

Position Paper

uniting dairy excellence & ambition

For good governance in food safety regulation

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The European Dairy Association would like to state its firm belief that the European food safety regulatory framework should be anchored in scientific evidence as to the proportionality of the measures as well as their feasibility.

Food safety regulation in the European Union is currently undergoing a phase of significant development. Driven by evolving scientific knowledge and an increasing focus on the protection of consumers, regulatory requirements, particularly concerning chemical substances and contaminants in food and food contact materials, are becoming more numerous and complex.

At the same time, recent regulatory developments highlight that **the practical feasibility of these requirements is not always sufficiently taken into account**. In several cases, harmonized and reliable analytical methods are not yet available, or laboratory capacity remains limited, making it challenging to demonstrate compliance with newly established thresholds. This situation creates uncertainty for food business operators, leads to divergent interpretations among Member States, and risks undermining the consistent application of EU law.

Against this background, **the European Dairy Association (EDA) presents this position paper to advocate for a more evidence-based, proportionate, and practicable approach to food safety regulation.**

On the need for the evaluation of regulatory measures:

The European Commission has committed to design, deliver and support the implementation of high-quality policies through its **"Better regulation" initiative published in 2021 and reinforced with a toolbox in 2025**. The aim of this initiative is to create legislation that achieves its objectives while being targeted, effective, easy to comply with and with the least burden possible.

In this document, the European Commission states that "*Excessive burden may be placed on business because of Member States imposing obligations that go beyond what is envisaged in the legislation or implementing the legislation inefficiently. It is therefore essential to take account of implementation and enforcement issues in the design of all aspect of an EU intervention.*"

EDA believes that it is essential for regulatory measures impacting food safety to go through the proper impact assessment steps in order to ensure that no unintended consequences can occur both from a food safety perspective as well as from a viability of the production perspective.

EDA would also like to reflect on the fact that the **inclusion of stakeholder input** is essential to ensure that proposed regulatory measures are comprehensive, proportional and tackle the most pressing issues.

On the feasibility of regulatory requirements:

In order to ensure the highest level of food safety, the European Commission proposes a wide variety of Regulations which evolve as **scientific knowledge grows**. This knowledge is provided by the European Food Safety Authority (EFSA) which warns against potential risks created by certain substances used in the production of food or chemical contaminants that might occur naturally or throughout the processing. Based on these assessments, the legislator takes the **appropriate actions** to protect the European consumer.

In order to prove compliance, food business operators need to mandate laboratories to conduct tests on their products.

However, with the progress of risk assessments methodologies, **an increasing number of elements are deemed necessary to legislate to ensure food safety**. EDA salutes the advancements that have made this possible and of course support all efforts that can make food as safe as possible for consumers.

Nonetheless, **proof of compliance remains necessary and can only be achieved if a proven, accessible and reliable method exists**. If that is not the case, it becomes impossible to comply with the legislation, even if the product is compliant.

EDA believes that the adoption of regulatory requirements that are feasible and effectively applicable is essential to prevent divergent interpretations by Member State authorities, inconsistent enforcement practices across Member States, and the risk of legal disputes.

Examples:

- Commission Regulation (EU) No 231/2012 sets out the purity criteria for **carrageenan (E407).** Specifically, it puts in place a requirement for the threshold criteria on the low molecular weight fraction. However, a reliable and acknowledged method to measure this metric does not exist yet. This limitation has even been emphasized in the EFSA scientific opinion on the re-evaluation of carrageenan (E 407) and processed Eucheuma seaweed (E 407a) as food additives adopted on 14 March 2018.
- The Commission work on **mineral oil aromatic hydrocarbons (MOAH)** in food aims to put in place maximum levels for these compounds in dairy products while no harmonised ISO method exists for dairy matrices and the interpretation of results is complex.
- **Regulation 2024/3190 banned BPA in FCM** and states that migration must be non-detectable (<1 µg/kg). However, no harmonised ISO method currently exists for dairy matrices and to achieve the level requested, highly sensitive methods must be used. This is a challenge in itself as a minority of laboratories are currently capable of conducting such tests.
- **The Packaging and Packaging Waste Regulation (2025/40) put into place a ban on the use of PFAS in contact-sensitive food packaging** from 12 August 2026. Analytical challenges currently exist for the testing of PFAS in all plastic packaging as no harmonised methods exist. This limitation has been emphasized in the Guidance document for Regulation 2025/40 on packaging and packaging waste as follows: "*Several protocols and methodologies to test the presence of PFAS in different matrices exist, but there is no harmonised methodology for PFAS in food contact packaging at EU level.*"

While EDA fully supports continuous improvements in food safety based on evolving scientific knowledge, **it is imperative that regulatory action remains anchored in evidence, proportionality, and feasibility.** The increasing adoption of measures for which no harmonised analytical methods exist or for which laboratory capacity remains insufficient, is not sustainable. Such approaches place food business operators in a position where compliance cannot be reliably demonstrated, despite full commitment to safety objectives.

In light of these considerations**, EDA respectfully calls on the European Commission to reinforce the role of stakeholder consultation as an essential element of regulatory design as well as requiring a prior assessment of the availability of harmonised analytical methods.**