responsibility for enacting legislation should not be changed. It

[Ms Gisela Stuart]

should remain with the Council and the European Parliament, which are to act on proposals from the Commission. But the identification of the regulatory options needs to be carried out in the closest possible collaboration with those who carry out scientific risk assessment. The approach accords with the all-inclusive remit that the Government have given to the Food Standards Agency.

There are arguments about the scope of the EFA. The Commission will need authoritative scientific advice on nutrition-related issues. We have no problem with providing that. There is potential for the exchange of ideas. However, we have reservations about the EFA being actively involved in some areas, such as the promotion of healthy eating, which is better and more appropriately carried out at a national and sometimes local level. The EFA could extend its powers by broadening its responsibility to take in labelling, which has direct safety implications.

We also need to look more carefully at the funding of the authority. The Commission has proposed that it should have a budget of only 100 million ecu, which is equivalent to £62.5 million. To put that into perspective, the annual budget for the Food Standards Agency is about £145 million. The proposed funding will have implications for the scope of the new agency's role.

The proposals do not make the relationship with national agencies clear. There should be a strategy for dealing with disagreement. A consultative committee comprising the heads of national agencies might be a useful mechanism to seek consensus.

The White Paper considers the issue of research. Given the budget constraints, it is unlikely that the new body will have much scope for commissioning research. A structured network to draw together existing research would be welcome. The issue of accountability is not clear. The White Paper refers to an independent body that is supported by the Commission, with a high level of accountability to European institutions and citizens, but with a legal existence and personality separate from current EU institutions. We and other interested parties will want more detail on that.

The Food Standards Agency has an open method of working. Its agendas are published and some of its meetings are held in public. The way in which input from individual citizens will be represented is not clear. We similarly feel that enforcement and control should remain the responsibility of member states.

In conclusion, the proposal for a new European Food Authority raises issues. As I said, the Government response will be submitted to the Commission by the end of April. We welcome the current proposals—they are the right step forward—but we must consult with other bodies in the UK. Whatever body results, we must ensure that the consumer is at the heart of the regulations and that it commands the confidence of consumers and member states.

Several hon. Members *rose—*

The Chairman: Order. We have until 11.30 am for questions to the Minister. I remind members of the Committee that questions should be brief and asked one at a time. There is likely to be ample opportunity to ask several questions.

Mrs Caroline Spelman (Meriden): The latter part of the Under-Secretary's statement is important and will set the tone for the questions. She hinted that the Government would seek a process to bring about a resolution should a national food standards agency—there are eight among European Union member states—find itself in dispute with the new food authority. What confidence has the Under-Secretary in a consensual consultative approach to upholding food standards if the UK were to find itself with higher food standards than elsewhere in Europe?

Ms Stuart: It is correct to say that eight of the 15 member states have an independent body. The United Kingdom has tremendous scope to be one of the leading members as our body is more developed than any of the others. Sweden, Finland and France have bodies based on science only. Ireland's authority has wider remit. Portugal, Greece and Belgium are in the process of establishing an organisation. While the aim of many of the bodies is roughly the same, where they are coming from is different. Reaching agreement will be slightly difficult and the White Paper is not clear.

One suggestion worth considering is for a commission that would meet regularly and would have accountability. However, as with all European Union regulations, a clear line must be agreed. That is why the current lack of coherence in terms of risk management and risk communication is a potential difficulty. We need agreement on a coherent line. We want to take consultation further because we are not satisfied that the current proposals are sufficiently robust.

Dr. Stephen Ladyman (South Thanet): Given that the proposed authority is to be, effectively, a scientific and advisory authority, to what extent will its determination of the scientific evidence be considered definitive when the European Commission considers competitive matters? For example, if we claimed that the French authorities were acting anti-competitively by banning British beef, to what extent would scientific advice from the new authority be considered the definitive statement on the actuality?

Ms Stuart: My hon. Friend raises an issue on which we have had a practical example of such a conflict. Scientific advice is definitive for only a certain time. It must always be subject to further review and we must be open to that fact. The new authority's role is to draw together the available scientific advice to arrive at the most authoritative conclusion possible. We are also committed to ensuring that no one institution or interest should have an overpowering influence over the authority's determination. It is a two-way process for the European Food Authority and any definitive statement will be based on current research evidence.

Any issue of anti-competitiveness is part of the internal market negotiations. As has happened when conflict has arisen, if a member state is found to be in breach of the anti-competitiveness provisions, further

action can be taken. However, that should not and must not unduly influence determinations on the scientific advice. The two matters are separate and it is clear in the way that we have set up the Food Standards Agency that commercial considerations arise at a later stage of the process.

Mr. Michael Jack (Fylde): The White Paper on the proposed authority mentions ensuring the availability of the best scientific advice for its work. It is not clear to me how appointments would be made to run the authority. What processes would be used to ensure that the best was the best, and to avoid the political carve-up that is usual when appointments are made to important bodies in Europe?

Ms Stuart: The right hon. Gentleman, having previously been a Minister at the Ministry of Agriculture, Fisheries and Food, is very aware of the difficulties of appointments. When we set up the Food Standards Agency it was clear that the relevant criteria were the scientific credentials and the independence of the appointees. Our purpose was to appoint on merit and scientific background, and to ensure that the full range of backgrounds was represented.

The right hon. Gentleman is right that the current White Paper proposals are unclear. There is discussion of the importance of making the right appointment for the chairmanship of the authority, without further definition of that. Our view and expectation would be that the right person for the job would have the background to ensure confidence in the authority's independence and in the merit of its decisions. However, the White Paper is unclear and the matter is part of the consultation process.

Mr. David Borrow (South Ribble): The Commission White Paper envisages that the European Food Authority would have a co-ordinating role. It is made clear that the authority is not envisaged as being able to make overruling decisions, or establish European Union-wide food safety standards. Do the Government share that view, or believe that it would be wise to go further and give it those stronger powers? Do any of our European partners take that view?

Ms Stuart: We have to be careful about food standards, because the White Paper, in dealing with the remit of the European Food Authority, covers other issues, such as public health. We are keen for minimum food safety levels and food standards to be part of a system uniformly applied and enforced across the member states. Any further encroachment into matters such as healthy eating would be unexpected and inappropriate. The best means of applying such a measure is always a process of negotiation between member states. Deciding who should be given the relevant power is part of the co-ordinating role. We do not envisage a change to the current legislative structure of the European Union, requiring treaty amendments, which would allow the European Food Authority to propose legislation. We do not favour such a structure and believe that the current structure should be maintained. In making suggestions to the Commission on how to proceed, we recommend that it should consider the Food Standards Agency and the issue of risk management.

Mr. Owen Paterson (North Shropshire): The Minister talked about scientific excellence. Can she give three examples to show that the Commission has scientific qualifications in that area?

Ms Stuart: This is beginning to sound like "Any Questions?"

Mr. Paterson: That is exactly what it is.

Ms Stuart: Yes, but the hon. Gentleman's question implies that we have no confidence in the Commission's ability to form scientifically based judgments. In drawing together research and scientific advice, the European Food Authority would draw on experience and research available in member states. For example, we would expect it to draw heavily on research available in the United Kingdom and on the work of the Food Standards Agency. I would not be so presumptuous as to assume that the authority would not be able to reach a decision by collectively drawing on the best research available in the European Union.

Mr. Paterson: Three examples?

Ms Stuart: I may have to write to the hon. Gentleman if he really wants three examples.

Mr. Keith Darvill (Upminster): On the question of funding, clearly there are alternative ways to fund such an organisation. What thoughts do the Government have about representations that might be made on funding in response to the White Paper?

Ms Stuart: The funding issue has long-term implications for the scope of the authority. I have already said how the proposed funding of the EFA compares with the considerably higher funding received by the Food Standards Agency, in one member state alone. It is unclear whether the proposed funding is new funding or whether money has been relocated from other work within the Commission. The current proposals consider funding not from producers but from member states. We are considering our response to that, but the Commission's proposals are not at all clear. What concerns us is that, irrespective of where the funding comes from, the funding itself will constrain what the authority can do, but in order to gain confidence, the authority must be effective.

Mrs Spelman: Pursuing the line of inquiry of my hon. Friend the Member for North Shropshire (Mr. Paterson), I am sympathetic with the Minister because, on the spot, it is difficult to come up with three shining examples of good scientific judgment taken by the Commission. The nub of the discussion is public confidence, but there is a double-whammy;the issue is not only public confidence in food safety but confidence in the capacity of the institutions to make the right decisions. As the public experience of the capacity of the Community's institutions to implement decisions is poor, what does the Minister envisage would give the public more confidence that the authority will be successful in getting its decisions implemented? What does the Minister think about the proposal that, in the event of non-compliance by a member state, the authority might recommend that money should be withheld until compliance is achieved?

