

CHAPTER SEVEN: Thought for food (safety) at the level of the EU

7.1 Introduction

Looking back, the previous chapters tell a story of heterogeneity in the way individual EU countries dealt with the series of food scares of the past decade and in regard to the meanings that food (safety) took on across contexts. Despite this heterogeneity, a transnational, European Union (EU)-based food (safety) policy approach has emerged, which forms the object of inquiry of the present chapter, consistent with the final research question developed in the introductory chapter to this thesis: *How can we explain the emergence of a transnational policy approach, given the divergence on the national level?*

I argue that, to begin with, the Europeanization of food (safety) policy hinged upon the *re-citation* of the concept of food (safety) in a transnational context. Inspired by Butler's contention that 'gender' is an *iterable* notion that can be re-cited in different contexts (Butler [1990] 1999, 1997; cf. Derrida 1988 [1977]) whereby its meaning can change (and the individual who is subject to it 'liberated'), I argue that the meaning of 'food safety' as well as 'food quality' can be re-cited by re-narrating the events and 'facts' around the series of food scares in a different context and setting.

Based on this premise, I then investigate the quality of the shared understandings that are produced through this renewed citation. Emphasizing their openness, flexibility, and ambiguity, I capture these as integrative nodal points (Laclau and Mouffe 1985; Laclau 1996; cf. Diez 2001) that have helped to mobilize, stabilize, and sustain food (safety) policy at the level of the EU. Concretely, this chapter proposes that within the five discourses identified in this study, the following nodal points bear particular integrative power, and shape and provide coherence to the present EU food (safety) policy discourse: the notion of being a member of the *food chain*; the related notion of being a *stakeholder*; and the notion of a European, transnational *consumer*. By virtue of the discursive openness and malleability of this terminology, the argument goes, divergent meanings can be projected onto it, which makes for apparent convergence at the level of transnational policy discourse.

This chapter proceeds as follows: Section 2 presents a historical account of the saliency of food (safety) as an EU policy issue and sketches out the policy infrastructure as it was before the discovery of a potential link between BSE and nvCJD. I focus on (i) the nationally-based nature of food (safety) policy, (ii) the related overarching principle of the free movement of foodstuffs within the EU Internal Market, and (iii) the expert-based character of the pre-BSE policy approach. Section 3 recounts four key moments that produced shifts towards a new meaning of

‘food safety’: the European Parliament’s *Medina Report*; the 1999 report by European scientists Philip James, Fritz Kemper, and Gerard Pascal; and the *Green Paper on the General Principles of Food Law in the EU* (COMM 1997b) and consequent *White Paper on Food Safety* (COMM 1999/2000); and (4) the 2002 *General Food Law Regulation* (EC 2002).

The fourth section of this chapter presents the discourse analysis of EU policy on food (safety) and assesses the respective relevance of the five empirically derived discourses of ‘good governance’, ‘environmental sustainability’, ‘market efficiency’, ‘consumer protection’, and ‘public health’. The composition of these discourses in terms of their key notions as well as the qualities and integrative functions of the latter form the object of inquiry. These central elements are summarized in graph 7.1 below, as follows: The five sections represent the discourses and the cells are filled with the notions that they are composed of. The key integrative notions are accentuated visually in bold print in order to signal their dynamic relation to the three nodal points, as they appear at the centre of the graph. The superscripts indicate the resonance at the level of the EU of the findings in the studied national contexts. As I clarified in chapter three, these are to denote similarities and matches, rather than suggested causal dynamics. As in the foregoing country-based chapters, the graph also indicates the discursive clusterings between the constructed actor-categories (policymakers, ‘P’; scientists, ‘S’; members of the industry, ‘I’; citizen groups, ‘C’) in order indicate instances wherein actors come together by means of a particular discourse and where, in collection, they come to push for particular sets of notions.

Given the specific institutional nature of the EU and its relative power in some policy areas (agricultural policy), and not others (public health), the presentation of the discourses will take a slightly different shape from that in the country-based chapters. An exhaustive treatment of this complexity would go beyond the scope of this study, but we shall see that despite an initial resilience, food (safety) policy has been integrated into previously unconnected policy domains at the EU level. In the next section, I begin by tracing the elements in this initial resilience by way of discussing the central elements that structured the pre-BSE policy infrastructure at the level of the EU.

7.2 The incremental development of an EU approach

7.2.1 Food (safety) as national matter and the free market principle

In reaction to the discovery of the link between BSE and its fatal human counterpart nvCJD, a Member of the European Parliament, Ken Collins, stated that ‘[i]f the European Community had not existed before the BSE crisis, it would have had to be invented’ (Collins 1996). ‘This is not an issue that can be contained within one country’, he told a parliamentary assembly, ‘[and]

we have to find a European level response to it' (ibid.). These words stood in stark contrast to the regulatory regime in existence at the time. Until the late twentieth century, food (safety) was typically a matter of national regulation, drawing on the diverse legal traditions across EU member states. Likewise, the extent to which consumer protection, environmental policy, and public health - policy domains where the EU had relatively little power to intervene - were integrated with the area of food (safety) varied across contexts, as we saw in the previous chapters. This discursive understanding of food (safety) as a matter of national regulation, however, was bound to be exposed as socially constructed and vulnerable to dislocations.

The early 'Europeanization' of food (safety) policy commenced in the 1960s (cf. Alemanno 2006) and stretched to the mid-1980s. During this phase, the initial goal was to establish an internal market, which necessitated the harmonization of compositional standards for foodstuffs. This task would have required a substantial amount of positive legislation regulating the market on an unprecedented scale and was resisted by member states. The European Court of Justice (ECJ) remedied the situation with the principle of mutual recognition, derived from Article 28 EC and coined in the celebrated *Cassis de Dijon* judgment in 1979, in which the Court overruled the German ban on the importation of the French black currant liqueur. The case of *Cassis de Dijon*, however, did not immediately accelerate harmonization, as article 94 of the EC Treaty still required unanimity.

The subsequent period, also known as the 'new approach', evolved from the Single European Act (SEA, 1986), through which a 'minimum harmonization' in food (safety) standards came to rest upon the principle of mutual recognition mentioned above. By launching this *New Approach on Technical Harmonization and Standards*, the European Commission thus discarded its ambitious efforts to introduce universally (or EU-wide) applicable recipe laws for all EU-made foodstuffs. In the EC Treaty (EC [1992] 2006), the principle of mutual recognition concerned the elimination of import barriers within the internal market. Article 30 (formerly article 36 in the Treaty establishing the European Community), reads as follows:

The provisions of Articles 28 and 29 shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy or public security; the protection of health and life of humans, animals or plants; the protection of national treasures possessing artistic, historic or archaeological value; or the protection of industrial and commercial property. Such prohibitions or restrictions shall not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade between Member States (EC Treaty [1992] 2006).

As is evident in the quotation above, EU intervention in national food (safety) regulation continued to be reserved for instances where food (safety) policy was seen to constitute a *trade barrier*. The free movement of foodstuffs remained the overriding principle in EU food law, and questions of consumer protection were implicitly bracketed out as legitimate grounds on which one member state could prohibit another from marketing a particular food product (Alemanno 2006: 242): Concerns such as consumer protection, public health, and ‘public morality’, the Treaty article insinuated, would only constitute trade restrictions in disguise.

The ‘new approach’ ended with the first BSE crisis in 1996-7, when the EU introduced a ban on British beef imports following the discovery of the link between BSE and nvCJD (Alemanno 2006: 238ff). Although the European Parliament had called for the development of common measures regarding BSE even before the discovery of nvCJD, food (safety) regulation had largely remained a matter of national regulation in the EU. Accordingly, the view of BSE as a British problem external to the European continent persisted for an extensive period of time and shaped and delimited the institutional understanding of food (safety) until 2000, when BSE was found in several continental member states, too. Beyond this understanding of BSE as a British problem and the overriding principle of the free movement of goods within the internal market, the nature of the system of scientific expertise at the EU level shaped the meaning of food (safety) in important ways, as we shall see below.

7.2.2 *The expert-based policy approach*

Ellen Vos (2000) describes the pre-BSE regulatory infrastructure as principally driven by ‘pragmatic considerations’; it lacked coherence and adequate institutional structure to accommodate the complexities of ‘science-based decision-making’. In an attempt to remedy these shortcomings and following a 1986 Commission White Paper, the Council adopted what is known as the *Comitology Decision*, which introduced a system of ‘comitology’ that specified committee variants and procedures for the exercise of the implementing powers conferred on the Commission. The type of committee allocated typically depended on the policy area being regulated. While supporters of comitology praised its administrative efficiency and the way committees would mediate between national states and the EU without having to build further institutions, critics of this system raised issues of legitimacy, transparency, democratic accountability, and the risk of unstable policymaking (Buonanno 2006: 261). On the surface, nevertheless, ‘comitology’ seemed satisfactory and efficient in the specific area of food (safety), to both national authorities and the Commission, until the BSE crisis linked issues of trade to issues of vital risk.

Until then, however, this system remained technocratic and *expert-centered*, and science continued to provide the main authoritative grounds for policy, whereby implicitly, a distinction between what counted as ‘science’ and ‘policy’, respectively, was institutionally upheld and left unquestioned (Alemanno 2006: 243ff). This was certainly the case when questions around the release of genetically modified organisms (hereafter GMOs) reached the European policy agenda in the early 1990s. A senior Commission official involved in biotechnology regulation and formulating the EU ‘precautionary principle’ describes the approach at the time as follows:

Then there were other DGs [Directorate-Generals] - like our own [DG Research] - which were always concerned that there should be *a strong science base* for everything we did for policy, this has always been the line we have taken. That we have to have sound science underpinning policy, otherwise we will have... what else are we going to make policy on? *If it's pure politics*, if it's pure public perception, *you can have all sorts of crazy things* (EU10-G, emphasis added).

Although the respondent speaks in reference to early biotechnology regulation, these impressions are relevant here as they describe policymaking discourse *before* feed and food, or animal and human health, were linked through the experience of a number of transnational food scares, or what I called the two ‘boundary transgressions’ in the introductory chapter of this thesis. The subsequent amalgamation of discourses of environmental sustainability, public health, and consumer protection seemed ‘crazy’ to the official quoted above, I would argue, because the respondent had been socialized into a generation of ‘purely science-based policy’ at the European Commission. Before discussing these new discursive amalgamations, the next section turns to the key moments of transformation in the course of the institutional rearrangements at the level of the EU with regard to food (safety).

