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# *The Architecture of Food Safety Control in the European Union and the Eurasian Economic Union*

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# Outline of Presentation

- Introduction: the issue—food safety control and its effectiveness in two economic unions
- Supranational competencies
- 5 Key differences on food safety
- Country level competencies
- Conclusions

EU and EAEU

# **INTRODUCTION**

# Food safety control—why does it matter for a single market?

- Definition of FS control:
  - System of surveillance and control of FS, animal and plant health
  - Justifiable barrier to trade for all countries
  - Objective is commerce and trade in *safe* food
- Task of presentation is to investigate *effectiveness* of FS and SPS control institutions in two economic unions

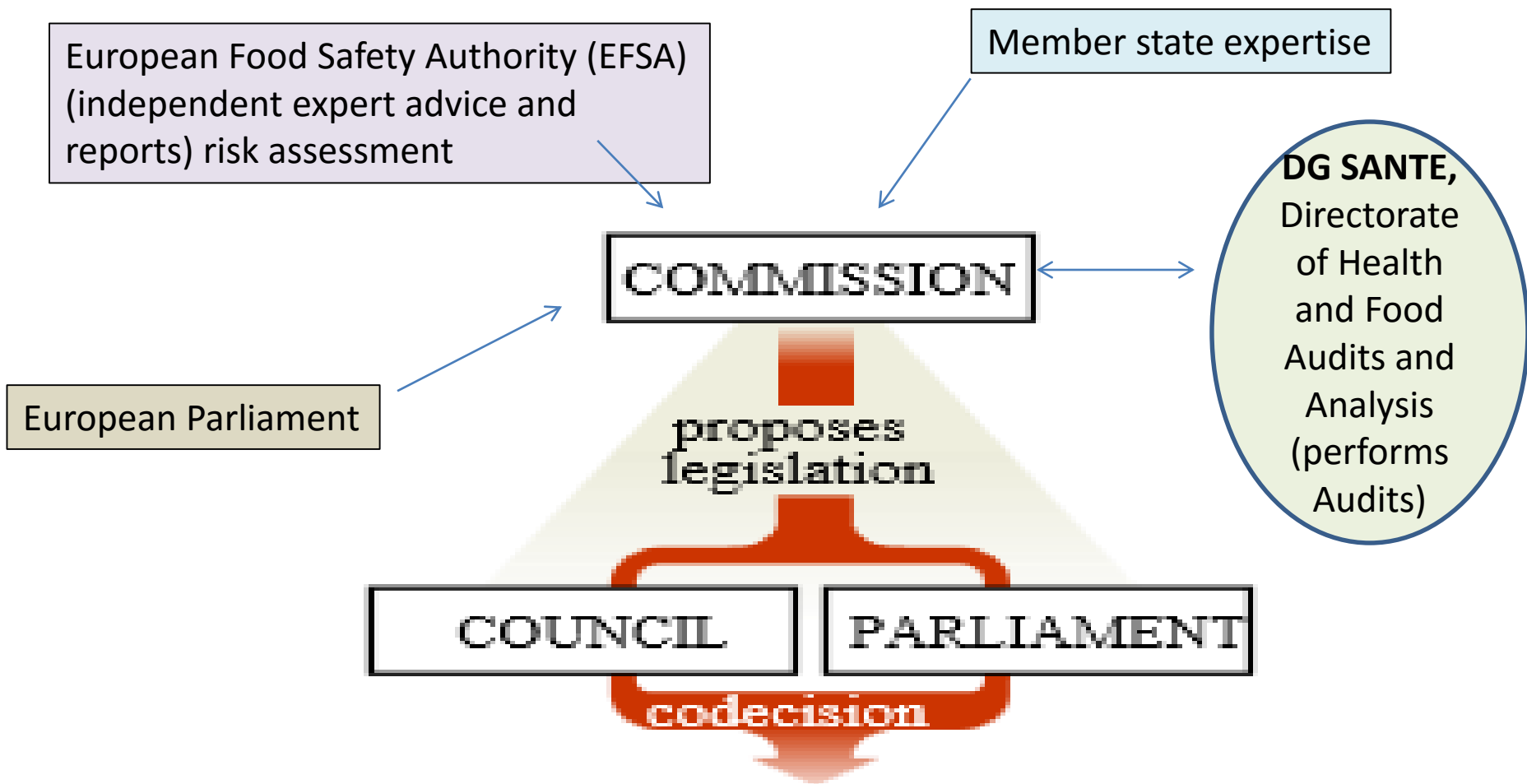
EU and EAEU

# **SUPRANATIONAL FOOD SAFETY COMPETENCIES**

# FS Competencies for FS

Function	European Union	Eurasian Economic Union
Policy development (who develops policies?)	European Commission	1. Eurasian Economic Commission
Policy adoption (who issues?)	European Commission, European Parliament	1. EAEU Supreme Economic Council. 2. Eurasian Intergovernmental Council 3. Eurasian Economic Commission Collegium
Provision of scientific advice for risk assessment	EC itself European Food Safety Authority, Member state bodies All kinds of other govt and civil advisory bodies	No. The EAEC does not have the mandate for risk assessment. Only at country level.
Audits and oversight of control systems	DG SANTE, Audit & Analysis (former FVO)	No. *
Rapid alert and notification systems for	EUROPHYT, RASFF, TRACES	Not developed.