Ms Stuart: There are several reasons for the lack of confidence in current structures. One is the nature of scientific knowledge. Consider the BSE crisis, for example. It was interesting to read the evidence given to another Committee, which suggested that the BSE crisis might have been handled differently if the new body had been in place. One of the problems with BSE was its emerging nature. The problem was not the availability of scientific knowledge but the fact that there had been a failure to spot the disease. The early problems with dioxins in Belgium were caused by member states being slow to notify the fact that a problem existed. Some of the difficulties that led to the lack of confidence were caused not by an inappropriate or inadequate use of scientific knowledge by the institutions' response. A much more co-ordinated approach would help, as it would result in a quicker drawing together of scientific advice.

The hon. Lady asked about non-compliance. The enforcement structure is not clear. At the moment, the Commission's food and veterinary office monitors the application of the regulations. That seems to have been successful. I was asked whether withdrawing funds would help. It is an option worth considering, but it is not a definitive way forward at this stage.

Dr. Ladyman: The Minister should not be bashful about the quality of European science. Much of the work of the Science Commission under the previous framework documents is world beating. I would include in that its recent judgments on BSE and the safety of British beef.

My hon. Friend's answer to my question was that the authority's purpose would be to make a statement of the scientific position at a given point in time. Our Food Standards Agency, too, can commission research. If we want that research to be built into the European base, the agency and the new authority would have to work closely together when commissioning research. Will that happen? What structures will be put in place to make it happen?

Ms Stuart: The question goes further than scientific research; it covers also the commissioning of research and its application. We might say that the United Kingdom has the power and responsibility not only to engage in research but to assess that research and to make recommendations. The difficulty is that a body making statements on a scientific assessment of its research is unlikely to take account of how the information will be communicated, and what message it will send to consumers. The danger is that conflicting messages will go out, particularly if the research appears to be inconclusive.

We expect two things to happen. First, we want close and constructive co-operation at all stages of research between the Food Standards Agency, the European Commission and the new authority. Secondly, as problems emerge, we expect that existing scientific research will be looked at much more closely; if gaps are found, we hope that member states will be closely involved in that process. We agree with the White Paper: we want an institution that adds value, not one that duplicates the efforts of member states. The authority's raison d'être, which we support, is the pooling of much of the work already available within member states. Close co-operation and co-ordination is essential.

It is not precisely clear how best to deal with gaps in research, but we should build on the work of member states and take it forward. It comes back to an earlier question about funding. Fairly severe constraints will be imposed on how much research can be commissioned, but I would be surprised if a European Food Authority, on its own, could match or supersede the collective scientific research and knowledge that is out there in the 15 member states. The authority would have to rely on them and draw on their expertise.

Mr. Jack: The European Union subsumes unto itself the negotiating rights of member states in the World Trade Organisation. Proposal 83 in the White Paper suggests the accession of the European Union to the Codex Alimentarius. Could that proposal ensure that the WTO process would apply also to Codex?

Ms Stuart: Codex is an important issue. Press reports have suggested that food safety for the European consumer will be controlled not by the FSA or by any proposed European Food Authority, but by the World Trade Organisation. That is an inappropriate assessment. The difficulty with the Codex Alimentarius is that its competences are mixed compared with those of the EFA. Some 160 states are individual members and we would not like a block vote to build up, which would happen if the European Union was a member in its own right. We support arrangements ensuring that member states and not the EU are individual members of the Codex.

Mr. Borrow: The right hon. Member for Fylde (Mr. Jack) mentioned the EU's role in WTO negotiations. I am aware that the EU has a reputation for requiring high standards of hygiene in imported foodstuffs and ensuring that such goods are of a high standard. However, the application of standards and of rules to food distributed within the EU is variable. Does my hon. Friend see the establishment of the EFA as a crucial step towards ensuring common standards within the EU? Could it eventually ensure that similar arrangements to those covering the importation of foodstuffs from outside the EU are established within it? That question has implications not just for the health of people within the EU but for trade, in relation to which existing EU policy is sometimes seen as protectionist rather than based purely on food safety.

Ms Stuart: My hon. Friend is right. We want common standards, and we have an expectation about compliance with appropriate standards in relation not only to food imported into the EU, but food that is exported. It is clear that the common application of food standards is important. Food is an emotive issue, and although high standards are often required, the common baseline is currently only an aspiration. Implementation and monitoring are not coherent and not enforced as strictly as we might wish.

Even in the United Kingdom, responsibility for the enforcement of standards rests largely with local authorities. One of the first aims that the new FSA set itself was to establish principles with local authorities to

ensure uniform application and enforcement within the United Kingdom. Work is being done at home and within member states. The Commission's food and veterinary office has a system of regular inspections and a programme of prioritisation to ensure enforcement and monitoring. That system is working well and we will keep a close eye on it.

We want common levels across member states. Sometimes there will be higher levels in individual states, which will be appropriate to local needs. We also want the relationship to be at a common level.

Miss Anne McIntosh (Vale of York): I wish to press the Under-Secretary on a question parallel to the one that she has just answered from the hon. Member for South Ribble (Mr. Borrow). If the European Food Authority is to work, uniform enforcement and application across the UK and the European Union is important. For example, under the common fisheries policy, no fish inspectors were appointed in Spain to monitor the size of fish, so Spain was completely at odds with the rest of the European Union. Will the Under-Secretary assure the Committee that the standards of the European Food Authority will have a harmonised application across the European Union?

Will the Under-Secretary confirm that local authorities' environmental health officers will be asked to enforce the measures in the UK? I have been informed that a new farm market is opening in Knaresborough to serve Vale of York farmers. The Under-Secretary will accept that the farming community is still in crisis. The farmers need to know that they will not be faced with higher standards set by the European Food Authority than their competitors in other European countries. They must know that there will not be a double-whammy of standards set by the national food agency and standards set by the European Food Authority at the same time.

The Chairman: Order. Before the Under-Secretary answers, I must remind members of the Committee that the room is large. It would be helpful to everyone if people could keep their voices up.

Ms Stuart: I shall try to speak loud and clear.

There are two issues. Of current concern—irrespective of whether the European Food Authority is set up—is the question of the uniform application and enforcement of standards, and the creation of a level playing field. We support the view that one industry should not have to comply with lower standards than another. The White Paper makes it clear that enforcement and control should remain the responsibility of member states, and that the principle of subsidiarity should not be compromised. The European Food Authority would not change the structures.

Controls clearly need to be harmonised, and specific legislative measures to achieve that have been proposed. Almost from the inception of what was then the Common Market, many of the regulations that developed vertically have been difficult to implement coherently. Much work has gone on, and the United Kingdom has played a significant part in rationalising many of the directives to make them much more horizontal and easier to apply, and to remove many of the ambiguities. I hope that inspection by the Commission's food and veterinary office will play a more significant part.

There is always a natural tension between the principle of subsidiarity and enforcement. We will play a strong role, through the European Food Authority and elsewhere, to ensure that all member states comply when principles are laid down for standards that we expect to reach across the European Union. Heavy measures could eventually be applied. The real problem is that the process is still fairly slow and cumbersome. We hope to end up with a system that might be able to respond more rapidly.

Mr. Darvill: I am interested in the role that the food agency will have in food labelling. There would be conflicts for consumers, business producers and manufacturers if labelling regulations came from the House and from the European Food Authority. Decisions might need to be taken on whether there is to be a unified labelling arrangement throughout Europe and on what role the national Parliaments will play. What are the Under-Secretary's thoughts on the matter? Would it ultimately be best to go for an EU-wide regime for food labelling?

Ms Stuart: It is right that the purpose of the Food Standards Agency or the EFA is to enable the consumer to make proper choices. That requires clear and coherent information that is not contradictory. If the label provides too much information, the consumer might not have a good choice. Scientific and nutritional information is appropriate for labelling, but it would be wrong to include health claims. The White Paper excludes labelling from the EFA's remit. In contrast, the Food Standards Agency has a responsibility for food labelling. We want that competence extended to the EFA. A European-wide application would be useful. The EFA has a role to play in informing consumers and reassuring them that labelling standards are coherent throughout the EU.

Mr. Colin Breed (South-East Cornwall): Can the Minister clarify the EFA's primary purpose? Is it to offer consumer protection on public health issues, or is it a means to harmonise trading conditions between EU countries, which would be at great variance to the way in which we have established the Food Standards Agency? If we are not careful, the two bodies will have different objectives.

Ms Stuart: That is a valid question. What is the driving force behind the EFA? The events of the past 10 years, and certainly of the past four or five years, have caused consumers to lose confidence in food standards and in the ability of the EU to protect consumer interests. President Romano Prodi made it clear that there is a political drive to re-establish consumer confidence in the quality of food. There is also an administrative drive. The crisis of the past few years revealed a lack of co-ordination, and there were problems with responding quickly and of conflicting messages. The structure proposed in the White Paper reflects the need to pull those strands together. The agency needs to be value added; we do not want to

[Ms Stuart]

create an extra tier of bureaucracy. The primary aim, which we support—it was behind our decision to establish the Food Standards Agency—is to restore confidence in the quality of advice that is given to the consumer. That is the driving force.