7.3 The changing governance of food (safety)

7.3.1 The Medina Report and the role of the European Parliament

To recapitulate, the early stages of the first BSE crisis were still shaped by the constructed national/transnational boundary: The disease was considered to be a matter confined to one country and therefore supposedly *manageable* by interrupting beef exports to the rest of Europe. The EP, however, occupied a particular position in the mobilization of a transnational, EU-based policy approach as well as stronger competencies in the policy area of consumer protection; indeed, it had called for an EU-wide approach long before the Commission decided to intervene. The *Medina Report* (1997) to be discussed here is an exemplary expression of this role.

In 1996, the EP initiated a special BSE inquiry, which was to result in the Medina Report, named after the Chief Rapporteur Manuel Medina Ortega. The report called for a greater focus on the ‘public interest’, along with matters of animal and plant health as well as sustainable farming practices. Moreover, Medina highlighted the need for a different, possibly more sensitive approach to food (safety) regulation and heavily criticized both British policymakers and the Commission for their alleged ‘lack of transparency’ and inaction in fighting BSE. The report reveals the key assumptions behind the pre-BSE policy discourse and the related practices:

The lack of BSE-related inspections between 1990 and 1994 seems symptomatic of an assumption by the British witnesses before the Committee that they knew *all there was to know* and could handle the problem *without outside ‘interference’*. There was also an attitude of ‘benign neglect’ of the issue (a willingness to *let a British problem be dealt with by the British*) on the part of the Commission and, through the veterinary committees, by the other Member States (EP 1997, emphasis added).

As suggested in the quotation above, the report identified four factors pertinent to the BSE crisis: First, in reference to the comitology system, the report contended that it was ‘totally exempt from any supervision, thereby enabling national and/or industrial interests to infiltrate the Community decision-making process’ (EP 1997). Second, concerning member state (in)actions, the EP investigative committee revealed that the Agricultural Council had rejected a proposal by the Commission to prohibit UK beef exports in 1990, whereas the Council of Health Ministers and the Council of Research Ministers had recommended further research. Third, the EP criticized the overlapping competencies within the Commission with respect to controlling food-borne diseases. The compartmentalization of responsibilities between DG VI (Agriculture), DG III (formerly Internal Market, then Industry), the Consumer Protection Service, and the Directorate for Health and Safety (DGV), the report contends,

hampered the coordination and efficiency of the services concerned, [...] facilitated the shifting of responsibilities for maladministration between the various services of the Commission, and points up [sic] the lack of an integrated approach, a phenomenon exacerbated by DG VI’s arrogating primary management of the BSE issue itself (EP 1997).

Finally, the Medina Report highlighted the problem of ‘regulatory capture’. For instance, the Commission had been subject to political pressure from UK government officials not to stipulate BSE checks in the general inspection of slaughterhouses (Buonanno 2006: 263). The report painted a critical image of the Commission’s dealings with BSE and invoked an

interpretation of BSE (and food safety) as a European issue. The inquiry, therefore, was a performative move, as one of the key moments where BSE and food (safety) more generally became articulated and re-cited in a European grammar, on a newly emerging European stage.

When the Commission was faced with the dislocatory experience of BSE and the consequent institutional ambiguity, it reacted promptly to the Medina report findings. The principal advisory scientific committees were disbanded and staff from a number of DGs moved to an expanded DG XXIV (which was to become the DG Health and Consumer Protection). These reactions, however, cannot be fully understood without considering another key moment in the development of an EU-based food (safety) approach, namely the 1999 report on the *Future of Scientific Advice in the EU*.

7.3.2 *A first proposal for a European agency*

Faced with the apparent distrust of consumers in food (safety) and the authorities in charge of securing it, in March of 1999, the Commission asked Philip James, Fritz Kemper, and Girard Pascal to evaluate ‘whether an independent agency type structure could lead to further improvements in scientific advice at the EC level’ (James, Kemper, and Pascal 1999: appendix I; cf. Buonanno et al. 2001).¹⁴² Furthermore, the tasks allocated to the three leading European scientists included an assessment as to an effective system for providing scientific advice that would be ‘independent, transparent, excellent, and readily understood by non-experts’ (ibid.).

Based on their report, which was published in December of 1999 and titled *The Future of Scientific Advice in the EU*, the experts came to propose a European Food and Public Health Authority - an agency to be modeled after the United States (US) Centers for Disease Control and the US Food and Drug Administration. They insisted that this authority would break new ground, as it would represent the first instance where the control function over a social policy area would be removed from member states, which retained most of the regulatory power in that field vis-à-vis the Commission.

According to James, Kemper, and Pascal, the Commission’s organization at the time (as the structure that pre-dated the BSE crisis) had artificially compartmentalized risk factors to human health, thereby retaining the animal/human boundary when it came to particular diseases – a finding that echoed the Medina Report discussed above. The authors defended a ‘science-based’ notion of interconnectedness among animals, the environment, and humans, and a regulatory

¹⁴² Considering the critical and self-reflective tone of the report, it is interesting to note that one of the authors, Pascal, had previously held positions in the Commission as a member of a number of committees (Buonanno 2006: 264).

body that would mirror the ‘interconnectedness’ between the areas of science and policy, such as the UK was to install in the form of the UK FSA, and mirroring the structure of the US Food and Drug Administration. In regard to the science/policy nexus, the report further concurred with the EP’s evaluation of the organization of the food (safety) policy infrastructure and recommended that the future agency should be independent of both governments and influence from the industry, not least for the purpose of restoring public trust. In addition to a vocabulary of trust, accountability, and independence, the report emphasized the importance of including environmental and public health concerns within the proposed authority, as ‘public health issues are in health terms a greater burden on society than the effects of poor food safety which has dominated thinking so far’ (James, Kemper et al. 1999: 6, fn 14). The introduction of notions relating to environmental sustainability, consumer protection, and public health were to represent a break with previous practice, as we shall see later on in this chapter.

Yet between the commissioning of the report in May 1999 and its publication in the month of December of that year, the dioxin crisis hit Belgium (and consequently Germany and the Netherlands). The Jacques Santer Commission was forced to resign, and Romano Prodi was appointed as the new President of the European Commission. These events affected the potential impact of the report, and with a new Commission in place, the institutional ambiguity was in part overcome. Rather than constructing an entirely new policy stage (as the James, Kemper, and Pascal proposal would have it), the new Commission retained previously institutionalized ‘paper work’ practices, as we shall see below.

7.3.3 (Green and White) paper work at the European Commission

When confronted with the institutional ambiguity following the UK BSE crisis, the European Commission drew on institutionalized practices and issued the *Green Paper on the Principles of Food Law in the EU* (COMM (97)176 final). As the publication of reports and communiqués are core features of the institutionalized, technocratic policy regime at the level of the EU, these acts can be understood as efforts to reinstitute power, stability, and authority. Alongside the *Green Paper* mentioned above, the Commission issued the *Communication on Consumer Health and Safety* (COMM 1997a) which prepared the path for a new EU-based food (safety) approach inasmuch as it introduced the notion that consumer health protection was a legitimate EU policy area. The Amsterdam Treaty later in the year 1997 reasserted this notion.

Following the Medina report, the James, Kemper, and Pascal Report, and the Communication mentioned above, DG XXIV was transformed into Directorate-General for Health and Consumer Protection (*Santé et Protection Consommateurs*, hereafter DG SANCO) in

1999. In the same course of institutional rearrangements, all committees concerned with consumer issues were transferred to this DG in order to remove scientific experts from what was understood to be ‘the pressures of industry’, as it had been articulated in both the Medina and the James, Kemper, and Pascal report. As far as the EC ‘comitology system’ was concerned, which had been criticized not only for its ineffectiveness, but also for the lack of transparency of the scientific committees, the Scientific Committee for Food and the Scientific Veterinary Committee were repositioned under DG Industry (DGIII) and DG Agriculture (DGVI), respectively.

The next step in the mobilization of a transnational policy discourse formed the publication of the Commission’s *White Paper on Food Safety* (COMM 1999/2000) in early 2000. The White Paper re-cited food (safety) as a transnational issue and a concern shared by policymakers, scientists, industry, and citizens alike:

The economic importance and the ubiquity of food in our life suggest that there must be a prime interest in food safety in society as a whole, and in particular by public authorities and producers (COMM 1999/2000: 6).

As the quotation above indicates, the White Paper employed both health arguments and a vocabulary relating to the functioning of the (internal) market. Building on the foregoing Green Paper and the Communication, the White Paper further called for a ‘chain approach from farm to fork’ or ‘farm to table’, as well as a strict separation of tasks between scientists and policymakers, and the creation of a new institution based on ‘excellence, integrity, and openness’ (Byrne 2002). In addition, the *White Paper* rearticulated the public health aspect of food (safety), drawing on the earlier Green Paper on the Principles of Food Law in the EU (COMM 1997b).

As a response to the James, Kemper, and Pascal report, the *White Paper* emphasized the need for ‘the creation of an *independent* source of advice on food safety issues in order to [...] contribute to a high level of *consumer health* protection in the area of food safety, through which consumer *confidence* can be restored and maintained’ (COMM 1999/2000: 5, emphasis added). With the call for a strict separation of roles in the model of ‘risk analysis’ - risk assessment, management, and communication - however, the Commission went against the recommendations of James, Kemper, and Pascal. In the rejection, the Commission argued that a transfer of regulatory power that previously belonged to the Commission would lead to a dilution of accountability. Moreover, it employed legalistic arguments in its partial rejection of the report, suggesting that the EC Treaties required the Commission to retain both regulation and control, and that the institutional arrangement at the time would not allow for the establishment of an authority with regulatory power without modification of the Treaties. In this

manner, the policy paper also contributed to the delimitation of the potential debate and functioned to control the problem definition. Indeed, to the Commission, legalistic arguments were safe – in the sense of non-contentious - ones to make, while it is important to note that they remain disputable (Buonanno 2006: fn. 2).

In contrast to the US Food and Drug Administration, the new European food safety agency was not to be invested with any regulatory power - not least because of the resistance of EU member states to conceding their ‘risk management’ powers to the EU level. I would argue that officials at the level of member states, and their self-understanding as responsible risk regulators, as well as the EU-level scientists, functioned as ‘gatekeepers’ of the previously existing discursive regime that was based on national regulation, technical expertise, and the principle of the free movement of food stuffs within the internal market. At the same time, we must not understand this ‘gate-keeping’ as based on clearly recognizable, individual interests and strategies only. In contrast, I propose that these (re-)actions constituted an effort to grasp the dislocatory events in terms of the previously hegemonic policy discourse on which the self-understandings of these officials and scientists rested.

