A DIFFICULT BALANCE: SCIENCE, POLITICS AND POLICY-MAKING ON FOOD

SPECIAL REPORT | 17 SEP. - 12 OCT. 2018
http://eurac.tv/9PM9

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The discussion about food policies in Europe is often heated up and quite frequently politicised.

The right balance between science, politics and policy-making has always been difficult to achieve. The industry calls on EU decision-makers to focus on science when it comes to food policies, while a large part of civil society organisations lash out against the agri-food industry, accusing it of lacking transparency.

A number of cases, ranging from glyphosate to neonicotinoids, has divided stakeholders and put the European Food Safety Authority (EFSA) in the middle of several clashes.

In this Special Report, EURACTIV.com will look at what is coming up next in the decision-making, in terms of food policies, the future role of EFSA in light of the newly proposed transparency rules, and the contribution of the agri-food industry and NGOs.
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Science and public opinion: Where do politicians stand?
The attacks of some campaign groups regarding the credibility of the European Food Safety Authority (EFSA) result in a “general erosion of trust” in the bodies designed to protect public health, EFSA director Bernhard Url told EURACTIV.com in an interview.

“Some of the same campaign groups who attacked EFSA’s credibility over glyphosate applauded our work on neonicotinoids,” Url emphasised.

Bernhard Url is the executive director of the European Food Safety Authority (EFSA), based in Parma. He spoke to EURACTIV’s Sarantis Michalopoulos ahead of the “Science, Food, Society” conference due on 18-21 September in Parma.

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INTERVIEW HIGHLIGHTS:

- There is a danger that institutions on which society relies in the long-term are delegitimised for short-term political interests;
- The advice of a food safety authority such as EFSA should not be misused as a cover for other interests;
- EFSA does not focus on the source of a scientific study but on its quality;
- Good science is the same all over the world;
- Any additional responsibility to EFSA should be accompanied with additional resources.

The title of the 2018 EFSA Conference is “Science, Food, Society”. What is the common thread that runs through these three elements?

When you deal with science, you deal with a methodological framework and data, while when you deal with food and society there are a lot of values attached. EFSA’s work is situated in the middle of this contrast between a value-free science (to the extent that this is possible) on one side and a domain, that of food, which is charged with emotions.

Food is culture, identity, social experience and hence a highly emotive issue. Science, which is analytical, systematic, objective and value-free, is at the opposite end of this spectrum. The common thread that runs through these three elements is trust. It’s the currency that holds the system together.

Trust is one of the main topics we aim to discuss at our conference. The title of EFSA’s conference aims to capture the interplay but also tensions between the different elements that affect decisions on food. Our aim is to provide a forum where hundreds of delegates from around the world involved in food and feed safety can explore these interconnections and discuss what is working well in the system but also about where there is room for improvement.

What has gone wrong with the trust of EU public opinion towards public food authorities in recent years?

I do not share this premise. The fifteen years of the existence of the EU’s General Food Law have rightly been celebrated as a success. It created a resilient system underpinned by scientific evidence. This is not to ignore the food safety incidents of the past such as the horsemeat scandal and the more recent fipronil-contamination of eggs for example.

These are cases of fraud that should be dealt with by the national authorities through law enforcement. But in general, European food has never been as safe as it is now. Fifteen years after learning the lessons of BSE, the EU’s food safety system has become a model for the rest of the world. A number of challenges remain including the increasing globalisation of supply chains, which brings new risks. New technologies such as blockchain could provide one tool in this area to support efforts on traceability for example.

There have been a handful of cases that have drawn significant public attention in recent years. Think about the debates on GMOs, pesticides such as glyphosate and artificial sweeteners, which have been highly politically charged. Some of the same campaign groups who attacked EFSA’s credibility over glyphosate applauded our work on neonicotinoids that were deemed dangerous.

The overall effect of this is a general erosion of trust in the bodies that are designed to protect public health. It’s an example of short-term political gain taking precedence over the long-term interest of citizens. This is part of a wider issue that faces public bodies and democratic institutions, including the EU as a whole.

I find it worrying because the danger is that institutions on which society relies in the long-term are delegitimised for short-term political interests.