Dr. Ladyman: I suspect that most of our constituents will judge the usefulness of the authority on the basis of the answer to this question. If we face the same sort of dispute with an EU partner that we are having with the French and we want to establish our right to export a British food product to that country, will the presence of the authority make it more or less easy for us to defend the British position, to establish the quality of British food and increase exports to our European Union partners?

Ms Stuart: A similar question was asked in another Committee. The real difficulty with the current situation regarding the United Kingdom and France is that the French did not comply with the ruling and with the Commission's decision. That was an issue of enforcing compliance, not one of scientific advice. The EFA would probably enable us to reach a unified position more quickly, but even if a member state does not wish to comply, all the other regulatory structures will remain the same.

If a new health hazard were to arise and it was necessary to take a quicker decision on a rapid alert system, action could be taken more quickly. Trade disputes are another issue, and food safety was the key issue on which one member state would not comply with the Commission's decision. The EFA would not necessarily help that, but it might enable us more quickly to identify that a member state did not wish to comply.

Mr. Paterson: Turning to the annex, does action point 3 repeal the Food Safety Act 1990?

Ms Stuart: Without wishing to delay the Committee by searching through the documentation, I am not aware that anything in the current proposals would repeal any UK legislation. If I am wrong, I shall certainly write to the hon. Gentleman.

Mr. Borrow: I shall touch again on the issue of funding the proposed authority and its relationship with national authorities. I am concerned about whether there will be sufficient funding to carry out the necessary scientific research to enable us to make a proper judgment about the food safety implications of genetically-modified foods, given that much of the development work on those products is carried out by commercial companies or in academic institutions funded by commercial companies. There is a need for independent research into the safety of such foodstuffs, as well as long-term monitoring of the safety implications of genetically-modified foods. Have the Government discussed with other member states whether the funding will be adequate to ensure that independent research and monitoring can take place?

Ms Stuart: I have to question some of the basic principles that underlie my hon. Friend's question. In talking about independent research, we must ask independent of what and whom. A great deal of research is being conducted by industry and universities, and much of it sponsored by industry, so there is always a concern that the sponsoring mechanism might influence the research. Much research in member states is scientifically sound and as independent as possible. Sometimes, the outcome is inconclusive, but that is no reflection on the independence of the research. Given the quality of the research that is carried out in the UK and in other member states, I should be extremely surprised if a new body, which was given extra funds, could suddenly draw on a pool of scientists who would come up with something new.

Scientific research is incremental. The trick is for the European Food Authority to pull together all the research that is already available. Drawing on the experience of 15 member states gives one a feel for the weight of scientific opinion, using a broader base. In limited cases, gaps needing attention to complete the picture may become apparent. I see that as providing a suitable role. I am less in favour of considering a funding structure that would add to what happens in member states.

Mrs Spelman: I want to return to the funding question. The Minister gave a figure of £62.5 million as the cost of running the FSA. A Commission health official reportedly put the approximate cost of running the EFA at 100 million ecu, which is a comparable figure, but in the same breath was keen to make a comparison with the Food and Drug Administration. I am sure that the Minister is aware that that body's budget approaches $900 million. The Opposition are reluctant to spend any more public money than strictly necessary—especially if there are worries about efficacy. However, resources and efficacy feature in the Green Paper. Is the Minister satisfied that a European authority that compares in scale with a national authority can be effective?

Ms Stuart: That is one of the questions that we need to deal with, but it is almost putting the cart before the horse. We need to discuss what the authority should do, and then how much it would cost. I raised the issue of current funding and compared the running cost of £62.5 million for the European Food Authority and our budget of £145 million for the Food Standards Agency to suggest the Commission's current thinking about the authority's scope. Only so much can be done with so limited a budget.

If, after negotiations, it is decided that the authority's role should be strengthened, the budget implications will need to be considered. We want to clarify whether, in addition to the £62.5 million of genuine new funding, it will be possible to draw on funds currently allocated for other work in the institutions, resulting in a larger budget. That has not been made clear. The current funding figures simply suggest how it is thought the authority should proceed. We are far more concerned about structure, risk assessment, risk management and risk communication and the way forward. Thinking about cost would be the next step. The source of funding—whether member states or industry—would also become an issue at that stage.

Mr. Darvill: Will my hon. Friend deal with a question helpfully raised in the report of the Select Committee on European Scrutiny, about the precise legal status of the new body and its relationship with the other Community institutions, especially the Commission and the regulatory authorities of the member states?

Ms Stuart: That is one matter about which I am not clear. Some of the proposals need to be reconsidered. If we establish a body that performs risk assessment and risk communication, but which has no powers to make proposals about risk management, the potential for real conflict will arise. The consumer may feel that advice is ambiguous. Industry may be worried about excessive caution. Scientific advice given without indicating what should be done with it, which is how the FSA operates, may be difficult to use. However, we do not want the treaty to be amended to allow the authority to initiate legislation. Under the current structure, it would be fairly difficult to square the circle. The White Paper makes clear the institution's accountability, with which we agree. It also suggests that the authority should be a separate legal entity, but we want further negotiation about its proposed structure. The present outcome is unsatisfactory. We want it to give clear and unambiguous advice to the consumer. We believe that separating risk management and risk assessment is not the right way forward.

Mr. Jack: First, will the Minister give an unequivocal undertaking that the Government will make public their submission to the Commission on the matter? Secondly, would she be kind enough to say from which treaty bases the agency will draw its powers?

Ms Stuart: We will make public our submissions. The principles of the FSA, which we want to see clearly established in the European Authority, are openness and accountability. The FSA holds some of its meetings in pubic and it publishes its agenda. It also publishes advice and uses a web site. The White Paper is not clear about such openness.

Legislation for the agency will depend on which of the various treaty articles apply. We do not know the treaty base for the European Food Authority. At the moment, some of the proposals fall under various treaty headings—articles 95, 152 or 37. Some of it is secondary legislation, much of which is done by Standing Committees without it having to go through the European Parliament. It is important to note that all such legislation is subject to qualified majority voting. We need further clarification. As I said earlier, we do not want changes to be made to the treaty.

Mr. Borrow: Does my hon. Friend share my concern that the establishment of a European Food Authority, which has no clear status in relation to member states' food standards agencies, could lead to the problems that existed during the BSE crisis? If a Government received conflicting advice from a European-wide Authority and from the national authority, and if there was no clear rule as to which authority had precedence, even the most objective Government would find it difficult to go against the advice of the national authority in favour of the European authority.

Ms Stuart: That is the crux of the matter. There will always be the problem that, when new dangers emerge, scientific advice may, at times, be ambiguous. I was tempted to quote Karl Popper on the theory of scientific advice. In many ways, scientific theory has not yet been disproved. It is not the case that the answer is out there and is simply waiting to be discovered; it is always emerging. Research done in 15 member states is more extensive than that of just one member state. The EFA can draw that research together and consider where the weight of scientific advice lies. It should work closely with national institutions—we expect that the FSA will have a strong input—to reach a consensus, to arrive at the soundest evidence and to ensure that decisions are revisited. If the consensus is not clear, the consumer should be aware of the doubts.

The Chairman: Order. That brings us to the end of the time allotted for questions.

Motion made, and Question proposed,

That the Committee takes note of European Union Document No. 5671/00, a White Paper on Food Safety in the European Union; and supports the Government's view that consumer concerns and the complexity of current arrangements demand urgent action to develop a coherent EU policy for the foodstuffs sector: to this end, welcomes the establishment of a European Food Authority; and notes the Government's commitment to identifying the most appropriate terms and structure for such an Authority with the objective of improving and enhancing food and safety and associated EU regulatory process.—[*Ms. Stuart.*]

11.31 am

Mrs Caroline Spelman (Meriden): The questions and responses were interesting and will inform this half of the debate. There is a sense of déjà vu about our discussion. During Committee deliberations on the Food Standards Act 1999, the Opposition warned the Government that we anticipated duplication and public confidence difficulties in relation to the prospect of the EFA, which was then on the cards. Today, concerns about such difficulties have been articulated by Opposition Members and the Government. We can say with some justification that we warned them that problems would arise.

The baseline of our position is that the European Food Authority should be established only if it will enhance food safety and public confidence in the food chain to a greater degree than can be achieved without it. That acid test or rationale is necessary to allow consideration even of the concept of the EFA. We question the wisdom of giving Brussels greater responsibility for food policy when European Union institutions seem incapable of enforcing even basic decisions on British beef. Community institutions have a long way to go in gathering public confidence for a new authority of the sort proposed. At each stage of the beef crisis, they proved themselves to be incapable of implementing their own decisions. Why should the consumer have any more confidence in the capacity of the new authority to make such decisions?