To recapitulate, an analysis of institutional practice reveals that scientific experts and policymakers at the Commission regained their authority by drawing on previously institutionalized practices such as writing reports, Green Papers, and White Papers. Those practices allowed them to control the flow of interpretation, while the discursive traces of an expert-centered regime allowed them to reconstruct and perform their roles in an authoritative way, thereby acting as preservers of a previously hegemonic policy approach. At the same time, the injection of the ‘consumer perspective’, pushed for by institutional ‘outsiders’ (such as some members of the European Parliament), indicate an opening up of the definition of food safety and a redefinition of the roles, rules, and responsibilities associated with food (safety). The injection of new notions, such as those relating to consumer protection and environmental sustainability, produced a redefinition of food safety, which is further reflected in the *General Food Law Regulation* (EC 178/2002), as we shall see below.

7.3.4 General Food Law: From farm to fork

The preceding White Paper (COMM 1999/2000) had called for the EU to take on a ‘farm to table’ approach to food safety regulation, whereby the primary responsibility to ensure safe food was to remain with the industry, producers and suppliers. The *White Paper* laid out three central principles that were to be incorporated into the *General Food Law* (EC Regulation 178/2002): the separation of the responsibilities for legislation and for scientific advice, the separation of

legislation from inspection and enforcement, and greater transparency and better information with respect to the functioning of institutions. The pivotal element of the General Food Law Regulation (hereafter GFL) was the proposal to establish the European Food Safety Authority (EFSA), which was institutionalized on 28 January 2002.

The GFL laid down the general principles and requirements of food law and can be considered the legal ‘forefather’ of the EFSA in that it legally prescribed a reorientation in food (safety) regulation. More specifically, it stipulated definitions, principles, and obligations to cover all stages of food and feed production as well as distribution in line with the ‘farm to fork’ approach that was to be incorporated into national legislation by 2007. The aim of the GFL was to ensure a consistent approach in the development of food legislation. At the same time, it provided the general framework for areas not covered by specific harmonized rules regarding food (safety) but where the functioning of the internal market was ensured by mutual recognition (see section 7.2.1 above).

The creation of this new institution in a situation of institutional ambiguity was felt necessary ‘to protect public health and to restore consumer confidence [...] [focusing on] the public interest’ (COMM 1999/2000: 14), and to overcome the ‘competitiveness’ between national research centers (Byrne 2002). Here it becomes evident again that the BSE crisis brought about a strengthened link between food (safety) and public health concerns, as well as consumer protection – a link most clearly institutionalized in the establishment of the DG SANCO, which combines these three previously disconnected policy domains. It has become clear now that the series of papers, communications, and the GFL represent remarkable developments and moments of reorientation in light of the institutional ambiguity produced by the events related to BSE.

To sum up, the re-narration of the ‘facts and figures’ – manifested in the several reports and policy papers - led to an interactive, collective process of re-interpretation. In this way, the meaning of food (safety) came to be re-cited in a new, transnational grammar. As a result, one can observe the questioning and partial disintegration of three discursive features of EU food (safety) policy: the construction of food (safety) as a matter of national regulation, the free movement of foodstuffs, and the expert-based nature of EU policy. The next section of this chapter presents the consequences of these institutional moments of transformation in terms of discursive shifts.

7.4 Change and continuity in EU food (safety) policy discourse

This section forms the chief part of this chapter; its aim is to identify, through a discourse analysis, the integrative nodal points that function to stabilize and sustain EU food (safety)

policy discourse. In order to account for the convergence on the transnational level, this part of the chapter identifies the composition of and qualities of a set of inductively derived discourses, which I shall discuss in turn: good governance; environmental sustainability; market efficiency; consumer protection; and public health. The composition of these discourses is summarized in graph 7.1, along with the nodal points that sustain the overall policy discourse.

7.4.1 Good governance

This subsection explores the function and composition of the good governance discourse at the level of the EU and assesses its relative strength in providing coherence to the overall policy discourse. The notions that this discourse is composed of appear in graph 7.1 as follows: the need for a separation between science and policy for the sake of improving food (safety) governance and boosting consumer trust; the related notion of a need to enhance transparency and independence in the production and usage of scientific advice; and the notions that the transnational ‘civil society’ is a stakeholder and can take part in the policymaking process. I will discuss these notions as well as their interlinkages in turn.

To begin with, a discursive shift in the science/policy nexus has marked the evolution of EU food (safety) policy discourse. The calls for an institutional separation between ‘science’ and ‘policy’ echoed those articulated in Germany and, to an extent, the Netherlands. Yet these notions of a need for independence and transparency carried a specific meaning in the EU context, given that the technocratic authority of scientific experts remained virtually unquestioned and unchecked until 1996, and that the comitology system remained dispersed across DGs. The institutionally sedimented notion of science as a sufficient and firm base for policy, as recounted in section 7.2, no longer seemed adequate in the late 1990s: BSE could not be handled within the available standard operating procedures at the time, which had consisted of establishing technocratic committees, producing lengthy, technical reports, arranging occasional written consultations, and issuing risk notifications on the domestic level. Faced with the transgression of the animal/human health and national/transnational boundaries, however, the year of 2000 constituted a ‘Year Zero’ for the EU (Chalmers 2000: 543) inasmuch as it revealed the shortcomings of the existing approach to food safety issues (*ibid.*).

Following the report by James, Kemper, and Pascal, the Commission announced that its food safety-related work would from then on be based on scientific advice, risk analysis, and control. Particularly the scientific committees were to work according to the principles of ‘excellence, independence, and transparency of activities’, and ‘putting the consumer first’ (see also COMM 2001b, 2002a, 2002b). The White Paper further introduced the notion of a need to

remove scientists from political and industrial pressures (COMM 1999/2000: 16), a notion that matches our findings in the previous chapters, in particular those in the UK and Germany, where, in response to the series of food scares, citizen groups came to lament the institutionalized influence of the feed and food industry in ministries (for the EU context, see for instance, Alliance 2005; FoE 2002; EP 1996, 1997). Nonetheless, the notion of a need to ‘remove the smell of stables’ from food (safety) and agricultural policy appeared in a manner much less pronounced than in England and Germany at the time

While the report by James, Kemper, and Pascal as well as the Green and White Paper first suggested the notion of a problematic science/policy nexus in their proposal for a new EU-based food safety authority, the 2001 *White Paper on Governance* (COMM 2001b) formed another key moment of institutional reorientation. It was drawn up in the midst of the BSE crisis and the resignation of the Jacques Santer Commission, a situation where the European Commission found itself in a perceived decline of legitimacy and citizens’ trust. As suggested above in section 7.2, the dislocatory experience of BSE implied that neither a purely national nor a purely expert-based food safety regime ‘made sense’ anymore. Of particular importance was the recognition that

[i]t is often unclear who is actually deciding - experts or those with political authority. At the same time, a better informed public increasingly questions the content and independence of the expert advice that is given (COMM 2001b: 19).

With this recognition of a ‘better informed public’ - rather than a passive ‘audience’ - the idea of an interface, or even a re-connection, between policymakers, scientists and their ‘audience’ emerged in order to overcome the perceived gap produced by the dislocatory experiences of BSE and the dioxins crisis of 1999. Symptomatic of this experienced disconnect between scientific experts and the trusting public, the European Commission launched initiatives to restore consumer confidence, such as by including questions on food safety in the annual *Eurobarometer* survey, funding large transnational research projects on trust in food (safety) (for the ‘Trust in Food’ project, see Poppe and Kjaernes 2003; Kjaernes, Dulrud, and Poppe 2006) and commissioning trust-building campaigns across member states (see COMM 2002b). In light of the diversity of meanings that food (safety) and hence also trust in food (safety) can take on, it is worth recalling from previous chapters that these trust-building campaigns took on diverse shapes in the national contexts, in terms of how and where campaigns were staged and how their central messages and aims were defined (COMM 2002b).

In another attempt to bridge the experienced disconnect, the Commission launched the *Science and Society* Action Plan, situated within the Directorate-General Research, with the

intention of fostering research regarding the role of science in European societies, including questions of ethics, science education, and science communication. In this vein, and in response to the ‘crisis’ of scientific expertise, the Commission advised as follows:

Science is often perceived as dealing with certainty and hard facts, whereas this is rarely the case, [...] leading to a sense of frustration and despair when experts fail to provide simple answers to apparently simple questions. A more coherent interface is needed between the providers and receivers of advice, with mutual understanding and clear communication between the two (COMM 2002a: 24-26).

These articulations indicate a shift towards more reflexivity, away from a notion of science-for-policy where only experts ‘speak the truth’. Whilst the binary opposition between ‘science’ and ‘policy’ has traditionally informed policy practice and continues to do so in the (unstable) institutional boundaries between ‘risk assessment’ (‘science’), ‘risk management’ (‘policy’), a senior Commission official charged with evaluating scientific input describes experiences with this renewed institutional arrangement as follows:

There should not be a grey zone, but in practice there is. And this is something you can see in simple things here in our daily lives at the Commission (EU3-G).

You can always find a confusion and mixture of elements. [...] What is the [risk] assessment and what is [risk] management? For example, when you decide on the authorization of a novel food, sometimes the EFSA itself allows itself to go further than what is limited to risk assessment (EU3-G).¹⁴³

Beyond risk assessment and risk management, risk communication constitutes the third element of the three-stage model of ‘risk analysis’ and forms a task officially shared between the Commission and the EFSA and practiced across institutional and national boundaries. Pinpointing the destabilization of the science/policy distinction, the EFSA stresses that risk communication is ‘not a one-way process’. Appointed for the improvement of risk communication and for reconnecting with the ‘audience’, the EFSA Communications Working Group emphasizes collaboration not only with consumer groups, but also with national food safety authorities in instances of crisis or food scares. For the purpose of investigating convergence at the level of the EU, it is useful to note that, before the EFSA releases an opinion, it consults national risk communication authorities 24 hours in advance in order to secure coherence on a given ‘risk communication’, such as with BSE in goats (EFSA 2005b; see

¹⁴³ See chapter five (section 5.4.4) for an example of ‘boundary transgression’ from Germany (cf. BfR 2006b).