There is a general discussion in Brussels about EU decision-making process. Critics suggest it is not science-based, as is the case in other parts of the world, and this affects Europe’s competitiveness. Looking at the glyphosate or neonics debates, EFSA is alternately praised or criticised by the industry or by NGOs. What do you think the EU should do to in order to restore this trend?

Good science is the same all over the world. It does not matter where it is produced. What is different is how other legitimate factors enter into the debate at the political level. That is how democracy works.

Policy-makers are responsible for deciding which priorities take precedence. The important thing is that it is made clear to citizens why these decisions are taken. The advice of a food safety authority such as EFSA should not be misused as a cover for other interests. Let’s be transparent about how policy decisions are made.

And if today certain laws are then considered to be out of date and no longer reflect society’s wishes, they must be updated.

On transparency: There are some MEPs who say the process is biased in favour of industry and suggest that the link between the companies and the commissioning of studies should be removed and placed in the hands of an independent body, possibly EFSA. What is your opinion about that? Could EFSA take this responsibility?

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The basis for the current pesticide approval model that industry should carry the financial responsibility for proving the safety of its products was decided by the legislators in 2009. EFSA maintains that the current process for handling and scrutinising the data it receives as part of the application dossiers is adequate and the evaluation process is transparent and objective.

Various models have been proposed recently and personally, I believe some of these are interesting. These proposals are currently in the hands of EU policy-makers and discussions are ongoing. But any change that would put additional responsibilities on EFSA could only be assumed in conjunction with a corresponding deployment of resources.

**According to the European Commission, EFSA’s budget will increase significantly, by €62.5 million per year. However, this amount will be part of the negotiation on the next MFF. How will you manage to deliver the new rules if no agreement is reached?**

EFSA can only assume the new tasks and responsibilities that are part of the review of the General Food Law if the latter are accompanied by a corresponding budget increase, as clearly stipulated in the legislative financial statement that accompanies the European Commission proposal.

If not, EFSA would have to reprioritise its tasks. The budget increase would not just be a boost for the EU’s food safety system but also a valuable long-term investment, with two-thirds of the money to be reinvested in Member State risk assessment organisations for the work their experts will do for EFSA. Currently EFSA is not in a position to compensate these authorities for such work.

The proposed budget increase would therefore increase the overall quality of expertise and safeguard the future sustainability of EFSA’s operations and risk assessment in Europe.

**According to the new rules, EFSA will be reinforced with external experts from member states. How will you ensure their independence from the national governments?**

The same stringent rules that EFSA applies now on independence will continue to apply to experts used by EFSA in the future. We’re open to organising the expert selection based on any decision by the legislators, as long as it ensures that the selection criteria of independence, scientific excellence and the relevant competency criteria are fulfilled.

EFSA was created specifically to separate risk assessment from the decisions taken by risk managers, following a number of food crises in the late 90s, when political priorities were put ahead of scientific assessments. It’s important this separation is maintained.

**Critics suggest that studies done by NGOs are accepted as a legitimate part of the political debate but they are not subject to the same standards as industry studies. Why is this happening? Shouldn’t all studies be equally treated, considering that we focus on scientific evidence?**

The source or provenance of a scientific study is not important. What matters is the quality of that study. All relevant studies are considered by EFSA in its assessments regardless of who carried them out. It is the job of EFSA’s experts to appraise the quality of studies and determine whether or not the study should form part of the risk assessment.

For industry-funded studies, there are guidelines that are drawn up at international level for how they must be produced and for the independently-audited laboratories that must carry them out according to specific standards of good practice.
Business confidentiality: The ‘hot potato’ of new EU transparency rules on food

By Sarantis Michalopoulos | EURACTIV.com

EU stakeholders are playing ping-pong with the body that will be responsible for deciding whether or not to break business confidentiality and make industry studies public, in line with the terms of the new transparency rules on food safety. EURACTIV.com reports from Parma.

Under the European Commission’s proposed rules, the European Food Safety Authority (EFSA) remains entitled with this task, which puts it often in a difficult position. [Sarantis Michalopoulos]

Under the EU Commission’s proposed rules, the European Food Safety Authority (EFSA) remains entitled with this task, which puts it often in a difficult position. [Sarantis Michalopoulos]

According to the proposed rules, all studies and supporting information that is submitted to EFSA for risk assessments are made public “proactively and automatically”. However, confidential information will still be protected “in justified circumstances, to be verified by the Authority”.