The specific aim of the EFA is to ensure that new food legislation is coherent, rational and user-friendly. However, there is a serious credibility gap. The food industry already has to deal with a raft of European

[Mrs Caroline Spelman]

legislation and experiences significant problems in dealing with Community institutions. It finds that existing food safety regulations are not clearly defined or consistent, and it encounters fragmentation and lack of communication in the institutions. In addition, existing scientific committees have inefficient administrative support. Well-documented delays in updating European legislation have also affected the food industry. The inconsistent interpretation of existing measures does nothing for the industry's confidence in European authorities. It has to deal with them on matters that are of vital importance to its good running and to its endeavours to provide safe food that inspires public confidence.

A fundamental question underlying the debate is whether the introduction of the European Food Authority will result in a levelling up or a levelling down of food safety standards. The UK has a lot to lose, as it has some of the highest food safety standards to be found among EU member states. One of the great difficulties facing British food producers has been recognition of those higher standards. Producers must recover a value in the marketplace that reflects their extra efforts to produce food that is healthy and animal friendly. No one wants the present situation, which is at crisis point, to deteriorate further.

The White Paper pays lip service to subsidiarity. It says that enforcement should remain a national, regional and local responsibility, but the authority is able to intervene in a domestic food crisis and enforce EU food laws. There are proposals to deal with non-compliance, such as withholding money from member states. Although subsidiarity exists as a concept, the EFA will be able to get involved, through regulatory authorities at European level, in our domestic market. How will the enforcement process work and how will we avoid unnecessary duplication?

Food standards officers of the Food Standards Agency, which has just come into force, can oversee the work of environmental health officers to ensure that they comply with domestic regulations on food safety. There is a duplication of those roles, but will there also be an extra tier of European inspectors overseeing our food standards inspectors overseeing environmental health officers? When we debated the Food Standards Agency proposals, we used the term "food police" to describe the role of the food standards inspectors. I hope that we will not see a "food Interpol".

The issue of separating risk assessment from risk management is key to the extent to which the EFA's work will be intrusive. There must be accountability. We are not satisfied that the Commission, which is not a democratically elected body, is accountable enough. We are not sure that it is an adequate safeguard for our country.

The report on the White Paper refers to the EFA's role in developing and operating a rapid alert system in response to food crises. The Commission envisages

> networking with national bodies in order to provide a value-added structure and promote a "dynamic two-way exchange".

Even if we strip out the jargon, experience leaves us sceptical about the authority's capacity to act rapidly.

The Belgian dioxin scare does not inspire confidence. The original contamination occurred in January last year, but the Belgian Ministry of Agriculture first received the information in mid March. It officially told the Commission only at the end of May, but the Commission did not tell the United Kingdom Government for another three days. Our Minister of Agriculture waited two days before talking to the agriculture commissioner, and a further two days before issuing a food hazard warning. That does not correspond with my definition of rapid. It is difficult to understand where the value is added in that process. The Ministry's warning was inaccurate. It thought that no supermarket would be selling contaminated Belgian poultry products, but three big supermarket chains roundly rebuffed that assertion.

The handling of that crisis did not inspire public confidence. How would the EFA have improved the situation? As the scale grows and the distance and difficulty of communication increase, responses tend to become slower. It is difficult to envisage the rapid alert system working any better than the present system.

There is a suggestion that, in the event of a food crisis, some of the European Food Authority's inspectors would go to the site of an outbreak and take samples. One could imagine the scene if that happened during an outbreak of, say, E. coli, such as the one in Scotland. There would be a crisis, the environmental health officers would take their samples, our national Food Standards Agency officers would oversee them, and the European Food Authority inspectors would then come along to take their samples and come to their verdict. The approach is heavyweight, and there would be considerable duplication and delay in the process.

The White Paper refers to labelling. I was concerned that the Under-Secretary said that that would take a lower priority. Paragraph 2.14 is important. It notes:

> in order to enable informed choices to be made, a key element is the need for accurate information through labelling and advertising.

We wholeheartedly agree with that, but we must be clear about what we mean. The Opposition pushed hard during every stage of the Bill establishing the Food Standards Agency for the country of origin and method of production to appear on the label. Those two indispensable items must appear on the label if the consumer is to be able to make an informed choice. I am pleased to see the Under-Secretary nodding.

As the debates are still relatively time constrained, I will not go through the host of products on British supermarket shelves with misleading labels. The simple fact is that a British consumer cannot buy with confidence a product labelled as having been made in a certain country. As we all know, loopholes permit a multitude of sins to occur before an item reaches this country, but the product might then be labelled as coming from this country, where standards are higher and where important constraints exist on the use of additives and on the methods of production.

Consideration of labelling is vital and I urge the Under-Secretary to push hard on the country of origin question in her discussions on the White Paper with the

Commission. A smokescreen is often produced; it is argued that the measure would somehow distort trade. However, there is a host of examples of regional labelling being permitted. The matter is shot through with inconsistencies. The important thing is that the White Paper cannot do what it sets out to do—to enable informed choices—without country of origin and method of production being clearly stated on the label.

The White Paper signals clearly in several places that, unless sufficient human and financial resources are provided, it will be difficult for the authority to be effective. I do not wish to spend more taxpayers' money than is strictly necessary. However, I caught in the Under-Secretary's reply to me a hint that not only taxpayers but the industry might need to contribute to the running cost of the authority. I remind the hon. Lady that one of the most contentious elements of the debate on the Food Standards Agency was the food tax that was to be levied on supermarkets and small corner shops alike. The food industry will be concerned to learn that she thinks that it might be drawn into funding the authority. We must be absolutely sure that the inequity that would have occurred under the food tax, whereby the same sum would be levied on a huge supermarket chain as on a small retail outlet, never sees the light of day in any Commission proposal.

My anxiety is aroused by the scale of what is envisaged. If there are pretensions to mirror organisations such as those that the Food and Drug Administration represents in the United States market, the Commission's early assessment of the money involved would seem to be out by a factor of 10. We certainly do not wish more money to be spent than is necessary, but we see no point in creating something that will be ineffective because it does not have the necessary resources.

I welcome what the Minister said in her opening statement. She listed a large number of concerns, which we share with the Government, mainly about the accountability of the food authority and the lack of procedure for dealing with the inevitable disputes. It is incredible to think that scientists will never disagree. We saw such disagreements all too clearly during the beef crisis. Although our scientists believed our beef to be safe, and European institution scientists were happy that it was safe, French scientists still said on the British media that they were not satisfied about its safety. Such disagreements will be replicated as sure as eggs are eggs. A procedure to resolve disputes should be included in the White Paper.

We are worried that the food authority may stray into other areas. I share the Minister's concern about nutrition, and about the possiblity of a harmonised European view of what might constitute a good diet. I am sure that the hon. Lady will agree that it is a non-starter; there are far too many cultural and regional differences in diet for that to be considered. I am glad that she is sceptical of the food authority heading in that direction.

The Minister was also concerned about enforcement. As the hon. Member for South Thanet (Dr. Ladyman) said, the acid test of public credibility in the institution will be whether it makes a better fist of something that we have just been through—getting member states to comply with decisions taken at European level. If not, it will be pointless. That is a key point. In the interests of constructive opposition, I urge her to be transparent about what the Government suggests that the Commission should do to improve what is still a vague concept. We want the notion of a food authority to be beefed up—I hope that the Committee will forgive the pun—in the national interest.

11.47 am

Dr. Stephen Ladyman (South Thanet): In last night's debate, it was argued that the Standing Committee on Regional Affairs would be one of the most rigorous opportunities for hon. Members to test and question Ministers. My hon. Friend the Minister now knows that to be true, and I congratulate her on her responses to this morning's questions.

I am worried whether firm rules will be set to govern the way in which national agencies and European agencies follow the European Food Authority's finding. For instance, if the authority was asked to give an opinion on the scientific view of genetically modified organisms, I am sure that it would say that there is no evidence of any inherent harm in GMOs' that there is no evidence that any genetically modified foods on the market have a harmful effect and that any new foods should be considered case by case, based on the evidence. Yet I strongly believe that, because of public pressure, many of our partners in the European Union would like to ban all genetically modified foods.

In other words, science would say one thing, and the European agencies would expect people to act on that science, but nations would want to behave entirely differently. Firm rules should be laid down on how nations would want to behave, what weight they should give to the evidence and how the European Commision and the European courts should apply the evidence. Not doing so will be a recipe for many disputes. I suggest that rules must be put in place to answer the questions that I shall outline.

How much weight will the European Court and the Commission give to the authority's recommendations and statements? Will all the national agencies be expected to take account of the authority in making their decisions? When issues relating to the free market and to the movement of goods within the European Union are determined, will the authority set the minimum standard that a country is expected to adopt or the maximum standard? Will a clear set of rules govern the distinctive responsibility of national food standards agencies and authorities and of the EFA?