COMM 1999/2000: 31). The EFSA also initiates training on risk communication and workshops with national authorities, which can be seen to indicate efforts for Europeanization, or mechanisms whereby meanings come to converge. Risk and (consumer) trust are then not uniform concepts or experiences, but are negotiated not only within states but certainly also in the process of mobilizing a transnational policy discourse.

Given the contingency of trust, risk, and the very meaning of food (safety) itself, this process of transnationalization requires mediating, integrative notions that form bridges across discourses and the actors they produce. As far as the discourse of good governance is concerned, the central mediating notion that supports this process is that of a European consumer, to which policymakers, scientists, and members of the industry are accountable and whose trust must be restored and sustained. Through the enactment of the notion of a European consumer, actors enter into equivalential positions and these constellations become embodied in transnational discursive clusters, for instance, in joint trust-building initiatives, private regulation, joint research projects, and the search for a common ground in 'risk communication'.

Alongside the notion of separating science and policy institutionally and the notion of being accountable to the European consumer, the twin-notions of transparency and openness in the policymaking process have emerged and echo our findings in the national contexts studied here. The self-declared 'key values' of the risk assessor, EFSA, reflect these notions as it seeks to uphold the values of 'openness and transparency', 'excellence in science', 'independence', and 'responsiveness' (EFSA 2008a). Consistent with the discourse-as-practice approach developed in chapter three, one can observe the ways in which scientists and policymakers come to internalize their new rules, roles, and responsibilities in the practice of Open Management Board sessions, which are accessible to anyone (with prior registration) in addition to being web-streamed.¹⁴⁴ By web-streaming these meetings and greeting the presumed viewers at the beginning of the meeting, policymakers, scientists, representatives of the industry, and citizen groups alike invoke an 'invisible audience'. The 'stage' in this setting is embodied in the technologies employed, which visually position policymakers, scientists, members of the industry, and citizen groups in shared, equivalential positions.

¹⁴⁴ The EFSA consists of three main bodies. First, the Board meets several times a year and discusses key statutory and business documents that include the Authority's management plan. It establishes the budget and work programs, and appoints the Executive Director and members of the Scientific Committee and the eight Scientific Panels (that is, the second institutional body). Here, the EFSA can initiate its own work ('self-tasking'), when it identifies important scientific questions. In addition, the EFSA exists as a network point for national food safety institutions. The Advisory Forum constitutes the third branch and is composed of competent authorities from EU member states and their representatives.

The notions of openness and transparency in the policymaking process are similarly embedded in the practice of publishing (most) scientific opinions, agendas and minutes of meetings, declarations of interests, and other key documents online.¹⁴⁵ The related notion of sustaining citizen trust is further embedded in the practices of consultations, ‘round table discussions’, platforms, and stakeholder forums – all of which are recurring terms and material practices across contexts, and some of which remain untranslated: The term ‘stakeholder’, for instance, has become an established Euro-speak term.¹⁴⁶ Following the Green and White Papers on food safety, the Commission set up the *Advisory Group on the Food Chain, Animal and Plant Health*, as foreseen in the *General Food Law* (2002), in order to formalize the consultation of stakeholders on EU policy related to the food and feed chain.¹⁴⁷ Applicants to the Advisory Group were required to be EU or trans-national organizations representing bodies in all or most EU Member States, with an office in Brussels, which implied that the discussion had to move on a certain discursive level towards a convergence of meanings, not least since the Commission was to chair the Advisory Group.

At the EFSA, on the contrary, the chair is chosen from among the participants (*stakeholders*), a process frequently marked by disagreement and negotiation, when consumer advocates, for instance, lament the excessive representation of the food and feed industry in such forums. Having Commission officials chair such groups may, of course, entail a limitation as to what kinds of questions can be asked and what can be said – the micro-dimension of performativity in policymaking. Indeed, the introduction of novel participatory policy practices did not evolve without friction. A legal expert at DG SANCO contends that

[t]he participation of NGOs is [sometimes] a bit problematic. I have nothing against NGOs. But sometimes it's problematic given that they always have this fear that if you have a chair from industry this will be completely to the detriment of the work of independence, etc. We [at the Commission] did not have any group like that in our committee. On the contrary, with EFSA, you have more radical groups and that created some problems, I would say (EU3-G).

¹⁴⁵ Likewise, the notion of transparency is performed in the domain of agricultural policy by means of the Commissioner's web-log (see below), and a recent decision requires the publication of all recipients of EU agricultural and rural development payments by 30 April 2009, including the full name, municipality, and postal code of every recipient (COMM 2008b). These changes were initiated within the framework of the longer-term *Transparency Initiative*.

¹⁴⁶ For current and closed ‘stakeholder consultations’ at the European Commission, especially in regard to novel foods and food quality, see: europa.eu.int/comm/food/consultations/index_en.htm [acc. 15 June 2007].

¹⁴⁷ The new Advisory Group replaced five existing consultative bodies - the Advisory Committee on Foodstuffs and the standing groups on veterinary matters, plant health, animal welfare and feedstuffs that were previously attached to the Advisory Committee on Agricultural Product Health and Safety. Its first meeting took place towards the end of the year 2007.

The fact that groups like Greenpeace (according to the Commission official) only rarely apply to such formal Commission consultations any longer, and that other ‘radical’ NGOs prefer to engage with the EFSA instead of participating in Commission consultations, may indicate at least two things: First, the blurring (or dislocation) of the distinction between ‘policy and ‘science’ has facilitated the emergence of new modes of interaction between institutions and non-governmental ‘stakeholders’. Even though some authors would consider the EFSA as a manifested fortification of scientific expertise in the EU context, I propose that the opening-up of ‘scientific spaces’ such as at the EFSA has brought about empowerment – for instance, on the part of NGOs and consumer advocates - and changed the understanding of the roles, rules, and responsibilities in the policymaking process. In other words, citizens have become ‘experts’ in their own right. Second, the fact that the scientific sphere of practice is no longer closed off from the public may indicate a change in the self-understandings of scientific experts themselves, as they now have (transnational) ‘laypersons’ looking over their shoulders and virtually ‘entering the laboratory.’¹⁴⁸

Another way in which scientists and policymakers develop new self-understandings vis-à-vis the industry and the ‘trusting citizen’ finds expression in experiments with crisis scenario exercises. Here, a food scare is simulated and participants take on different ‘roles’, such as the media, a member of the industry, or consumers, and improvise reactions that could be expected from the other parties. This organizational practice speaks to the dimension of performativity given that, in these concrete settings, agents involved in policymaking develop relational identities by means of experimenting with and performing different discourses. In other words, the constructed line between ‘the actors’ and ‘the audience’ is dissolved here by virtue of the equivalential positions into which policymakers and scientists enter by relating to the nodal point of a European consumer.

Moving on to the next integrative notion in the discourse of ‘good governance’, the construction of an audience (‘the public’) is reflected in the notion of *stakeholderiness*, which – as mentioned earlier – appears across contexts and is left untranslated, which speaks to its quality as a nodal point and the relative penetration of this ‘Euro-speak’ across national contexts. At the EFSA, the term ‘stakeholder’ is seen to describe ‘an individual or group that is concerned or stands to be affected – directly or indirectly - by EFSA’s work in scientific risk assessment’ (EFSA 2000a). The term *institutional stakeholders* refers to those with whom the EFSA has a *legal*

¹⁴⁸ In addition to formalized activities that require membership, the EFSA also promotes relations with the general public and those ‘who feel they can contribute to the Authority’s work’ (EFSA 2007a). This takes place through public consultations on specific scientific subjects, data collection activities to which any interested member of the public can submit relevant data and information, and through public events such as ‘open days’.

obligation to work, such as the European Commission, the European Parliament, and member states (cf. COMM 2001b).¹⁴⁹

Beyond these ‘institutional stakeholders’, for the EFSA, ‘Civil Society Stakeholders’ include scientists, consumer groups, non-governmental organizations (NGOs), and market actors such as farmers, food manufacturers, distributors, or processors. As specified in the GFL (Article 42, Recitals 56), the EFSA must have ‘effective contacts with consumer representatives, producer representatives, processors and any other interested parties’. By opening up the notion of *stakeholdermess* and extending the notion of being an actor of the food chain to include the consumer (‘farm to fork’), the EFSA makes it possible for seemingly disparate groups to come together and negotiate meaning on the basis of a shared sense of entitlement, as stakeholders along the food chain.

The integrative notion of *stakeholdermess* is further embodied in the EFSA’s twice-yearly Stakeholder Consultative Platform and an EFSA Annual Colloquium. The purpose of the Consultative Platform is to assist the EFSA ‘with the development of its overall relations and policy with regard to stakeholder involvement with tasks and mission by providing a forum for regular dialogue and exchanges’ (EFSA 2005b: 3). Established in 2005, the Platform brings together EU-wide stakeholder organizations working in areas ‘related to the food chain’ (EFSA 2007; Koeter 2005); notably, at the time of the establishment, out of 25 members only seven were NGOs. The fact that a large part of the remaining parties belonged to the food industry in the early stages of the platform may have contributed to the discursive management of problem definitions at the expense of NGOs that articulate more radical discourses in relation to food safety and food quality.

Nonetheless, while generally seeking consensus, the Consultative Platform gives room to divergent opinions, recording them in the minutes, according to interview respondents who have been members of the Platform. It would go beyond the scope of this chapter to assess the nature of these venues as merely symbolic or having an actual impact on policy content (see Loeber and Hajer 2007 for a closer exploration of participatory practices). I would expect, however, that some discourses may become de-radicalized, and other groups become co-opted – in other words, the negotiation of meaning in the name of ‘stakeholder consultation’ can produce hegemony and marginality. I want to emphasize, nonetheless, that these deliberating

¹⁴⁹ These relationships are reflected in the EFSA Advisory Forum, which consists of member state representatives in charge of food safety and the EFSA Management Board, as well as formalized collaboration such as is stipulated in Article 36 of Regulation 178/2002 setting up the EFSA, which calls for the establishment of a member-state based scientific network and regular relations with regulators and Commission officials (EFSA 2007).

bodies are still characterized by improvisation and experiments and are not as fixedly institutionalized as, for instance, the pre-BSE committees within the European Commission were. In addition, alliances between some of the members have emphasized that '[their] participation to the Stakeholders Platform should not be interpreted as an acceptance of the [EFSA's] methods and procedures [...], or as legitimising [sic] EFSA's opinions' (Alliance 2005: 1), for instance, in regard to the evaluation of GMOs. Viewed differently, the presumably passive audience sheds this assumed role and proves agency and discursive resistance within the changing 'rules of the game'.