Who is going to interpret the business confidentiality is the “hot potato”, which no one wants to hold.

For different reasons, both environmental NGOs and the industry are pushing for amendments to the Commission’s new transparency rules on food.

NGOs express their concerns, saying that the industry could still take advantage of the legislation loopholes and avoiding publishing all the studies.

“While industry-funded studies play a very important role in EFSA’s evaluations of pesticides and other food-related products, only summaries of these studies are so far published, no full study reports,” the NGOs noted.

Although they believe that in general, the proposed rules are a move in the right direction, the organisers of the “Stop Glyphosate” European Citizens’ Initiative are pushing for specific amendments, which they say should lead to more transparency in

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decision-making.

They insist that the final text should not leave room for “contentious interpretation”, protecting EFSA from excessive confidentiality claims and costly litigations by industry.

Franziska Achterberg, Greenpeace EU food policy adviser, told EURACTIV that the public need to have the opportunity to see whether EFSA’s conclusions are in line with the evidence presented.

“So far, the studies submitted by the industry have been secret and just some summaries have been made public,” she explained.

Referring to industry’s responsibility, she noted that it should agree that it’s in the public interest to release these studies.

“We have heard arguments such as that competitors could use the studies for product approvals outside Europe, in another regulatory context. These are some issues to be sorted out among companies. It cannot be a reason to keep studies secret,” she emphasised.

PAN Europe, a network of European NGOs promoting sustainable alternatives to pesticides, insists that the reform of the General Food Law must be much clearer on what EFSA is allowed to release and what is considered as commercially sensitive and therefore confidential.

“For the moment, the proposal is not clear enough; it’s too vague regarding what the industry could claim as commercially sensitive,” PAN Europe’s Martin Dermine said.

“There must be an exhaustive list of what can be claimed, such as the production process but not, for instance, the list of ingredients of pesticides that are being sprayed to the environment. In our view, the lack of clarity of the past impeded or made it difficult for EFSA to disclose information,” he told EURACTIV.

Asked to comment on the legal cases pushed by NGOs against EFSA, he replied that if there was more clarity, if NGOs obtained the data of toxicological studies, there would be no need to have a court case.

“We don’t care how a pesticide is produced but we want to know if people are exposed and if it’s toxic. This is information that belongs to the general public, not to the industry.”

“OPEN EFSA”

An EFSA spokesperson hailed the Commission’s proposal for more transparency of the EU system, saying it would increase the scrutiny of the operations, and this resonates with EFSA’s strategic ambition for an “Open EFSA”.

“Political discussions are ongoing and whatever the outcome of the negotiations will be, EFSA will continue to work within the legal framework that the legislators will decide on,” the EFSA official noted.

So far there have been five cases where EFSA has defended itself regarding confidentiality decisions.

Asked about the cost of these cases, the EFSA spokesperson replied that on average figures for support services could be roughly around €30,000.

“This figure does not include the internal costs (time spent by EFSA staff on each court case).”

ANOTHER BODY?

A diplomat close to the issue told EURACTIV that the Austrian EU Presidency made another proposal regarding the issue last week. According to the diplomat, Vienna suggested this role be assigned to the European Commission, but the EU executive allegedly denied such a role.

Then the EU Council proposed the establishment of a First Instance Committee within EFSA and a Second Instance Committee in the European Court of Justice (ECJ).

The committees will be responsible for the confidentiality claims but the level of their independence or its relation with EFSA is not yet clear.

The Austrian Presidency is now waiting for the member states’ comments on its proposal, which could then be possibly discussed at the next meeting.

INDUSTRY: WE HAVE NOTHING TO HIDE

The industry also sees the Commission’s proposals in a positive light but insists on amendments to ensure the protection of confidential business information.

In March, the EU pesticide industry association (ECPA) announced a global commitment to make all safety-related data from studies publicly available.