It is necessary to ensure clear scientific co-ordination throughout the European Union. One or two of the Opposition's questions slightly concerned me, as they seemed to imply that European Union science is not of the highest quality. The vast majority of scientific research commissioned by the European Union under the previous and current framework documents is absolutely top-class, world-beating science, the quality of which has a great reputation throughout the world. Even when European Union scientific advisory

[Dr. Stephen Ladyman]

committees are asked to take a general view of a scientific dispute—as they were during our dispute with the French Government on the exportation of British beef—they take a thorough and objective view. They take an objective stance and are not browbeaten by national Governments. Whether Governments pay attention to that stance relates to government and politics rather than to the science involved.

Nobody should suggest that the European Union cannot provide good scientific opinions and high-quality scientific research. We need to force people to follow such scientific advice when it is available. If we say that we will act on the views of a new and authoritative body that will review science relating to food safety, we must be sure that the research commissioned in this country is tightly co-ordinated with the work of that body. We must listen to its comments on gaps in our knowledge and work closely with it to ensure that our efforts are not duplicated and that we use the standards of objectivity that it requires. If we do not work in that way, our science will conflict with the authority's science. Such matters must be tightly controlled, or there will be more disputes between Governments.

Consumer confidence is everything in food. The hon. Member for Meriden (Mrs. Spelman) made that point well. Will average members of the public respect the new authority and feel able to follow its guidance, or will it be seen as a political tool? If the latter applies, it will fail completely and we may as well not bother trying to set it up. The authority will be worth while if people reading in the *Daily Mail* or the *Daily Express* about the latest food scare do not react in a knee-jerk manner and instead ask "What does the authority say is the correct position? That is the advice on which I shall base my decisions." To achieve such a response, the authority will have to consider how to communicate with the public. It must reflect on how to put its advice in terms that the public can follow and respect and which the media or people with vested interests will not misrepresent.

How will it advise on matters such as labelling regimes? We are having enough trouble proposing a regime to ensure that packets of food display labels of which people take notice, which they can understand and which will provide all the information that the Government believe people should have. How will the authority's advice be built into that labelling? That will be a key problem to resolve.

I want briefly to mention nutritional advice. I was a member of the Special Select Committee that reviewed the Food Standards Agency, as was the hon. Member for North Shropshire (Mr. Paterson). One of the areas of greatest dispute among people who gave evidence to the Select Committee was whether the Food Standards Agency should give nutritional advice. We came to the conclusion that it should, and the Department agreed.

I share the concern expressed by the hon. Member for Meriden about how a European-wide body will provide nutritional advice, given the differences between European cultures. The hon. Lady made another good point about the dangers of over-regulation in the food industry. Perhaps the Government will look to the new authority to simplify monitoring of the food industry. If the authority were able to say that we do not need five different inspections of an abattoir, for example, and could act in a deregulating role, it could be of great benefit.

We should welcome anything that improves safety and public health, increases consumer confidence, helps to establish UK food as top class and helps us to market it. The new authority will be worth while if it can contribute to those priorities, but if it will only muddy the waters and make it more difficult to resolve disputes, such as the one we recently had with the French Government, it is not worth pursuing. I hope that the Government will enter the discussions with that vision clearly in mind. If the creation of the new authority is in consumers' interests, let us go for it; if it is not, let us be brave enough to kill it.

11.57 am

Mr. Colin Breed (South-East Cornwall): Both the hon. Members for Meriden and for South Thanet have articulated reservations that I share, and which I suspect are prevalent throughout the Committee. The separation of risk assessment and risk management is a key issue. Much dispute will surround the matter of risk assessment, because it involves different scientists making assessments based on their own understanding, experience and knowledge. Management will be at individual nation level, which is important. I am concerned that there will be disputes about assessment, which will inevitably relate more to trade disputes and the import and export of food within the European Union than to public health issues, although public health issues may present a front for the pursuit of such disputes.

The management of food standards agencies in member states is a key issue because people want to be confident that the management of risk in individual nation states is suitably rigorous. However, we do not need to create a European Food Authority to ensure that that takes place. Currently, we are not confident that food standards agencies in some countries are as rigorous as we would hope and expect. The UK Food Standards Agency is in its infancy—it is just a few days old—and there is no indication that it will play a part in allaying our reservations and fears. I would like that to happen for a time before we even started a European Food Authority.

I do not believe that a European Food Authority is needed for the implementation of a proper labelling regime. The jury is out on the question whether such an authority is absolutely necessary. We could tackle many of the issues that have arisen without one. I hope that that scepticism will be challenged in the European discussions. The setting up of another bureaucratic and potentially costly authority, with no clear objectives, could be damaging. I suspect that concentrating on rigorous management of the risks in the nation states would be more effective than creating a European food authority.

12 noon

Mr. David Borrow (South Ribble): I welcome the White Paper, but have reservations about whether it

makes the European Commission's intentions clear enough. There is great confusion in the document about the role that it wants the European Food Authority to play. Does it want a minimalist co-ordinator of food standards policy across the European Union, or an authority that lays down food standards across Europe, with a role over and above those of national agencies?

Co-ordination is clearly needed, because the European Union is a single market in which food and foodstuffs are traded and moved around. The European Union operates as a single trading entity in its relations with other countries for the purpose of standards and trade agreements. Therefore, standards within the EU and for the importation of foodstuffs need to be common. The need for a European food standards authority is clear, but it is not apparent from the White Paper how that role is to be played.

When scientists research the safety of food, they come up with data and statistics. Someone must examine the data and decide the risks of a particular food. At present, different national Governments adopt different standards on the amount of risk that they are prepared to allow their consumers to take, based on the same evidence. The scientific evidence used is not different, but states make different judgments on the precautions needed before consumers should be allowed to consume a food.

That should not happen in the European Union if it operates as a single market. Not only common research but common agreed levels of risk are needed. A decision is needed on whether it should be the member states who agree about and enforce the acceptable level of risk across the European Union, with the European Food Authority in a loose co-ordinating role, or whether the authority should decide the acceptable risk for the whole European Union.

As an example of what I mean, I was approached by an abattoir and food processing plant that employed many people in my constituency. It had a large trade in mutton with France. When it was decided that the spinal column of sheep had to be removed, the plant was no longer able to export to France. Although France had similarly regulated that the spinal column had to be removed, we had decided—on the basis of our assessment and management of risk—that the spinal column had to come out at the abattoir. In France, the decision was that the spinal column could be removed at the butcher. Essentially, the same risk had been observed but member states had adopted different approaches. That had serious trade implications for companies operating in Lancashire and it affected jobs in my constituency.

The situation is replicated across the world, including the EU. I do not say that we are always in the right. We might consider the matter from two angles. We are proud of having higher standards than Europe. However, we argue that there is not a level playing field and that our food producers are told to adopt different standards from those in the other parts of the EU. We need common standards.

We must recognise also the trade implications of decisions, and I am concerned about the role of politicians. If a food authority stood separate from the political process, with criteria and the level of risk to be adopted clearly laid down, the opportunity for the process to be used as part of a trade issue would be minimised.

We have considered trade disputes in the EU but we are, of course, in dispute with the United States over hormones in beef. All the scientists in America involved with the Food and Drug Administration seem to say that there is no risk from the meat and that they are happy with it—they have been eating it for years. Most of the scientists in this country would tend to agree with the position of those scientists. The EU has adopted a policy of banning imports of beef produced using hormones, for which it is being penalised. Perhaps the EU is not prepared to allow products carrying any risk across its borders.

If we are adopting different standards in the EU on risk from those adopted in other parts of the world, we risk repeats of what happened in Geneva with regard to beef hormones. When the EU establishes a European Food Authority, questions of the level of risk and the criteria must come into play. The implications of an acceptable risk level on our trading relationships with the rest of the world—with regard to the standards adopted elsewhere—must be considered.

Our operating criteria must be made clear and open. That is important for consumers, so that they know that the body is independent and that the same standards operate across Europe. The trade implications of getting the matter wrong are grave. I hope that the Under-Secretary will ensure that some of those points are considered in the discussions on establishing the authority.

12.09 pm

Mr. Michael Jack (Fylde): It is a delight to see you, Mr. Sayeed, in the Chair. I have not had the pleasure of being under your chairmanship before, but it has so far been a pleasant experience.

The unanimity across the Floor on the questions properly raised about the agency has been a remarkable feature of the Committee. The questions have ranged from concern at what the agency will do, especially in the light of the waffly language used in the White Paper, to outright scepticism from Government Members on whether we need an agency at all. All the questions have been proper. I congratulate the hon. Member for South Thanet on his considered approach. I found myself sympathising with much of what he said. The same can be said of the hon. Member for South-East Cornwall (Mr. Breed); the comments of both hon. Gentlemen were pertinent.

