

Safe Foods Symposium:

French Food Safety System – Outstanding Observations

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SAFE FOODS (“Promoting food safety through a new integrated risk analysis approach for foods”) is a European Commission-supported Integrated Project (2004-2008) involving 33 institutional partners from 15 European countries, China and South Africa. It is coordinated by Dr. Harry KUIPER and Dr. Hans MARVIN of the Institute of Food Safety RIKILT, Wageningen, The Netherlands.

Work Package (WP) 5 coordinated by Pr. Ortwin RENN and Dr. Marion DREYER of Dialogik gGmbH, Stuttgart, Germany, is concerned with food safety regulatory arrangements. Among the tasks of WP5 is to analyze national specificities, commonalities and differences of regulatory procedures and structures as they have developed within the larger European and international frameworks. In this goal, collaborating partners have reviewed the regulatory architecture in five European nations (France, Germany, Hungary, Sweden, United Kingdom) and at the European level.

For the report reviewing food safety arrangements in France¹, 24 persons accepted to be interviewed (December 2004-May 2005). They include senior and desk-level officials from public risk assessment and management institutions, experts and critical observers, and stakeholders. A workshop event gathering these actors is reported on www.safefoods.nl under “News-Events-Training”.

1. French Food Safety is Embedded in a Health Security System

In reference to Section V.1 of the French report

In France, food safety is embedded in a larger system of “health security of products destined for human consumption” created with the Public Health Code in 1998.

The HiV-contaminated blood scandal of 1982-85 (with judiciary follow-up in the early 1990’s) brought attention to the danger of mixing the risk assessment and risk management roles. This was addressed by creating medical agencies in 1993.

The 1998 system for health security of products for human consumption was pressured into being by France’s own series of traumatic contamination events outside and inside the food safety domain (HiV-contaminated transfusion; high incidence of CJD in youth exposed to contaminated growth hormones in 1983-88; listeriosis epidemics in 1992-93). The European mad cow crisis was confirmatory, not triggering.

“Health security” reflects a systemic notion of public health governance. Reflection on how to improve this governance appears to be hazard-based. Proposed major evolutions to the organization of health security today center on e.g., a “super agency” that would undertake assessment of product, environmental and occupational risks. This proposal reflects awareness of the need for systemic risk analysis.

2. There is Organic Separation in France Between Food Risk Assessment and Risk Management

In reference to Section I.1.1, Figure 1, and Section V.5 of the French report.

Since the issue of the 1998 Public Health Code, French public health and health security policy has been based upon the principle of an institutional separation between risk assessment and risk management.

The principal public institution tasked to assess food and feed risk is AFSSA (*Agence Française de Sécurité Sanitaire des Aliments*, French Food Safety Agency). Three other major public institutions are involved in food risk management. They are: DGAL (*Direction Générale de l’Alimentation* – Directorate General for Food), DGCCRF (*Direction Générale de la Concurrence, de la Consommation et de la*

¹ Mays, C., Jahnich, M. & Poumadère, M. (2005) *French food safety under review: An institutional analysis*. Final report to SAFE FOODS WP5 and Dialogik gGmbH. Paris: Institut Symlog. 152 pages. Available from claire.mays@post.harvard.edu; to appear in 2006 with the other national studies as a chapter in a book edited by E. Vos & F. Wendler (*Ius Commune Europaeum* series published by Intersentia, Antwerpen).

Répression des Fraudes – Directorate General for Consumer Affairs) and DGS (*Direction Générale de la Santé* – Directorate General for Health). Each is placed within the respective tutelage ministry.

Interviewees drew attention to a number of difficulties created by the separation of the risk analytic functions. They welcome institutional separation as a needed response to the historical situation that produced the HiV-contaminated blood and other tragic scandals. However, this separation does not solve all problems and once installed, it does not run maintenance-free. Indeed, a high level of cooperation and coordination is needed to make the risk analysis cycle work.

Outstanding issues in the articulation between the actors of assessment and management include:

- Referral questions that demand not assessment, but proxy decision making
- Managers locked out of assessor meetings, which both sides (but especially managers) sometimes feel as a loss
- Opinions reworked by AFSSA directors as they transit from assessors to managers and the public
- Opinions containing recommendations so strong they force the managers' hand
- Opinions released to managers and to the public at the same time, again forcing the managers' hand.

Some of these problems and issues have been addressed head-on by the actors involved. One example is AFSSA's introduction of quality procedures in referral handling, including training by assessors to help ministries and associations better formulate their questions. Working groups—an alternative to expert panels when the referral requires a detailed scoping discussion and open exploration before scientific assessment can take place—are another response. They are evaluated positively by all involved.

3. Risk Evaluation Remains a Missing Link

In reference to Section V.2 of the French report.

A distinct socio-economic evaluation function is absent from France's food safety architecture. Today the scientific evaluation of benefits, of the risk/benefit relationship, and when appropriate risk transfers, is not undertaken by any organism. This means that lack of clarity subsists. A multi-partite representative organ, the National Council for Food (CNA), exists but it is tasked with the evaluation of policy, not risk. Composed of almost 50 food chain representatives, it certainly could not respond in real time to case-by-case evaluation needs even if its membership did embrace the needed technical skills.

While the evaluation function was apparently overlooked during the 1998 reform, the need for socio-economic evaluation is recognized. The CNA and other food safety actors are actively reflecting on the form that may be given to a future evaluation body.

The evaluation concern is not limited to the food domain. Reflection in France on the definition and application of the precautionary principle has given a significant place to this question. Today decision makers do take socio-economic and political factors into account, but in a non-systematic manner. A consensus (confirmed by our interviews) seems to hover over the notion of a "second circle of expertise" that would offer for risk evaluation the same guarantees of transparency and excellence as have been organized for risk assessment.

Questions raised by our interviewees include the following:

- Who should be tasked with this "second" assessment in the area of food safety? Should the CNA be transformed? Should AFSSA take on this new role in an explicit manner? Should a new body be created?
- Which disciplines should be represented?
- Should socio-economic assessment take place in parallel with sanitary risk assessment, or come second in sequence? Will the time necessary to conduct each assessment "dovetail"? How much time is needed to conduct a socio-economic assessment?
- Should socio-economic assessment be triggered for each risk file or only for high-profile or sensitive subjects like GMO?
- How will economic evaluations and societal evaluations be weighted respectively? How to take into account perceived costs of radically different orders?