“We wanted to make a clear statement demonstrating that we have nothing to hide,” Graeme Taylor, a spokesperson for ECPA, told EURACTIV. Taylor said amendments to certain provisions in the proposal were needed to strike the right balance between ensuring transparency in the risk assessment process and protecting what is “truly legitimate” confidential business information.

“Not because we have an interest in keeping anything from citizens or decision-makers, but from those who might choose to misuse the information, for example by using the names of scientists or addresses of laboratories where testing is carried out to be able to target people,” he emphasised.

He explained that the pesticide industry invests more than €5 billion each year in research and development, and it now takes on average 11 years and €250 million to successfully bring a new substance to market.

“Being able to safeguard confidential business information is essential to guaranteeing continued innovation and investment by our sector in Europe,” he concluded.
Over-regulating gene editing slows down innovation, Bayer says

By Gerardo Fortuna | EURACTIV.com

An extensive regulatory process on gene editing adds more bureaucracy, increasing costs and slowing down innovation, Liam Condon, President of Bayer’s crop science division told EURACTIV.com.

Speaking on the sidelines of the company’s first major event after the merger with Monsanto in Monheim (18 September), Condon commented on the EU Court of justice’s recent ruling that organisms obtained by mutagenesis plant breeding technique are GMOs and should, in principle, fall under the GMO Directive.

“I do think it slows down innovation in Europe and this will not only relate to agriculture but also to human medicines. But first and foremost, discussion right now is about agriculture,” Condon said.

According to Condon, small and medium-size breeding companies will not be able to afford the development of products using gene editing due to the extensive regulatory process that makes the efforts too expensive.

“This actually helps big companies who can afford to spend money on R&D but it prolongs in any case registration, making everything much more expensive,” he said.

Bayer’s executive also stressed that these added costs did not make the product safer, which is the real objective of the legislation. “Legislation wants to ensure that consumers have safe food, that would be ensured anyway. This process just adds on additional at the end of the day more bureaucracy and cost,” he emphasised.

For Bob Reiter, former Monsanto Vice-president and now Global Head of R&D at Bayer Crop Science division, the decision was a “tremendous disappointment”, and now the

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company is looking in how it could do
to potentially influence this decision.
“The thing is that we cannot use
the technology which basically does
nothing but creates things that we
already have in nature,” he added.

GLYPHOSATE AND CAP

Bayer’s acquisition of Monsanto
attracted some criticism for the risk to
its reputation of merging with the firm
behind Roundup, the controversial
glyphosate-based weed killer.
A landmark San Francisco trial in
August ordered Monsanto to pay $289
million in damages to a plaintiff who
had sued the company saying he had
cancer because of his exposure to the
herbicide. Hundreds of lawsuits are
pending in US courts.
Condon told the press that Bayer
inherited from Monsanto insurance
standard’s litigation products that
will protect the company for the next
trials in the US. At the same time,
he stressed, “There is no change in
regulatory status anywhere in the
world and there are no new scientific
findings or facts [on glyphosate].”
“All regulatory approvals remain
completely intact and growers
everywhere continue to have full
access to glyphosate,” he added.
He commented positively on
the recent Brazilian court ruling
which overturns an injunction
having suspended registration of
glyphosate in the country, saying that
“the reactions of both associations
and Brazilian agricultural ministry
explains how important glyphosate is
for growers.”

Asked by EURACTIV to comment on
the post-2020 Common Agricultural
Policy (CAP) proposals, he replied, “We
would expect a stronger emphasis on
environmental sustainability overall,
and in that context precision farming
will play a key role.”
“So, I think that new policies like
CAP will go more and more in that
direction which is a good thing,” he
said.

POPULISM AND EMOTIONS

Referring to the ongoing debate on
restoring confidence with the people,
he said there was a sense amongst the
general public that innovation and
food, it’s not necessarily a good thing.
“Particularly when it comes to
the food industry, as the products
marketed with the ‘free from’ label
showed: there’s no real scientific basis
but it’s appealing because it gives the
sense that it’s really natural.”