The thrust of what the authority is supposed to be doing leads me to ask where article 30 of the treaty would stand in the context of the agency's work. We hear much about its taks of co-operating and co-ordinating science and opinion on food safety, and of trying to unify inspection techniques throughout the European Union. Its task of trying to unify charges could be an interesting activity, because of the considerable differences between charges made by the

[Mr. Michael Jack]

United Kingdom and our European partners for certain types of inspection.

I understand that article 30 gives each member state the opportunity to decline to accept certain substances into the country if it is believed that they pose a risk to human health. That was typified by the French stance over our beef. It was certainly the reason for the EU decision that led to the ban on British beef. I should be interested to know whether, in the light of the proposal for an agency, member states are willing to give up their rights under that article of the treaty. If not, it will be a recipe for disaster.

The hon. Member for South Ribble (Mr. Borrow) drew the Committee's attention to the importance of common definitions, both within the EU and internationally. He properly drew our attention also to the difficulties of science resolving those differences. The difference of opinion within the world of science is due to the nature of science itself. It is important that we try to find mechanisms to resolve those scientific differences.

The operation of article 30 goes to the heart of the problem of how the authority would operate at the European level. I have no doubt that it will be able to synthesise and co-operate in terms of the best scientific opinion in Europe. I do not disagree with the hon. Member for South Thanet about the quality of European science. He was right to say that Europe has some excellent scientists, but it will be difficult for the authority to achieve unanimity.

That point is illustrated in chapter 2 of the White Paper, entitled "Principles of Food Safety". At page 11, the White Paper deals with the precautionary principle. A precautionary principle in one country may be not necessarily be a precautionary principle in other member states. The fundamentals of food safety are underscored by analysing the precautionary principle and risk. What is risk? What is safe? What is not safe? The agency, with its over-ambitious implementation timetable, will have some monumental problems sorting out commonality on various issues.

The hon. Member for South Ribble and I are members of the Agriculture Select Committee. We recently visited the United States as part of the Committee's inquiry into the World Trade Organisation. An interesting conundrum was put to us by the American Meat Institute; the sort of practical issue that deals with risk and the precautionary principle. The institute and American officials asked why the European union would accept meat from only four abattoirs in the United States. The FDA is a world-renowned organisation for food safety. People clamour to get FDA approval for their abattoirs and food-processing plants, so that they can send meat to the United States. That world body, which authorises abattoirs producing meat for United States' consumption, operates in a highly litigious world. However, those high standards are not accepted by Europe as being adequate for imports of American meat products to the European Union.

Those are some of the fundamental realities that the European Food Authority could be involved in. I do not understand how the waffly lack of specifics in the White Paper will help resolve such problems. The authority could become a toothless wonder, with no ability to discipline and co-ordinate at a European level.

When the Commission decides to establish organisations—the Minister was kind enough to refer to my previous ministerial activity—the bell that always rings to alert us concerns the issue of competency and what will be affected by the gravitational pull of powers to the centre. The Commission does not take powers unless it wants them and, like all organisations, once it has them, it wants to use them.

Hon. Members have mentioned the size of the bureaucracy that could be created. I am deeply sceptical about the relationship over time between a European body and the authorities and agencies that exist at member state level. The Minister was honest enough to point out the lack of specificity of the appropriate treaty basis that will underpin the operation of the authority. She said that we do not want the relevant EU treaty to be changed but, because we do not know precisely how the agency will derive its competency, we are left in a vacuum. If I were a Minister negotiating on this matter, I would not agree to anything until more detail was on the table and those basic principles were spelt out.

I do not want to detain the Committee unnecessarily, but if I were in my former position, I would query many aspects of the White Paper with officials. It is riddled with generalisations. Indeed, it is more like the recitals in a European directive than the tightly drafted document that we are used to. Before matters come to Council for decision, I hope that the Minister will press for a mark II version of the White Paper to be presented for further discussion and full-scale public consultation. The White Paper came on to the scene as the late, late reaction to a difficult period for the Commission. The new broom of Prodi swept the Commission clean. He wanted a food authority because everyone else was getting one. It was not properly thought through as a comprehensive approach to food problems.

It is surprising how much confidence European consumers show in the food that is offered to them. I love Italy. It is a country that takes its food seriously without having the discussions and paranoia that beset our press over food issues. That reflects our different cultures. The differences are healthy; they encourage diverse food and a diverse approach to diet. That is where the principle of subsidiarity, if properly applied, would safeguard the national interest. My worry is that, like all big organisations, the authority's sheet weight will bear down on the flexible and sensible systems that we have adopted. Europe will be the loser if the authority is not properly and carefully formulated.

12.58 pm

Mr. Keith Darvill (Upminster): I, too, congratulate hon. Members on what has been a healthy debate.

There is a broader issue than that raised by the right hon. Member for Fylde (Mr. Jack): Although confidence in food is important, we should also

consider confidence in the European Union. I agree that it is too optimistic to claim that we will complete the aims in the time set out in the action plan on food safety, but the plan does reveal the areas in which the EU is involved. Although I agree with the hon. Member for Meriden in some respects, we need to deal with the issues. If we let the status quo continue, we will be failing consumers throughout the European Union.

I broadly welcome the proposal as a way of increasing consumer confidence, which is fairly but not uniformly high. Food information and consumer confidence in food must be maintained and enhanced: the proposals are a way of ensuring that and of avoiding duplication. If I were a member of the Government, I would be bold about the proposals, which could have considerable gains. A body that is not accountable and which panders to broader interests will fail. We should use the proposals as a positive means of putting positive solutions to our European partners and of being at the heart of the debate.

It is inevitable that European integration will occur in relation to food safety, whether or not there is a European Union. It is a fact of life that greater European integration has occurred in respect of food. If the European Union did not exist, there would still be a need to establish international arrangements for handling safety issues. Consumer demand for food safety information and for reliable scientific conclusions will increase as time passes. Currently, duplication is often inevitable, so the authority will provide an opportunity to obtain better value for taxpayers and consumers. If we are aiming for better value, better information and greater consumer confidence, we should consider the proposal in a positive rather than a sceptical manner.

Food is one of the aspects of the European Union's role about which the public are most sceptical. We all know about the number of press articles that do not identify the true facts and have seen such writing in the tabloids many times. The concentration by the press on such issues has undermined confidence in the European Union itself. Consequently, there is a demand for the new organisation. Without it, politicians will be put on the spot and asked why disputes and other food safety issues are not being resolved. The need for international action on such matters is widely acknowledged.

I was a little disappointed by the Minister's answers to questions about labelling, which is of utmost importance for consumer confidence. I cannot see how any nation could go this alone; we all eat foods from all over the world and large numbers of food products pass across European Union boundaries. Our consumers will inevitably demand a Europe-wide standard of food labelling; indeed, they will probably demand a worldwide standard. By introducing the authority, the European Union could be setting an international standard that would benefit everybody.

As I said, my approach is to be bold and positive about the proposal, from which much good can come, despite the scepticism. If it proceeds and develops properly, it will be of great benefit for the European Union and for consumers throughout Europe.

12.24 pm

Mr. Owen Paterson (North Shropshire): It is a great pleasure to serve under your chairmanship for the first time, Mr. Sayeed, and I hope that it will be a pleasurable experience for other hon. Members. It is also a pleasure to stand before the Minister, whose contribution I am looking forward to, as I was quoted in the press last week as having views like Rasputin when I called her to come to the Dispatch Box. Actually, I am disappointed because she seems to underestimate completely what the White Paper is all about.

Having served on the Select Committee and the Standing Committee that considered the creation of the Food Standards Agency, I have taken an interest in this subject, and believe that it is important to distinguish between the problem of food safety and the public's perception of it in this country and in Europe. We eat more than 60 billion meals a year. The latest figures that I have obtained show that there were 32,596 cases of salmonella in 1997. That figure tumbled by 28 per cent. in 1998 to 23,420. Frankly, no one has a clue why that happened, but the most likely explanation is that it was a cold summer, so people ate more beef and less chicken. About 100,000 cases of food poisoning are reported annually by doctors, although we do not have laboratory confirmation of that. Any death is tragic, but in 1997, there were 307 deaths from food poisoning compared with 3,278 deaths on the roads, 3,499 accidents in the home in 1996 and 3,445 suicides in 1996.

There is a great gap between the real risk from food and the perception of people in Europe, where there have been three great public cases. First, there was the case of BSE in this country. About a year before that, there was the case of contaminated blood in France when the Prime Minister, Laurent Fabius, nearly went to gaol. More recently, there was the dioxin scandal in Belgium. All those cases were hyped up, often by irresponsible media-hungry professors, who seem to enjoy appearing on television and radio, but they have knocked the European public's confidence in public authorities. That is in marked contrast to what the hon. Member for South Ribble and my right hon. Friend the Member for Fylde saw last week in America, where the Food and Drug Administration commands tremendous confidence among the American public, partly because it is so open and immediately puts on the internet any information that it receives.