To sum up, the EU good governance discourse echoes those observed at the level of individual countries in the notions of a need for a transparent and independent science/policy nexus. What is particular here is the constitutive notion of a European consumer, who is a stakeholder, an actor in the food chain, and who holds policymakers and scientists accountable, as becomes expressed in trust surveys as well as stakeholder participation and in the technologies used in open board meetings. Contrary to the institutional distinction between 'science' and 'policy', it appears that scientific spaces have come to be implicitly understood as spaces where a plurality of ('non-scientific') expert voices can enter the debate and come to shape the scientific agenda, whereas the previously hegemonic notion of science was technocratic in nature and science was typically conducted behind closed doors. With the growing calls for transparency and openness and certainly the literal enactment of these notions, such as in Open Board Meetings, the laboratory has turned into 'public space'.

Having highlighted the integrative functions of the nodal point of a European consumer-stakeholder, the next subchapter discusses the ways in which a discourse of environmental sustainability has informed the meaning of 'food safety' at the EU level and how specific nodal points therein have contributed to the mobilization and stabilization of EU food (safety) policy discourse.

7.4.2 Environmental Sustainability

The relative strength and the specific contents of environmental discourses vary remarkably across the contexts studied in this thesis. In the German context, for instance, we find an early environmentalist understanding of the BSE epidemic, whereas Dutch authorities dismissed the German call for a de-intensification of agriculture. Whereas we saw a 'crisis of nature' in the German and to an extent in the UK context, the Dutch environmental discourse is often intermingled with, or even embedded in, a discourse of market efficiency. Mindful of this heterogeneity of meanings, the purpose of this subsection is to explore the ways in which this

discourse has informed meanings at the level of transnational policy discourse. To that end, I identify and discuss the following key notions of which the EU environmental discourse is composed: the decoupling of subsidies from food production in relation to growing concerns for animal welfare and the environmental impact of intensive farming; the related notion that (competitive) and entrepreneurial agriculture as well as its reform are important for all of Europe's citizens; the notion that farmers are stakeholders and perform a social role in the EU; and the notion that organic farming forms a positive contribution to European rural areas, nature, and health.

General EU competencies in environmental policy are relatively new, but rather broad, ranging from air quality to water quality, the fight against climate change, and natural resources and waste – issue areas that are reinforced in the Lisbon Strategy next to calls for a more competitive market (COMM 2008d).¹⁵⁰ One can observe ways in which environmental sustainability discourses have come to inform the meaning of 'food safety' and indeed 'food quality' at this level by exploring a cornerstone of EU integration (and certainly EU food production), the CAP. For decades, the primary aim of the CAP was to secure maximal production and food security and to support farmers' incomes. The hegemonic notion of maximizing production first came to be contested under Commissioner for Agriculture Sicco Mansholt in the late 1960s, yet without much success in terms of reform. In the 1970s, a critical environmentalist discourse concerning the CAP remained virtually absent, Wyn Grant (1997) argues, and it was not until the late 1980s that the persistent surpluses (such as the infamous 'milk lakes' and 'mountains of butter') produced by the CAP, the related budgetary costs, as well as environmental degradation (re-)appeared on the political agenda.

In view of the continuous surpluses and the related budgetary burden, the Commission published two discussion papers (COM/91/0100 and COM/91/0258) in 1991 regarding the future of the CAP. The subsequent 1992 Mac Sharry reform, named after the Agricultural Commissioner at the time, brought about radical changes in the CAP by replacing a system of protection through prices with a system of direct income support. The Berlin European Council in March 1999 set out a further reform towards a *sustainable* and *competitive* European agriculture (EP 2006). Moreover, the Council mid-term review of the CAP concluded that these steps were necessary 'in view of consumer concerns and demands regarding food *quality* and *safety*, *environmental* protection, and animal welfare standards' (COMM 1999/2000: 24, emphasis added; Council 2002; cf. EP 2006). By formulating the CAP aims in such an inclusive way, while at the

¹⁵⁰ The Lisbon Strategy emerged from a Council meeting in Lisbon in 2000 and include three 'pillars' that represent economic, social, and environmental policy aims.

same time asserting that the Council, as a collection of policymakers, was acting in the interest of all and in response to consumer concerns, this announcement formed an authoritative enactment of the notion that a 'competitive' but also sustainable agriculture was to remain the primary goal.

The policy of de-coupling subsidies from production as well as the integration of a rural development program (an underlying notion being 'farmers as environmental stewards') indicate a shift in the formerly production-oriented CAP framework, yet the Berlin Council initiative for reform did not evolve without friction. In March 1999, prior the Berlin Council meeting, some 4,000 German farmers staged a protest against the Commission proposals that were to reduce subsidies to farmers, and which were understood as a 'war against farmers'. In consideration of the superior regulatory power of the EU vis-à-vis the national member states in the domain of agricultural policy, protests were directed at EU institutions, rather than the German government. In line with the traditional influence of the farming lobby in the EU CAP, the proposals for reform were watered down (Gallagher et al. 2001: 124).

Over the subsequent years – keeping in mind the dioxins crisis in 1999 fever and the FMD epidemic in 2001 – an increasing integration of discourses of environmental sustainability and market efficiency occurred both on the national level, particularly in the Netherlands and at the transnational level. This discursive shift resonates in the most recent CAP reforms, *Agenda 2000* and *Agenda 2003*. These reforms introduced notions of 'enhancing competitiveness', 'improving efficiency', and encouraging farmers to diversify and 'produce for the market', rather than for subsidies – notions that echo the findings in the Dutch case primarily, but also the case of England. In other words, the farmer was to be an entrepreneur and an environmental steward at the same time. Within the financial framework *Agenda 2000*, the Commission also stressed the need to continue the process of aligning CAP prices with world prices in order avoid further market imbalances, and to avoid conflict with the rules of the World Trade Organization. At the same time, the Commission indicated an aspiration to make agriculture more environmentally friendly and quality-conscious, and the 2000 CAP reform brought about a two-pillar system which rests on production support, on the one hand, and rural development, on the other (Grant 2003; COMM 2008d).

A discourse analysis of the emerging transnational approach to food (safety) (rather than only agriculture) indicates a similar shift, even though the integrative function of the environmental sustainability discourse remains limited in regard to food (safety) policy more specifically, set aside the specific topic of GMOs. Nevertheless, environmental groups do participate in certain forums, such as the EFSA Consultative Platform, and high-ranking EU

officials have invoked a re-citation of ‘food safety’ in concrete practices. For instance, in 2001 and 2002 the Commissioner for Health and Consumer Protection (DG SANCO), David Byrne, chaired a series of public roundtable discussions on the topics of food (safety) and agriculture. The Commission additionally organized a series of internet chats on the topic of ‘food quality’: David Byrne and Franz Fischler, then Commissioner for Agriculture, Rural Development, and Fisheries (hereafter DG AGRI), held an internet chat on ‘Food Quality in Europe’, where participants had the opportunity to ask questions in all official EU languages. Here, the notion that all European citizens have a stake in food (safety) policy resonates, and food quality (such as in production methods) is constructed as a transnational consumer concern. The contents of these chats, in fact, reveal a significant broadening of the debate, with considerable room for normative elements, such as animal welfare and the possible effects of the release of GMOs (COMM 2001a). In other words, based on the notion of a transnational consumer who may be concerned with animal welfare and ‘food quality’, a gradual opening of these terms has occurred.

The notions of environmental protection, animal welfare, and the benefits of organic food production also resonate in the discourses of non-governmental organizations (NGOs) such as Friends of the Earth Europe, Greenpeace, and the International Foundation for Organic Agriculture, which primarily address (and indeed contest) the EU’s policy on genetically modified crops. In this discourse, notions of environmental exploitation, the excessive influence of the industry in policymaking, the intransparent usage of scientific expertise, and a critique of the environmental impact of intensive farming structure such alliances. For instance, the Friends of the Earth Europe campaign *Food and Farming: Time to Choose!* raised notions of ‘sustainability’, ‘quality’, and ‘localization instead of globalization’ (FoE 2002). Moreover, environmentalist activism (for instance, calling for higher animal welfare standards) now increasingly takes on the shape of ‘multi-level activism’ (e.g. Van der Heijden 2006), which signals a growing construction of environmental sustainability as a European issue, rather than a local one.

The current Commissioner of Agriculture and Rural Development Mariann Fischer-Boel (who up until her appointment in 2001 was a Danish farmer) gives expression to the amalgamation of the discourses in the CAP ‘Health Check’ launched in 2006, Fischer-Boel announced as follows:

The [CAP] Health Check is a chance to build on the reforms introduced since 2003 and prepare both the CAP and farmers for new challenges and opportunities. Here I don’t only mean *market opportunities*, although this is also important! I am also thinking about climate change, water management, the protection of *biodiversity* [...]. I don’t think that we should only speak with ministers and their staff, but also with Members of the European Parliament, *farmers’ groups*, *consumer*, *environmental*

and other NGOs and – of crucial importance – the *man and woman in the street* (COMM 2007e).

The quotation above signals an amalgamation of notions relating to seemingly diverse discourses: environmental sustainability, market efficiency, good governance (as expressed in the ‘need for consultation’), and the notion that agricultural food production and reforms therein are beneficial for all European citizens (‘the man and woman in the street’), rather than only farmers. The notion that environmental sustainability is beneficial for the whole of Europe, including its citizens as well as rural areas, bridges the boundaries between seemingly conflicting discourses and the frequently assumed actor-categories of policymakers, citizens, and members of the industry, as is indicated in the pertinent section of graph 7.1. As the Commission puts it, ‘sustainable development must encompass food production alongside conservation of finite resources and protection of the natural environment so that the needs of people living today can be met without compromising the ability of future generations to meet their own needs’ (COMM 2008c).

The shift towards environmental sustainability came to be embraced by the industry, whilst on the discursive level this support is contingent on notions relating to market efficiency. As the most prominent representative of the food and drink industry in Brussels puts it:

Environmental sustainability has inherent benefits for the industry: [...] [It] is the natural environment where the sector’s raw materials are grown. It forms the basis for the long-term health and prosperity of the sector [...] [and] [...] enables companies to remain competitive by reducing resource use and costs. [...] Not least, the industry is fully aware of its social responsibility and is committed to make a positive contribution to society and the natural environment (CIAA 2007b).