Asked by EURACTIV if it is difficult
to deal with a public debate led by
emotions, rather than scientific
findings he said, “It’s easier to be a
populist with the emotions.”
He noted that science required a
real understating of complex issues
and notions, which makes it, however,
difficult to win an argument purely
from a scientific point of view. The
best is a combination of science and
emotion.
Sustainability is viewed as a way
to overcome criticism, as “some
practices that are being proclaimed
as alternatives to use in science and
innovation are from a sustainability
point of view actually not sustainable.”
“Bayer has a huge commitment
to raise the bar from a sustainability
point of view. Our sustainability
targets going to be tracked as rigidly as
our financial target,” Condon said.
In this context, he explained, the
role of smallholders it’s going to play
an extremely important role. “We are
the biggest agricultural company in
the world and the vast majority of the
farmers are smallholders. The type of
solutions that smallholders require
are very different than solutions big
companies require and we have to give
a special attention to their needs.”
The dialogue Bayer wants to
establish is not only with the public,
Condon said, adding that the new
company is “in a listening mood also
with the customers”.
“We’re not just telling our
customers, this is what we going to
do, but we’re asking them what they
expect from us,” he concluded.
The European Food Safety Authority (EFSA) has released fresh data which re-confirms the toxicity of copper compounds, pesticides that are used in organic farming.

Copper compounds, including copper sulphate, are authorised in the EU as bactericides and fungicides. They are approved for use in organic farming, particularly for potato, grape, tomato and apple production systems. Copper compounds are candidates for substitution meaning that copper is a substance “of particular concern to public health or the environment” and is to be phased-out and replaced.

In its previous assessments, EFSA said that copper, and particularly copper sulphate, poses a risk across a number of categories (including humans that work directly with the chemical, as well as numerous categories of animals).

However, EFSA had also acknowledged “current guidance for the environmental risk assessment of pesticides does not specifically cover metal compounds”.

The EU food watchdog has
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now analysed fresh data, so-called “confirmatory data”, and concluded that nothing changed its previous assessments.

“Considering the information available in the framework of the confirmatory data, the risk assessment remains unchanged, and therefore the new information provided does not change the overall conclusion drawn during the renewal assessment of copper compounds,” the report noted.

EFSA’s new report will put Eric Andrieu, an MEP from the Group of the Progressive Alliance of Socialists and Democrats (S&D group) and the chief of the PEST committee, in a difficult position.

The committee was created to monitor the transparency of pesticide authorisation in the EU.

Andrieu has insisted that public health should be prioritised against economic interests when it comes to pesticides’ authorisation.

But in the case of copper, he has called for policy-makers to show flexibility.

“Alternatives to copper remain very limited and currently do not meet the demand of 500 million consumers. In the short term, the survival of a large part of European winery, in particular, the organic winery is at stake. The Commission and the member states must take this into account in the decision-making process,” he told EURACTIV.com in June 2018.

In December 2017, the European Commission and member states agreed to extend the use of copper compounds for one year.

On 31 August 2018, the EU executive proposed the re-approval of copper compounds as plant protection products. The draft implementing regulation proposes a 5-year renewal, coming into force in January 2019, while removing the restrictions on use which previously only saw it certified as a fungicide and bactericide.
Policy makers, industry and civil society are trying to find a way to reconcile scientific evidence with public opinion’s beliefs when it comes to food safety. However, this has proved time and again to be a difficult challenge.

A number of issues related to food safety, ranging from glyphosate to neonicotinoids, have recently launched a heated debate over the right balance between science, politics and policy-making.

The industry accuses a part of the NGOs community of making needless noise and has urged policymakers to focus on science. On the other hand, the civil society says the industry should be more transparent about the safety-proof studies while EU policymakers, particularly the European Commission, insists it is consistent with science.

The EU executive recently presented new transparency rules in the decisions related to approvals in the agri-food chain. However, it seems the legal framework will not fully solve the puzzle unless relevant

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stakeholders understand each other’s role in the process.

THE DIFFICULT BALANCE

“Public opinion is more like a belief and people tend to accept that something is true without proof,” said Czech MEP Pavel Poc (S&D).

He added there were limited options for lawmakers to bring together the necessary and pungent uncertainty of science and the human desire for the comfort of believing, except to strive for as much safety as achievable under given conditions.