Will the Minister say whether the new authority will be open and whether it will act as a transmitter of information? There is a role for a genuinely independent body to collate and analyse the latest information and to research and distribute it to food producers, which is where responsibility should lie. It should be left to food producers to decide how food is sourced and created—in little or big plants, by multinationals or cottage firms. In addition, food producers should be jumped on if the outcome fails, but they should not be told, in a dirigiste manner, how to run their own businesses. This is where I part company with the Government on the Food Standards Agency because, in recent years, we have seen a deluge of directives imposed by interfering bureaucrats and ignorant people who try to tell food producers how to run their businesses. However, they achieve nothing

[Mr. Owen Paterson]

except to impose greater costs and drive people out of business, and there is no improvement in food safety.

I shall quote one letter to give the Committee a flavour of the imposition of too much regulation. The letter comes from a company in East Anglia which produces turkeys. It says that much of the content of the regulations and European directives defies logic. To make the point, the Government and the functionaries who administer the regulations have never been able to defend their position when faced with the arguments of logic, common sense and fact. It does not take a genius to work out that the only sectors to have gained any advantage from the draconian rules are the army of bureaucratic administrators and boatloads of unemployed Spaniards, the latter of whom have been imported into this country solely to make up numbers to fulfil the European directive.

My correspondent refuses to refer to this immigrant labour force as vets, because he knows from report and personal experience that they are poorly trained and far from qualified to offer the level of service that the public need. Furthermore, he feels that to do so would insult all the British vets who have worked for seven years for the right to bear that title.

Those are the words of a man trying to run a business, who knows how to produce food. He should be left to run his business, which should be judged on the outcome. The gist of the letter is about the huge increase in inspection charges. My correspondent points out that there is a charge of almost £40 an hour for the services of those people, who know as much about a turkey as he knows about a llama. He says that it makes one want to spit, especially when the Government seem hell bent on increasing the charges, some by as much as a staggering 80 per cent.

He adds that one Spanish vet at his plant did not, after two months, know the difference between a turkey and a chicken. Because of the Government's misinterpretation of the word "vétérinaire" and the imposition of qualified vets on this country instead of the food inspectors that the rest of Europe has, we have a massive problem of imported vets who are not knowledgeable about killing and dressing animals. One in Shropshire mistook a pig's carcase for a bovine carcase. That is the level of ignorance.

What I have described is happening under our current regime. The reaction is a deluge of regulation and inspectors who are not adding safety values, because they do not understand the business. The people who run the business should be left to produce the food. If the food fails, they should be jumped on.

Mr. Borrow: I recognise the point that the hon. Gentleman is making. Should regulation be applied at the time the food is produced, or should the food be checked afterwards? At what stage does the hon. Gentleman think that turkeys or other food should be checked? If not during production, presumably he would agree that there should be a higher level of regulation and inspection afterwards. I am sure that he remembers last week's discussions in America. The United States' inspections of imports vary according to what is known of the plants producing the food.

Mr. Paterson: That is a fair point. I have said that producers should be judged on outcomes. If they fail to produce healthy, safe food, those failures should be monitored and the producers should be fined extremely heavily. We could replace the Food Standards Act 1999 with one line stating that any food company responsible for a serious food poisoning case should be fined a year's turnover, and should be left to sort things out. That would be more effective than creating the enormous quango that we have done.

Something else that is causing fear in my constituency, where there is a large dairy area, is the extraordinary prejudice against unpasteurised milk. There has not been a single case of food poisoning from unpasteurised milk in the past five years. Badly pasteurised milk has caused the trouble. Sadly, many healthy and delicious cheeses will shortly disappear from all over Europe, because the derogation from the dairy products hygiene directive for small producers will be lifted. They will be wiped out.

Dr. Ladyman: One of the few areas on which the hon. Gentleman and I agree, which we came across when serving on the Committee that considered the Food Standards Agency, is the matter of flavour. He and I both believe that flavour and the processes needed to produce high flavour food should be considered in determining how food should be processed. We were never able to persuade the Government to take that into account. Does he think that, given the traditional interests of the French and Italians in such matters, we might have more success in persuading the European Food Authority to take those things into account and support small manufacturers and traditional processes?

Mr. Paterson: I was happy to agree with the hon. Gentleman. I do not have faith that the directives are imposed uniformly. We have the old problem of gold plating, in that we are far more rigorous in interpreting directives and far more efficient and better equipped, with a competent civil service, to impose them. In theory, many traditional European cheeses made by small craft producers could be wiped out by the directive for no health gain. It should be for the cheese producers to deliver a healthy product, even if it comes from an unstable source product. Unpasteurised milk is not unhealthy as long as it is handled extremely carefully. Farms such as Appleby's near Hawkstone in my constituency, produce fine cheese. The process is immaculate—one cannot take risks with an unstable product such as unpasteurised milk.

Everybody has underestimated the question that we are considering. If the annex and the 84 points were put into action, the programme would be larger than the Queen's Speech. It represents a potential revolution in European agriculture and food production and we have treated it as though it were a friendly new agency to be established on the continent. My questions were serious. The proposal to establish food safety as a primary objective of new food law could rewrite the Food Standards Act 1999.

The document is dramatically revolutionary and no one in this country seems to have woken up to its impact. It has been presented with friendly press releases from the Commission on plans to

improve and bring coherence to the Community's legislation covering all aspects of food production from "farm to table".

That all sounds good friendly common sense. The reality in the 84 annexes is astonishing.

There is more to the matter than that. My hon. Friend the Member for Meriden mentioned the food police. The document COM (1999) 719 includes a bland announcement that the Commission would be seeking

more rapid, easier-to-use, enforcement procedures—

that would be

in addition to existing infringement actions.

That passage must be read with the one on the Commission's inspection service, which already visits member states regularly. That service is the Food and Veterinary Office, based in Dublin. It has undergone significant expansion, going from 150 inspectors to 600, with plans to take on more. On the basis of the service's inspections, the Commission proposes fast track enforcement whereby, instead of resorting to time-consuming tedious procedures for referring infringements to the European Court of Justice, it would be able to levy direct fines recoverable through the withholding sudsidies. An instance of such action was the fine on the UK of £200 million for a breach of the fine habitats direcive. The situation is happening now—the Commission has the powers.

The net effect is that we have a new breed of euro-inspectors armed with the powers of judge and jury. They are ready to dictate enforcement policy and to back up their action with massive powers to impose huge penalties. We have no power of appeal. All the work that the hon. Member for South Thanet and I undertook on the Committee discussing the Bill on food standards was a waste of time because the powers would overtake the Department of Health, make the Under-Secretary redundant and overtake the Ministry of Agriculture, Fisheries and Food. They would make the Food Standards Agency a toothless poodle shunting paper from a powerful agency that would have the right to go into slaugherhouses and food plants and to impose fines. I would like the Under-Secretary to tell me if I am wrong.

The background is the Commision's realisation that the European Union is not popular. In the interesting press release COM (2000) 154, it said:

> Real success is only possible if the institutions act in concert and the public has confidence in Europe. The low turn-out at the European Parliamentary elections shows how necessary it is to retain public support for the whole process of integration.

The Commission has seen that it is unpopular and has hijacked issues such as the environment and legitimate public concerns on food safety and hitched them to its constant drive to gather more political power to to centre.

I strongly oppose the establishment of the agency. The move represents a complete contrast to what we saw in the United States last week, when an agency concerned mainly with collating and distributing information got the confidence of the public. I did not criticise the scientists of the Euorpean Union, which the hon. Member for South Thanet suggested. I criticised the Commission's ability to use science sensibly. I quoted a couple of cases, including the directives on slaughterhouses and on unpasteurised milk, showing that the Commission's track record is not good in this respect. Members of the Commission are not experts.

I envisage higher costs, more interference and more regulation being imposed on a food sector that, on the whole, delivers the goods. The cost will be the destruction of a pretty successful system of inspection by local government, which will effectively be subsumed, and a reduction of the Department of Health, the Ministry of Agriculture, Fisheries and Food and the Food Standards Agency to poodles of a new central power. This is a massive change. It should not be discussed in only this Committee by fewer than a dozen Members. Do the Government intend to publish a White Paper and to debate this issue on the Floor of the House of Commons?

12.41 pm

Ms Stuart: For one moment, I thought that we might have a large-scale outbreak of agreement. However, I am delighted that the hon. Member for North Shropshire has re-energised me to bring our discussion back to what the debate is all about.

We want a European Food Authority because consumer confidence in advice received at a European level has suffered, and needs to be re-established. This discussion is part of the first stage of the consultations taking place at the end of April. Reports will be made on those consultations, and proposals will be introduced in September. This is a legitimate process, and to criticise it as lacking in detail and clarification at this stage, and to say that the institution is not worth having because the proposals are not as precise as one would wish, undermines the consultation process. This early debate provides an excellent opportunity to discuss the matter.