The recently launched organic food campaign similarly expresses the notion that farmers play more than an economic role, but also that environmental sustainability (as embodied in organic agriculture) is good for the entire (European) society. In its central slogan, ‘Organic farming - Good for nature, good for you’, as well as the *Action Plan on Organic Farming* (2004), the Commission stresses the ‘societal role’ of organic farmers and suggests that organic agriculture

is known to deliver public goods, primarily environmental, but also rural development benefits and in certain respects [...] improved animal welfare. Seen from this angle, the development of organic farming should be driven by society (COMM 2004: 2).

Here, the Commission implicitly appeals to the notion that society is responsible for promoting organic agriculture and emphasizes its holistic benefits. The recent organic campaign mentioned above offers a range of slogans that ‘stakeholders’ can make use of, including: ‘Organic farming. The natural choice’; ‘Organic farming. In nature we trust’; ‘Organic farming. In goodness we trust’; and ‘Organic products meet consumer demand for authentic, high quality and tasty food’. Whilst the Commission as well as the EFSA typically claim a neutral stance regarding the qualities of organic foodstuffs, particularly with respect to their nutritional value, these slogans, I would argue, do insinuate the notion that ‘natural’ food is ‘good food’, whereas, strictly speaking, there is no conclusive scientific evidence that would indicate that organic products taste better. To conclude, these findings echo the observations in the German as well as the English case.

To sum up, I have here explored the role of the environmental sustainability discourse with respect to informing the meaning of food (safety) at the EU level, mainly through considering changes in the CAP policy discourse. The notion that agricultural production should be decoupled from subsidies and instead related to environmental protection and the notion that organic production is beneficial for all of Europe (‘the man and woman on the street’, ‘rural areas’, ‘the economy’) suggest an increasing internalization of this environmental discourse in relation to food (safety).

7.4.3 Market efficiency

This subchapter presents the composition of the market efficiency discourse at the transnational level and its function in stabilizing the Europeanized food (safety) policy discourse as follows: the notion of the need for agricultural reform for the sake of competitiveness as a shared aim across EU member states; the twin-notions of being a member of the food chain and a stakeholder; and the notion that food safety can best be guaranteed by means of a combination of public and private responsibility.

The support for increasing productivity in farming up until the 1990s reflected the notion that agricultural food production was a shared aim across national contexts, and that the EU as a whole should be to form an important player in agricultural world trade.¹⁵¹ The overriding principle of a free internal market was sustained by the different mechanisms of support to farmers and the abolition of trade barriers, and the agricultural sector came to contribute significantly to prosperity in the EU. In the aftermath of the dioxins crisis and the continental

¹⁵¹ The EU currently ranks as the world’s largest importer of food products, which come primarily from the developing world. Looking at the three national case-studies in this thesis, the Netherlands account for 6.9% of the total share, while Germany accounts for 12.6%, and the UK for 6.5% of those imports (COMM 2007b: 2).

BSE crisis, however, the single market and the free movement of goods as well as the market efficiency focus of the CAP were called into question when they came to symbolize the uncontrollable spread of diseases, some of which could affect human health.

As mentioned in section 7.4.2, the series of CAP reforms following the continental BSE crisis in 2000/1 included a de-coupling of production from subsidies, hence a move away from the post-WWII hegemonic policy focus on maximizing productivity. Notions of environmental stewardship entered the market efficiency discourse although this is not to say that the environmental sustainability discourse came to bracket out the market efficiency discourse in its entirety. Instead, this discourse remains full of contradictions where the divergence of meanings comes to the fore. These contradictions, notably, become more apparent in mission statements and the ways in which, for instance, the achievements in a particular policy area come to be presented (e.g. COMM 2008c, 2008d) – rather than major policy papers and speeches.

The discursive tension in which this market efficiency discourse stands to the environmental sustainability manifests itself institutionally in the ‘two-pillar’ structure of the CAP: market policy (known as the ‘first pillar’) and ‘sustainable development of rural areas’ (the ‘second pillar’). In the most recent reform of food production (in the CAP), this discursive integration expressed itself, first, in the notion that the reforms could serve both economic and environmental purposes, and, second, the notion that farmers could and should be environmental stewards and entrepreneurs at the same time – the latter being a notion with which some environmentalists would likely disagree. The mediating notion of holding (an environmental and economic) stake in the reforms as a European consumer, however, constructed the content of the reforms as shared concerns. To conclude, the amalgamation of the market efficiency and the environmental sustainability discourses found expression in the discursive link between economic competitiveness (such as in reducing administrative burdens for farmers, as is promoted in the so-called Lisbon Strategy, cf. COMM 2006b and COMM 2008d), the significance of agricultural food production in the EU, and consumer concerns (see COMM 2008d).

Moving on to the next notion, the *Green Paper on the Principles of Food Law in the EU* (COMM 1997) first introduced the notion of ‘chains of consequences’, which was to be restated later in the Commission’s *White Paper on Food Safety* (COMM 1999/2000). The policy phrase ‘from farm to fork’, or ‘stable to table’, emerged in the aftermath of BSE in the UK and the EU setting – although it is impossible to trace precisely where and in which setting it was first articulated. Notably, this terminology is used by nearly all involved actors and across contexts – the Commission, EFSA, NGOs, industry and farming representatives, retailers, environmental groups, and consumer advocates. The malleability of the concept of the chain– in the sense that

seemingly diverse roles can come to be associated with it - makes for its particular integrative power and its discursive 'bridging effect'. Even more so, the notion of being a member of the food chain creates equivalential positions between the seemingly disparate actors, and hence constitutes a nodal point in the development of EU food (safety) policy discourse, as the following quotation from the Commission's White Paper indicates:

The food production chain is becoming increasingly complex. Every link in this chain must be as strong as the others if the health of consumers is to be adequately protected. [...] An effective food safety policy must recognise the inter-linked nature of food production (COMM 1999/2000: 6).

The notion of a chain, I propose, invokes a sense of mutual dependency as well as a shared set of responsibilities. Moreover, the notion of being a member of a (transnational) food chain produces a sense of entitlement, as we have seen in the manifestation of the notion of *stakeholderness* at the EFSA, for instance. A Commission official confirms (EU3-G): '[T]he fact that the entire food chain is taken into account now leads to different parts of the chain co-operating more with one another, and also creating some alliance between farmers, industry, and retailers – which *necessarily are transnational*' (see also EU4-G, EU8-IA). These newly emerging shared notions, in other words, also produce new actor constellations.

As these different actors come to position themselves in a relational way as members of the food chain, the notion of the food chain helps to construct the meaning of food (safety) as 'naturally' transnational. From a discursive perspective, the notion of a chain implies that food safety can only be guaranteed by means of 'following the chain' - cooperation therefore appears logical, natural, and necessary. A transnational retailer representative describes this sense of collectiveness well:

Ten years ago [in times of a food scare] we would have said: that's not our fault, it's their fault. Now we say: well, you can say that, but it's not going to help anything because maybe the next day it'll be our fault and not their fault (EU8-IA).

So because *we became a concept* [...] it's important for us to clearly discuss amongst ourselves, know our differences, and now I would say, come to a *mutual respect of our differences* instead of using them against one another, which was the case before, let's be honest. The finger pointing [back then]! We are each responsible for our section of the production. But we are also responsible for getting something that is safe from the previous operator. So *we all count on one another* [...]. We want to show that *we're united* and are working together [...] showing that we have understood that we are a concept that is for the better (EU8-IA, emphasis added).

The notion of being a member of the chain appears internalized here, and from the vantage point of a market efficiency discourse, it is powerful in constructing food (safety) not only as a transnational issue but also as a shared objective between seemingly disparate actors and across diverse discursive premises. The political implications of this naturalization, however, entail that the relative positions of food producers, distributors, retailers, and citizens as ‘end consumers’ become relatively fixed. A similar critical point could be made regarding the ways in which the chain metaphor tends to reify current production and consumption patterns, and the possible crowding out of voices that are currently not included as ‘stakeholders’. Whereas in the German context, the notion of being a member of the food chain contributed substantially to the re-empowerment of environmental organizations, the meaning of the ‘food chain’ in the EU context resembles the Dutch usage: It connotes production processes and the combination of public and private responsibility.

Similar to what we saw in the discussion of the Dutch case, the discourse of market efficiency at the EU level produces a notion of being a member of the food chain as a notion of ‘non-competitiveness’: By referring to the food chain as a collection of non-competitive, interdependent actors, ‘food safety’ comes to be constructed as a universalistic aim. Put differently, the notion of the food chain is used to bracket out the market efficiency discourse in favor of new modes of cooperation and participation in the policy process (for instance, in the *Advisory Group on the Food Chain* at the Commission, but also in transnational retailer initiatives and private labeling schemes.¹⁵²

This relative bracketing out bears at least two important consequences. First, the growing notion of food safety as a non-competitive policy field constructs equivalential positions between the members of the food chain, as they are presented as mutually interdependent in pursuit of a common goal. Through these equivalential positions vis-à-vis a common goal, in turn, a relative fixation of the meaning of ‘food safety’ is achieved. In this way, the construction of food safety as a universalistic aim and the consequent cluster formations (as indicated in graph 7.1) expose the dynamic nature of the roles associated with the categories of the policymaker, the scientist, and the food industry, as has been the case in England, Germany, and the Netherlands, too. Second, the notion of ‘non-competitiveness’ supports Europeanization as, by articulating and re-citing ‘food safety’ as a matter of ‘chain cooperation’, it leads away from

¹⁵² An example for a transnational retailer initiative is the EUREPGAP agreement (Euro Retail Produce Working Good Agricultural Practice).

the entrenched notion of member states competing with one another, regardless of the policy field in question.

In conclusion, an important finding here concerns the amalgamation of notions relating to market efficiency and environmental sustainability as well as good governance. The discussion of the discourse of market efficiency has revealed the interlinkages between the notions of being a member of the food chain, being a stakeholder, and bearing responsibility vis-à-vis the European consumer. The connections formed between these integrative notions, which draw on discourses of market efficiency and environmental sustainability, have functioned as nodal points, thereby aiding the temporary fixation of meaning at the level of transnational policy discourse.