Public opinion is something that must always be carefully listened to and taken into account, as it is often a valuable indicator of the type of information people are receiving and engaging with, according to Joanna Dupont Inglis, who represents the biotech industry groups in the EU (EuropaBio).

But public opinion sometimes does not align with the opinion of scientific experts, as evidenced on issues such as climate change, plant protection regulation, vaccines and genome editing, agri-food giant Bayer told EURACTIV.

“Policy-makers are responsible for both representing the public interest and understanding the complexities of issues and ultimately determining policy outcomes,” Bayer said.

Croatian MEP Marijana Petir (EPP) said that “in order to make a good decision, it should be based on accurate and verified data.”

She pointed out that missing, false, hidden or manipulated data, as well as mistakes in the assessment process by the competent authorities, could undermine citizens’ confidence.

MISTRUST OF PUBLIC AGENCIES

“The reality is that our food has never been safer than today, and the varied diet that we now have is helping us to live healthier and longer,” EuropaBio’s Joanna Dupont Inglis told EURACTIV.

Despite this, she said, public trust in modern agricultural technologies and our food safety system seems to be at a historic low.

Basing decisions on disinformation instead of robust science could lead to bans on products that can provide real benefits to the environment and our economy, she said and urged EU policymakers, including EU member states, to “support the scientific advice provided by EFSA on products like GMOs, and better communicate real versus perceived benefits and risks of agricultural technologies.”

For Franziska Achterberg, Greenpeace EU food policy adviser, there is mainly a mistrust of public agencies tasked with assessing safety.

“And it is not a matter of public opinion versus science, but literally about opinion presented by these agencies,” she said.

The mistrust arises when there is a scientific controversy between different regulatory bodies responsible for providing an opinion on the same topic. Things are getting complex “if the public finds that different bodies have different opinions, as well as EFSA presents the exact same opinion as companies like Monsanto,” she added.

Achterberg referred to the case of glyphosate, which was approved by EFSA, the World Health Organisation (WHO) and other national food safety agencies, but the International
Agency for Research on Cancer (IARC) said the chemical substance is "probably carcinogenic".

TRANSPARENCY MATTERS

For MEP Poc, there are also some loopholes to be closed during the risk assessment process.

He said that currently, EFSA can only assess regulated products on the basis of the authorisation dossiers submitted by applicants, without commissioning additional studies to verify the safety of a given substance or product.

So if EFSA considers that certain data is missing, it can either ask the applicant to provide this data or note in its scientific opinion that some uncertainties remain due to a lack of data.

Then it is up to the risk managers to decide whether to authorise the substance/product and very often, he noticed, they disregard the data gaps and authorise it without further research.

"This has been the case notably for flavourings and food additives," Poc said, adding that they are trying to fix this with the new proposed rules.

Verification studies foreseen in the Commission proposal could be a positive element in case of a scientific uncertainty, as long as they are not used to "buy some time to keep unsafe substances on the market," he said.

SCRUTINISE NGOs

Considering that NGOs are also part of the debate and have a role in keeping the public informed, the industry says they also have to be scrutinised.

"Arguably we would never have had the Paris Climate accord, the UN SDGs or the conservation of many endangered species, amongst other things, without the work, passion and dedication of numerous NGOs," EuropaBio's Dupont Inglis stressed.

Nonetheless, there are many instances where some NGOs have spread misinformation about agricultural technologies, including GMOs, which have been safely commercialised around the world for over 20 years now, she said.

The role of the NGO is to question the evidence, thus keeping scientists and institutions involved in these processes alert, according to MEP Petir.

"There are NGOs and NGOs," said MEP Pavel Poc, showing admiration for those rising from true public or from the university, because of their work in creating a counterbalance to the powerful lobbying machinery of the industry.

"Then there are NGOs founded by industry to oppose the first ones. No need to scrutinise them in any way, these are demons to be exorcised. They destroy democracy, they destroy the public opinion, they destroy the chance of the public to influence anything," he told.

He added that there is even a third group, the NGOs which defend a particular interest of a narrow group of people.

"Such NGOs are sometimes useful, sometimes detrimental, especially when pretending to protect interests of "all", but these are fortunately easily recognisable and their information always has to be scrutinised," he concluded.