It is neither the Government nor the European Union's responsibility to produce safe food. That is the responsibility of the food producers. The Government and, in some cases, the European Union are responsible for providing a safety framework. It may be a seductive notion to suggest that we do not need any such framework and that anyone who produces unsafe foods should be fined according to their annual turnover. I would like to see the hon. Member for North Shropshire tell that to the relatives of the people who died during the outbreak of E. coli in Lanarkshire, while adding that they must also take responsibility for the funeral costs.

We must take some responsibility in such circumstances; we cannot leave everything to the free market. If scientific evidence suggests that something might be unsafe in the long term, but that its adverse effects could take a considerable time to manifest themselves, companies could have ceased to exist, merged or disappeared off the screen by the time that happened. Who would take responsibility in those circumstances?

[Ms Stuart]

It is frivolous and irresponsible to suggest that the Government and the European Union should not treat food safety and scientific advice with the utmost seriousness. Food is a special issue. It is not the same as negotiating standards on the size of threads in linen manufacture, in which it could be argued that one was equalising trading conditions and allowing the purchaser to make a choice. Food is not just a purchasable good; it is the essence on which we all depend. We need a structure, and I agree with the right hon. Member for Fylde that we must recognise national differences and preferences, and the necessity for member states to have the final say. We must firmly knock on the head any notion that a Food Standards Agency or a European Food Authority is unnecessary. Let us see why.

We have here an opportunity to build on what I regard as a tremendous success in Britain—the setting up of the Food Standards Agency. We have extremely safe food and we want to build on that in Europe. The European Union, supported by all 15 member states, wants a European Food Authority. Through our experience of setting up the Food Standards Agency in the United Kingdom we have an opportunity to influence the way in which the European Union and its institutions are shaped. Britain has always been criticised for not being proactive enough. This is our opportunity, and today's discussion relates in part to the way in which we can shape the system.

I share the concerns of the hon. Member for Meriden about accountability. The authority must be democratically accountable. One suggestion is that it should report not only annually to the Council but to the European Parliament.

The dispute resolution procedure will never be easy, but mechanisms of agreement could be achieved by setting up a consultative committee of the heads of national institutions. If a member state does not comply with instructions, that would not be peculiar to the European Food Authority; it is one of the difficulties that we face all the time in our relationship with our European Union partners.

Moving the rapid alert system to the EFA will not only speed up the procedure, but will tighten up the notification system. The dioxin problem was one that the Belgian authorities did not notify quickly enough. I should have thought that all hon. Members would support that move.

My hon. Friend the Member for South Thanet made some valid points in his contribution. I want to deal with the question of nutritional advice and, within that, the labelling issue, which was raised by my hon. Friend the Member for Upminster (Mr. Darvill). There is already a great deal of uniform labelling. I may not have expressed myself clearly enough: I was referring specifically to the labelling of allergens, which moves towards the public health side. When there are medical implications, labelling is important. My hon. Friend the Member for Upminster will find that we are in general agreement about labelling.

On the public health issue, when the Food Standards Agency was set up it was recognised that it would have a role in advice. The Department of Health has a more significant role in specific programmes. Member states agree that, in its public health role, the European Food Authority should not go further than safety when it deals with individual nutrition.

The speech of my hon. Friend the Member for South Ribble went to the heart of many of the underlying tensions with which we have to live. He asked when the risk was acceptable and when a cautionary principle became a force for inertia. There will always be tension, but the cautionary principle must not be applied in such a way that trading is stopped. We may say that there is a perceived risk and give the consumer a choice, but sometimes the risk will be so high that that would not be appropriate. That is why we need co-ordination about the stages at which the member states feel the level of choice should be provided. That will be subject to negotiation and continuous review of the scientific advice. The debate about genetically modified food is ongoing. What is needed is scientific testing that will allow us to take the debate further. We need to reach an agreement on that.

I deeply disagree with the hon. Member for South-East Cornwall. I accept his concerns about risk assessment and risk management, and that some of that must be co-ordinated, but I believe there is a need for a European Food Authority. The question here is how its competence is defined clearly and how the relationships with the member states develop. We would expect there to be extremely close relationships. These would not be adversarial, and states would consult and draw on each other's experiences. Its overall purpose, as I keep saying, is not to be another bureaucratic institution, but to add value. To do that, it must draw together all the scientific advice.

The hon. Member for North Shropshire was very taken by the way that the FDA publishes its information, and we hope to see something similar with the European Food Authority. That is at the discussion level at the moment, but I would not subscribe to the hon. Gentleman's totally laissez-faire attitude of simply publishing the advice and saying take it or leave it. There should be a way forward in terms of risk management.

Mr. Paterson: The Minister somewhat caricatured what I said. I in no way underestimated the horrors of food poisoning. I just put it in perspective against other causes of death, pointing out that food is safe on the whole. In the Lanarkshire case, the business was inspected by public officials beforehand. My point was that lives could perhaps have been saved if there had been an agency distributing the very latest information on the proximity of cooked and uncooked meats. I also did not say—I strongly resent the suggestion—that there should be no debate on this. That is why I called for a White Paper to be debated on the Floor of the House. I shall be grateful if the Minister can answer that point.

Ms Stuart: Much of what has been put forward in the recommendation is already in the public domain. The structure of the European Food Authority and the Government's response is our next step. We will have to see where we go after that. The hon. Gentleman contradicts himself. The Lanarkshire incident would

not necessarily have been avoided if the information had been made available. We always need information and enforcement. I come back to something that my son said to me when he was 13 years old: just because I can hear does not mean that I am listening. Simply making the information available is not in itself sufficient. That is why the current structure of the inspection is a way forward.

It has been a valuable debate, but I should like to close with a clear statement from the Government; we welcome the overall aim of a European Food Authority. We think that it is a way forward to reassure the consumer. We hope that there will be full input from the FSA, which has useful practices. We want to see the highest standards of food in this country and in the rest of Europe. Despite some of the comments in the debate today, and the clear issues that still must be resolved, we intend to work closely, openly and co-operatively with the Commission in the development of this.

Mrs Spelman: I have no wish to detain the Committee, but I should like to signal something that we want to do and our reasons for doing it. At the beginning of my speech I set out the acid test by which the Opposition would assess the necessity for the food authority, which is whether it would enhance food safety and public confidence in the food chain to a greater degree than could be achieved without it. We are not satisfied on that point.

Given that I am eligible to vote, I shall be looking for the opportunity to express my dissatisfaction. The example cited by the Minister to justify the need for a European Food Authority—the E. coli outbreak in Scotland—is a hostage to fortune. Sadly, in that case, a mistake was made by someone who was required to carry out an inspection. I do not believe that a European Food Authority will ever have the efficacy at the point of the human error occurring to guarantee that an outbreak of that nature could be avoided.

Ms Stuart: I want to put on the record that citing the example of E. coli was a way of saying that food can be dangerous; it was not a major justification for the need for an EFA.

Mrs Spelman: The Minister's clarification is helpful. We must be careful when using such an example. We are not satisfied that the document will achieve greater food safety and public confidence. We shall take advantage of the opportunity to be able to express that formally.

Mr. Paterson: The implications of the document are so momentous that it justifies the publication of a full White Paper and a debate on the Floor of the House, so that the country understands what the matter is all about. Will the Minister say whether that is likely to happen?

Ms Stuart: I note what the hon. Gentleman says.

Question put:—

The Committee divided: Ayes 4, Noes 1.

Division No. 1]

AYES

Borrow, Mr. David
Darvill, Mr. Keith
Henderson, Mr. Ivan
Ladyman, Dr. Stephen

NOES

Loughton, Mr. Tim

Question accordingly agreed to.

Resolved,

That the Committee takes note of European Union Document No. 5671/00, a White Paper on Food Safety in the European Union; and supports the Government's view that consumer concerns and the complexity of current arrangements demand urgent action to develop a coherent EU policy for the foodstuffs sector; to this end, welcomes the establishment of a European Food Authority; and notes the Government's commitment to identifying the most appropriate terms and structure for such an Authority with the objective of improving and enhancing food and safety and associated EU regulatory process.

Committee rose at two minutes to One o'clock.

THE FOLLOWING MEMBERS ATTENDED THE COMMITTEE:

Sayeed, Mr. Jonathan *(Chairman)*
Borrow, Mr.
Darvill, Mr.
Henderson, Mr. Ivan
Jack Mr.
Ladyman, Dr.
Loughton, Mr.
McIntosh, Miss

THE FOLLOWING ALSO ATTENDED, PURSUANT TO STANDING ORDER NO. 119(5):

Breed, Mr. Colin (*South-East Cornwall*)
Fitzpatrick, Mr. Jim (*Poplar and Canning Town*)
McNulty, Mr. Tony (*Harrow, East*)
Öpik, Mr. Lembit (*Montgomeryshire*)
Paterson, Mr. Owen (*North Shropshire*)
Spelman, Mrs Caroline (*Meriden*)
Stuart, Ms Gisela (*Parliamentary Under-Secretary of State for Health*)

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