# EU Central (supra-national) Institutions





# EAEU Central (intergovernmental) Institutions

**Eurasian Supreme Economic Council**—Heads of state (presidents) sets policy on EAEU and appoints EAEC Collegium members (4 year terms)

Eurasian Economic Commission  
Two Bodies—Intergovernmental Council and Collegium

Intergovernmental Council—Dep Prime Ministers

Collegium or Board  
(10 departments)

**Department of Technical Regulation and Accreditation**  
Sanitary, Phytosanitary and Veterinary Measures

Consultative Committee  
For TR, SPS, Vet Issues

# EU and EAEU: Legal instruments

Nature of legal instrument	European Union	Eurasian Economic Union
Supra-national legislation applicable to all member countries	EU Regulation	EAEC Council Decision (reshenie) EAEC Collegium Decision (reshenie)
General rules to be transferred into national law by each country as deemed appropriate	EU Directive	Does not exist

EU and EAEU

# **KEY DIFFERENCES ON FOOD SAFETY ISSUES**

# Key Difference 1

## *Checks and Balances*

### **EU**

- **Significant balances**
  - President proposed by European Council, elected by Parliament
  - Commissioners chosen by President and MS, approved by Council, Parliament
  - Many small states, no one state dominates
  - The EC is an independent supranational authority separate from governments

### **EAEU**

- **Significant domination**
  - Collegium appointed by Supreme Ec Council
  - Small number of states, de facto dominance of largest
  - EAEC has extremely limited independence from MS
  - Best described as Intergovernmental organization

# Key Difference 2

## *Tools for enforcement*

### EU

- Dual system of enforcement—
  - EC proscribes and audits MS authorities' *systems* of control (acc. To proscribed principles)
  - national authorities enforce EU required *processes*
- Control of principles (processes) of national FS control are main means of EC control
  - Both authority and admin capacity to exert oversight of national control systems
  - Monitoring: Single market scoreboard for each MS published on website

### EAEU

- Much less effective system—
  - No significant competency to enforce EAEC Decisions with MS
  - No authority or admin capacity to exert oversight or audit of national control systems
  - Few enforced proscribed principles for national agencies
  - Monitoring: No single market scoreboard

# Key Difference 3

## *Means, Procedures*

### EU

- **Detailed procedures and institutions to put into practice the principles espoused**
  - Perhaps “too effective” (costly and burdensome)
  - Communication: EU rapid alert systems and provision for authoritative, independent scientific risk advice (EFSA)

### EAEU

- **Lack of detailed procedures for implementation of principles**
  - Limited admin ability to
    - implement EAEU rapid alert system,
    - provide for authoritative, independent scientific advice
  - EAEU notes principles, but lacks the provisions to apply them

# Key Difference 4

## *FS and SPS International standards*

### EU

- **EU (EC+MS) is an incredibly active global developer and adopter of international standards**
- EU rapid alert system and provision for authoritative, independent scientific risk advice (EFSA)
- Leader in principle based enforcement

### EAEU

- **Legacy, passivity, isolation**
  - Legacy. Onishchenko (2013)— Compliance of Russian technical regulations with international standards—40%
    - Probably pertains to norms, not principles
  - Passivity. Compliance with intl norms assumed unless 3rd country lodges a complaint
  - Isolation. GOST standards and dominance of technical regulations

# Key Difference 5

## *Philosophy of FS Control: Technical Regulations*

### **EU--Int'l best practice**

- TR--Lays out product characteristics or processes--compliance mandatory (at production level)
- TRs usually not for food products
  - Conformity assessment, certification
- Food products. Controls needed at *every* stage of production and distribution
- Focus on safe processes, not mandatory certification
- Legislation, and administrative practices are designed to promote safe processes (e.g., HACCP) and risk-based inspection systems

### **EAEU (and USSR)**

- TR refer to product characteristics, processes and food safety issues
- Implication. Main form of controls are conformity assessment, certification performed at the producer level
- Burden for food businesses in an *innovative* market economy, and really not enough
- Creates a false sense of safety for the public



EU and EAEU

# **COUNTRY LEVEL COMPETENCIES**

# Country level competencies

## **EU countries**

- clearly stated principles, protocols, procedures and plans mandated by EU institutions, complemented with a system of enforcement to ensure implementation
- Little prescribed institutional structure
- Result: clear, synchronized and effective system

## **EAEU countries**

- Principles are announced, but not enforced
- Result: countries are a bit on their own

# Accession

## EU accession process--Croatia

- EU accession process on SPS issues is a ***transformative*** process
- requiring extreme capacity building, investment in new institutions and preparation
- 10 years. Longest is 14 years (Malta)

## EAEU accession process— Armenia and Kyrgyzstan (2015)

- Accession to the EAEU is largely political and very quick
- Kyrgyzstan
  - 4 years, but roadmap approved only in 2014
  - Accession 2015 without single market for livestock products
- Armenia (16 months)
- Legal confusion (local and EAEU legislation may differ)

# Effectiveness

## EU—“too effective”?

- Prescription of institutions is limited, but...
  - Principles and rules are same
  - Central control--Multiannual control plans
  - Audit oversight by DG-SANTE
- Independent checks and balances (EC audit, country level SPS experts, EFSA, EU Parliament, DG Health), rapid alert system
- Excellent central enforcement and constant training, but bureaucratic and costly

## EAEU—could be more effective

- Prescription of institutions also limited, but...
  - Not very effective implementation
- Transformation and conditionalities
- Limited central enforcement or training
- Advantages of accession for Kyrgyzstan
  - Leg. On animal ID, vet and sanitary issues
  - Uniform border checkpoints to comply with EAEU requirements for SPS external border control
  - diagnostic vet lab accredited for EAEU

# Conclusions

## EU

- Real Supranational competencies
- Monitoring and enforcement
- Food traceability, enforcement of principles, training, consensus, goodwill

## EAEU

- Intergovernmental union
- Difficult goodwill, trust and consensus
- EU project is sui generis-- shared democratic values and conviction on cooperation
- The EAEU is not alone. Others also don't give away sovereignty to a supranational agency.