7.4.4 Consumer protection

As demonstrated in the foregoing empirical chapters, the discourse of consumer protection occupies a central place in the overall policy discourse on food (safety) across contexts, even though it draws on diverse socio-political and legal traditions. Despite this heterogeneity, this subsection suggests, the notion of a European consumer with choices and rights has had a powerful role in mobilizing and sustaining EU food (safety) policy.

At the transnational level, the following notions make for the composition of the consumer protection discourse: the notion that (European) consumers have rights and choices to make; the notion of a link between consumer protection and public health; the notion that consumer protection will contribute to market efficiency; and the notion that consumers, in order to trust in food (safety) policymaking, must have a say in food (safety) policy as ‘stakeholders’.

As mentioned in section 2 of this chapter, there was hardly a sustained interest in the ‘European consumer’ until the mid-1980s, despite early calls by the European Parliament for a specific consumer policy. This could be explained by the fact that the EU internal market was traditionally concerned with breaking down trade barriers, rather than protecting the consumer – a policy area for which member states retained most of the regulatory competencies. In the aftermath of BSE, however, the notion of a European consumer gradually entered the discourse and institutional self-understanding of the European Commission. It created the European Consumer Consultative Group¹⁵³ which now forms part of DG SANCO and replaced the Consumer Committee as the Commission’s main forum for engaging with consumer

¹⁵³ In accordance with the Commission’s Decision (2003/709/EC)

organizations.¹⁵⁴ In this way, the Commission adopted a discourse of ‘being in charge’ of protecting the European consumer, while at the same time introducing the notion that consumers had to have a say in policymaking.

In the same course of rearrangements, a number of scientific committees shifted across DGs, partly in order to secure adequate consumer protection. By virtue of these institutional moves, the language of consumer protection was invoked in ‘scientific’ settings, thereby exposing the constructed nature of the boundaries between ‘science’ and ‘policy’. The perceived threat associated with this blurring can be understood as symptomatic of the institutional ambiguity at the time and of the blurring of the science/policy nexus. A senior Commission official tasked with biotechnology regulation and the development of the precautionary principle, who personally witnessed the shifting around of these committees, recounts:

What we heard from some of the scientists was that they were very angry at being put to SANCO because suddenly it seemed all political to them. To talk of consumer interests was political. They were not experts in consumer concerns; they were experts in their particular field (EU10-G).

Despite this resistance, over time, the notion of a European consumer with a right to be protected across national boundaries came to be integrated across policy areas – as is reflected in frequent calls for ‘mainstreaming’ consumer protection, that is, efforts to integrate consumer protection concerns into every policy area, ‘reflecting a shift in people’s needs and expectations’ (COMM 2007c). The notion of a transnational consumer with demands and choices finds expression in the amount and the nature of trust- and risk perception-related surveys, where policymakers measure their own track record, for instance, by interviewing ‘stakeholders’, such as consumer advocates in the EU setting (EFSA 2004a, 2004b). The notion of the need for restoring consumer trust, as we observed in the discussion of the good governance discourse, also returns in the regular measurement of trust in food (safety) and public support for the CAP in the *Eurobarometer* survey.

The notion of a European consumer is most clearly embodied in the work program of the DG SANCO where consumer protection has been integrated with the area of public health, an area where the EU has very limited powers. Whereas health and consumer issues have previously been dealt with in separate programs, the Commission now steers towards a joint

¹⁵⁴ The European Consumer Consultative Group constitutes a ‘forum of general discussions on problems relating to consumer interests, gives an opinion on Community matters affecting the protection of consumer interests, advises and guides the Commission when it outlines policies and activities having an effect on consumers, informs the Commission of developments in consumer policy in the member states, and acts as a source of information and soundboard on Community action for the other national organisations’ (COMM 2007c).

approach for health and consumer protection because ‘these policy areas share similar objectives and types of activities’: to protect citizens from risks and threats that are ‘beyond the control of individuals (e.g. health threats which affect the *society as a whole* [...]); to increase the ability of citizens to take better *decisions* about their health and consumer *interests*; and finally, to mainstream health and consumer policy objectives’ (COMM 2005: 3, emphasis added).¹⁵⁵

The notion that food safety risks can affect ‘society as a whole’ connotes a sense of collectiveness on the transnational level, rather than a purely individualist and ‘private’ notion of risk or a notion of risk on the national level. This is not to say that an individualistic notion of risk has disappeared; rather, the area of consumer protection constitutes another area where discursive contradictions persist. The Commission emphasizes that it does not seek to ‘micromanage’ European citizens (COMM 2004) but, rather, to permit ‘fully-informed choice’. This notion of consumer *choice* as a universal (European) right (‘we are all consumers’) is also reproduced in the discursive practices of prominent consumer organizations. The EFSA, on the other hand, goes further in constructing a ‘European body’, in stating that ‘ensuring that the food we eat is safe contributes to a healthier, better-protected European’ (EFSA 2007). This is an interesting development given the official limits to the EFSA’s remit, and resembles the observations at the German BfR, also a scientific institution informed by a health discourse, although in a more pronounced and institutionally sedimented fashion than the EFSA.

Not unlike policymakers and scientists, the industry has taken up the notion of a transnational consumer. As a discursive foundation for cooperation, consumer confidence, trade, and food safety are constructed as mutually dependent concerns, again by virtue of the notion of a chain:

How can the food and drink industry solve this crisis? The integrated approach of the food chain “from the stable to the table” implies that each link of the chain has an interest for consumers (EP 1996).

As members of the industry take on a discourse of consumer rights, a sense of collective responsibility is discursively introduced into the market efficiency discourse on the transnational level - and hence the logic of the EU Internal Market. This logic relies on the construction of interlinkages between the notions of being a member of the food chain, being a stakeholder within it, the notion of food safety as a non-competitive issue, and the notion of working for,

¹⁵⁵ In 2007, two separate policy portfolios were established, the Commissioner for Consumer Protection and the Commissioner for Health. The two remain situated within DG SANCO, whereas this DG now has two Commissioners. It is still impossible to assess the significance of this institutional move at this point, but it may be worth noting that, this way, an additional Commissioner from the new member states could be accommodated.

and in the interest of, consumer protection. The mission of the largest food industry association at the EU level is

to represent the food and drink industries' interests, at the level of European [...] institutions, in order to contribute to the [...] *competitiveness* of industry, food quality and safety, *consumer protection* and respect for the *environment* (CIAA 2007a).

These interlinkages between the discourses of market efficiency, consumer protection, and environmental sustainability also resemble those we have seen in the Dutch case, as the superscripts in graph 7.1 indicate, and have brought policymakers, scientists, and members of the industry into equivalential discursive positions vis-à-vis 'the consumer'. A noteworthy example would be the Platform 'Food for Life', to which the EU-wide Confederation of the Food and Drink Industries invited 'stakeholders along the entire food chain': researchers, policymakers, members of the food and feed industry, an EU-wide farmers' association, *and* an EU-wide consumer association.

Next to the notion of a transnational consumer, another key integrative notion that recurs across contexts and discourses is the notion of being a member of the food chain. Through this discourse, seemingly diverse actors come together to push for particular notions that are constructed as shared ones, such as in joint food working groups, or consumer working groups, or a combination thereof. For instance, the European Consumers' Organization (*Bureau Européen des Unions de Consommateurs*) and the European Public Health Alliance collaborate in the context of the European Parliament Health and Consumer Intergroup, and environmental NGOs, consumer groups, and health advocates have formed alliances vis-à-vis the EFSA on particular issues such as the use of GMOs (for instance, Alliance 2005). As a nodal point that can come to denote a range of actor-categories and roles, the notion of the food chain bears a significant role in enabling so-called civil society to take part in the policy process in novel ways, both in formal mechanisms at EU institutions and in more informal modes of cooperation, such as in alliances among NGOs.

Beyond alliances between consumer groups and members of the industry, the 'food chain' as a nodal point produces a relational identity between policymakers and scientists vis-à-vis members of the food and feed industry, environmental groups, and consumer advocates, as is reflected in expressions such as 'talking to the chain'. The recent transformation of the slogan 'from farm to fork' into 'from fork to farm' in EU policy circles can be seen to indicate an even stronger integration of the consumer notion as a discursive resource. Of course, consumer advocacy also takes place outside formal consultation processes: For instance, the aforementioned European Consumers' Organization organized a consensus workshop in 2003,

that is, a gathering of diverse organizations and actors with the aim to share knowledge, develop understanding, and to find common ground regarding particular issues. The participants included scientists, food and consumer experts, those involved in larger research projects, and a range of ‘stakeholders’ from the EU context. The aim of the event, according to the organizers, was to find ‘a common language – a means of communicating and understanding’ (BEUC 2003: 5-33). Furthermore, the nature of the workshop challenged scientists to speak to ‘ordinary citizens’, while at the same time it facilitated the inclusion of so-called ‘non-scientific’ issues in the discussion (ibid.). In sum, we find the notion of the food chain as one that can transcend the previously hegemonic boundaries between feed and food as well as national and transnational.

Beyond the integrative function of the food chain notion as a nodal point, contemporary policy discourse constructs EU-level consumer policy as a necessary adjunct to the internal market, as the following quotations suggest.

The Commission’s aim is ‘to improve EU citizens’ quality of life with respect to health and consumer issues, [...] [and] to increase the Unions competitiveness (Byrne 2003).

If the market functions well, it will stimulate consumer confidence in cross-border transactions and have a positive impact on competition and prices for the benefit of all EU citizens (COMM 2005: 3; cf. COMM 2007d).

Here, the discourse of consumer protection as an EU competency (‘for EU citizens’) and, along with it, the construction of a trusting European consumer is placed in ‘natural’ conjunction with the discourse of market efficiency. Whilst the institutionalized notion of the favorable nature of the free movement of foodstuffs – within the internal market discourse - became subject to dislocations, such moments can bring about change *and* continuity. The discourse analysis of the consumer protection discourse, its composition, and its qualities suggests that the consumer protection discourse grew out of and beyond the previously hegemonic internal market discourse in the shape it has today - its constitutive notions of individual consumer choice and rights, the notion of the consumer as a market agent, and the weak institutionalization of environmental sustainability in DG SANCO’s work program all speak to this effect.

In conclusion, with the reintegration of previously disintegrated policy areas, a new nodal point has emerged that has contributed to the temporary fixation of meanings at the level of transnational policy discourse due to its discursive malleability and its apparently neutral function in (re-)connecting previously differentiated actor-categories and policy areas. As a consequence of this amalgamation, we find discursive material clusters of practices, such as in participatory

practices at the transnational level but also joint initiatives in the private sector along the food chain.

