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Berlin, 6. April 2020

URGENT – food safety and consumer protection must not be lowered during the Corona crisis – call for more transparency following 2020/466

Dear Commissioner,

We are writing to express our deep concern at the publication of Commission Implementing Regulation (EU) 2020/466 on 30 March *on temporary measures to contain risks to human, animal and plant health and animal welfare during certain serious disruptions of Member States' control systems due to coronavirus disease (COVID-19)*.

We do not need to remind you of the importance of regular and high-quality food controls for food safety. There is no evidence that this Corona virus is transmitted via food. However, every year a preventable number of people fall ill with food-borne infections (e.g. Listeria, Salmonella, Campylobacter, Noroviruses) - this must be avoided as far as possible at all times, but even more so at a time when the COVID-19 poses a considerable health threat, and citizens with a weakened immune system can be even more vulnerable to further infection. For examples, according to EFSA in 2018 Member States reported 246,571 cases of Campylobacteriosis. The highest occurrence was detected in chicken meat (37.5%) and turkey meat (28.2%)¹. This is not the time for the quality or quantity of food inspections to be watered down.

It is the duty of the food authorities in each Member State to ensure that the specified inspection frequencies are adhered to and that their inspection staff are adequately equipped with the necessary protective clothing etc. so that they do not have to bear any unnecessary risks of corona infection. If these requirements are not given, we consider this a significant oversight of the past that must be remedied in the future. Should it be proven that, due to protection equipment shortage or staff shortages (e.g. illness, quarantine) as a result of the corona crisis, an authority is temporarily unable to carry out food controls to the specified extent, this is acceptable for a short period of time - provided that the authority fulfils its obligation to make transparent how many controls it has to carry out, how many it usually

¹ Source: <https://www.efsa.europa.eu/en/topics/topic/campylobacter>

carries out and how many inspections in which areas over which period of time are cancelled due to corona.

foodwatch has pointed out many times in the past the persistent weaknesses in the implementation of General Food Law 178/2002 concerning national controls. This crisis must not be used to further lower the frequency and quality of control requirements. In addition, food controls must not be delegated to private companies. While the food companies themselves bear the responsibility for internal checks, foodwatch underlines that the public authorities are ultimately responsible for inspections and enforcement of consumer protection law and will be ultimately responsible if there is an additional food scandal at this time.

In addition, we have seen correspondence between the German Federal Minister of Agriculture Julia Klöckner to the head of the Chancellor's Office to ask for support in order to achieve several goals to relieve the food industry. She writes (own translation): "Administrative action can cause delays in production and logistics for a small number of workers due to illness or quarantine and interrupt food deliveries." She continues with a proposal: "to allow flexibility and reduce the required minimum density of on-the-spot inspections by agricultural and veterinary authorities (Commission)."

In France we are aware that the DGCCRF (French food control authority) is willing to relax measures around food labelling. A difference between the actual recipe and the labelling of the product is now tolerated under certain conditions. The control services have apparently been instructed to accept the request of operators who would be forced to change their recipe because of cyclical supply difficulties, provided that the request is well-founded and that the difference does not pose a risk to consumers. (...) These relaxations would also concern the labelling of the indication of the origin or place of provenance of the primary ingredient of a foodstuff (EU Regulation 2018/775)².

In the Netherlands, the Minister for Agriculture has also answered to Parliamentary questions that the Dutch Food and Consumer Product Safety Authority, the NVWA, decided to stop part of the inspections because of the corona crisis.

At this moment it is more important than ever that EU citizens can trust that the EU is doing the best possible to protect their health and safety. Measures to reduce safety standards such as this regulation 2020/466 and the request from the German Minister and changes in practices in labelling in France are not going in the right direction.

The corona pandemic in no way justifies any attempts by the food industry to weaken the legal requirements for food safety and consumer protection. The exact opposite is the case. The only right consequence of the crisis is to strengthen surveillance in Europe, to network it more intelligently and to make it fully transparent to the public. The single market has to serve the people.

² Source: <https://www.processalimentaire.com/qualite/covid-19-la-dgccrf-assouplit-les-mesures-d-etiquetage?sso=1585903590>

We are calling on you to urgently ensure that EU citizens are not more exposed to further health risks and fraudulent behaviour during this crisis. We ask you to be vigilant in your response to the food industry in the full realisation that it is the public authorities that in the end will carry the responsibility for food that goes unchecked and scandals which can ensue. In addition, we ask you to make public on the website the applications from Member States for temporary measures allowed in this Regulation.

This crisis must not be used to lower food standards in the EU – on the contrary this is the time to tighten implementation of EU food law.

Yours sincerely

A handwritten signature in blue ink, reading "Thilo Bode". The signature is written in a cursive, flowing style.

Thilo Bode