While the findings presented in section 7.4.2 indicated that environmentalist notions have been discursively incorporated into agricultural policy areas - manifested in the series of reforms in the CAP and the promotion of organic agriculture - there is less evidence of these environmentalist notions being integrated with the area of consumer protection. One possible explanation constitutes the predominant notion of consumer *choice* and consumer *rights*, which would conflict with the notion of advising citizens what to consume, how, and where, in the name of environmental sustainability.

As graph 7.1 indicates in the superscript in the pertinent section, the discourse of consumer protection at the EU level bears traces of the consumer discourses in all the national contexts studied for the purpose of this thesis: calls for ‘putting the consumer first’, as observed in the case of England; the construction of a link between the trusting consumer and market efficiency, as observed primarily in the policy discourses in England and the Netherlands; and a link between consumer protection and public health, as witnessed in the German case. We shall see all of these elements return in the next section, which discusses the discourse of public health at the EU level

7.4.5 Public Health

This subchapter addresses the recent strengthening of a public health discourse at the EU level and considers the ways in which it has informed the meaning of food (safety) in this context. The discussion of the public health discourse in relation to food (safety) is important here for its relatively novel nature; in addition, it forms an exemplary case of discursive contestation. The composition of this discourse will be discussed as follows: the notion that nutrition advice is a legitimate task for the EU; the notion that nutrition is a matter of consumer protection; the notion that promoting public health at the transnational level brings (economic) benefits to all; the notion that public health hinges upon individual choices, too; the related notion that everyone has a stake in promoting public health; and the notion that novel foodstuffs should be evaluated on the basis of potential harm, not benefit.

In order to understand the recent growth of a public health policy field at the transnational level - such as in the renaming of DG XXIV into DG SANCO and recent campaigns that promote physical activity and disease prevention - a brief genealogy is in order here. Public health is a policy area in which EU member states have retained most of their regulatory power, unlike the field of agricultural policy. Accordingly, discourses in favor of public health reforms

continue to be directed primarily at national governments. Staged protests such as those of German farmers opposing the 1999 proposals for reforms of the CAP hence remain largely absent in the field of public health, and health advocacy remains relatively scarce at the EU level, even though in recent years, groups and coalitions have grown in this area. The EP Health and Consumer Intergroup and the increasing involvement of the European Public Health Alliance in policy consultations speak to such a development.¹⁵⁶

To begin with, the EC Treaty took a number of steps towards an EU-level public health policy approach, even though it continued to rely on the subsidiarity principle. Specifically Article 152 stipulated that ‘a high level of human health protection shall be ensured in the definition and implementation of all Community policies and activities’ and that the Council would adopt ‘measures in the veterinary and phytosanitary fields which have as their direct objective the protection of human health’ (EC Treaty [1992] 2006: Art. 152 (129)). In response to the Maastricht Treaty of 1992, the Commission issued a *Communication on the framework for action in the field of public health* (COMM 1993) and stated that the EU would ‘contribute towards ensuring a high level of human health protection by encouraging cooperation between Member States and, if necessary, lending support to their action’ (cited in EP 2001).

Yet neither the Communication nor the Treaty specified a link between health and food (safety), not least because EU health policy originated from health and safety provisions in the European Coal and Steel Community (ECSC) and the *Euratom* Treaties, rather than food in particular. Instead, public health competencies later developed through the principles of the free movement of people and goods within the internal market, as they required coordination in public health (EP 2001). Hence the discourse of market efficiency, as manifested in the notion of the internal market, came to primarily inform the meaning of food (safety) and public health, a background similar to what was discussed in the previous section on the consumer protection discourse. As a consequence of this dominant discursive framing, other, alternative meanings of public health as well as the voices of those campaigning for a broader understanding of safety were marginalized at least until the food scares of the 1990s.

It was not until the UK BSE crisis and the subsequent *Communication on Consumer Health and Safety* (COMM 1997) and the *Green Paper on the Principles of Food Law in the EU* (COMM 1997b) that a shift was articulated towards incorporating aspects of public health into food (safety) policy. Considering that the EU hardly had competencies in public health questions at the time,

¹⁵⁶ The European Public Health Alliance forms a network of NGOs and other not-for-profit organizations working in the field of public health in Europe.

this constituted a concrete moment of transformation in policy discourse and indicates a change in the meaning of ‘safe food’ towards a public health discourse.

The discourse analysis of policy documents, speeches, and newsletters as well as interviews conducted for the purpose of this study point to a recent shift in food (safety) policy: EU food (safety) policy has increasingly been incorporating the notion that ‘good nutrition’ is a legitimate policy area for EU intervention. The case of nutrition serves as a useful example of an instance where different discursive fragments inform policy change *and* continuity. The *White Paper on Strategy for Europe on Nutrition, Overweight and Obesity* (COM(2007) 279 final), for instance, combines a public health discourse with a consumer protection discourse, whereas we can find concrete traces of ‘older’ discourses of market efficiency that point to, for instance, health as a factor in economic competitiveness, and obesity as a cost factor in public health care. Building on the Green Paper *Promoting healthy diets and physical activity: a European dimension for the prevention of overweight, obesity and chronic diseases* (COM (2005) 637 final), the White Paper states:

Due to the increasing *global nature of most of the industrial sectors* intervening in the food and nutrition areas, and in order to prevent the rise of additional *administrative burden* stemming from different and maybe divergent national rules as well as to *boost competitiveness* in a new innovative and research based area, one set of coordinated actions at the EU level is considered, *by the concerned economic operators*, preferable to numerous, individual actions at Member State level (COMM 2007a: 3, emphasis added).

The interlinkage of the notion of a health-choosing consumer with that of sustaining competitiveness can help account for the delimitation of the current EU competencies in the field of public health, for the interlinkage tends to bracket out a construction of public health as a social responsibility. While the construction of health protection as an essential, social responsibility would involve crossing over contingent notions of what ‘healthy’, in fact, means, the employment of economic arguments – where everyone holds a stake – are ‘safe’ in a context where multiple and conflicting meanings come together.

In the most recent initiatives regarding the link between nutrition and public health, one can similarly observe an amalgamation of a discourse of public health, good governance, and a market efficiency discourse (COMM 2007d), through which health becomes constructed as a private responsibility. In order to make visible how this notion links up actors, let us consider an EU Commission document next to that of the most prominent industry representative association below.

Firstly, the *individual is ultimately responsible* for his lifestyle, and that of his [sic] children, while recognizing the importance and the influence of the environment on his behaviour. Secondly, only a *well-informed consumer* is able to make rational decisions (COMM 2007a, emphasis added).

The food and beverage industry is committed to playing its part [...] in empowering consumers to choose diets and levels of physical activity which can positively impact their health and well being [...] [u]ltimately, what a person eats and how active a lifestyle is followed is a question of *personal choice* and *individual responsibility* (CIAA 2004: 1-2).

These quotations also suggest that the notion of public health as a collective responsibility has not remained uncontested: individualist notions of ‘risky behavior’ and ‘(ir)rational choices’ remain present in the policy discourse. Indicative of this increasing amalgamation of discourses and the consequent integration of previously separate policy areas, the Commission has taken further steps in its efforts to improve health and nutrition, as they were set out in the *Strategy for Europe on Nutrition, Overweight and Obesity and related health issues* (COMM 2007a). Resonating the initiatives launched in the national contexts studied – most remarkably so in the UK ‘5-a-day scheme’ - the Commission has proposed a *School Fruit Scheme* which would aim ‘to encourage good eating habits in young people [...] [and will] require participating Member States to set up national strategies including educational and awareness-raising initiatives and the sharing of best practice’ (COMM 2008f). Considering the nature of the proposal, which cuts across the policy areas of public health, education, and consumer protection, it is particularly interesting to note that the call for proposals from ‘experts and stakeholders across the Union’ was issued on the website of the DG AGRI, rather than (only) DG SANCO. This indicates that the discourse of public health has come to stretch across the previously institutionalized differentiation between food production, food (safety), and health.

As for the notion that nutrition forms part of food (safety) policy and is thereby linked to consumer protection, the debate centers around marketing and advertising to children, and issues such as the potential health effects of foodstuffs high in sugar, salt, and fat, which echoes the public health and food (safety) discourse in the UK, as graph 7.1 indicates in the related superscript. The discourse analysis of this policy subfield indicates an increasing integration of notions of the public health discourse (‘good nutrition’) with those of a consumer protection discourse (‘protecting children’). Through this amalgamation, the market efficiency discourse, which typically presents the notion of being a consumer as being a market agent, is, in part, pushed aside.

This increasing amalgamation of discourses is embodied in the coalitions that jointly push for shared notions, often on the basis of specific nodal points. For instance, the shift towards including nutrition and public health in the EU food (safety) policy discourse has also become apparent in the EFSA Consultative Stakeholder Platform. Already at their first meeting in 2005, several groups underlined the restricted role of the EFSA in the area of nutrition and indicated that it should claim a more prominent role, especially in developing nutritional profiles, which constitute a set of intensely debated issues relating to EU health claims regulation (EFSA 2005a).¹⁵⁷ The EFSA's Chair at the time, Geoffrey Podger, indicated that despite the limited role of the EFSA in nutrition, it attached great importance to this area. The EFSA participated in the Commission's *Obesity Platform* as an observer and, in addition to future scientific colloquia on nutrition profiles, decided to undertake data collection on consumption and consumer exposure (EFSA 2005). The EFSA hereby asserts a link between consumer protection and public health and claims responsibility vis-à-vis the healthy European consumer (cf. EFSA 2007).

A senior Commission official at DG SANCO nevertheless emphasizes that 'the goal is not to harmonize food safety [...] [because] nutrition has a lot more to do with the mentality of the consumer and the culture of the different member states' (EU4-G). Pinpointing the resistance to and recognition of seemingly insurmountable divergence of meanings, the EFSA recently stated that uniform European dietary guidelines were not feasible, following a public consultation on its draft opinion on food-based dietary guidelines. These were intended to be 'science-based policy recommendations [...] for healthy eating [,] [...] for consumer information and education, and [...] appropriate for the region or country, culturally acceptable and practical to implement' (EFSA 2008b: 1). This instance again reveals the fundamental contingency of meanings and institutionalized practices, as in this case, 'science-based' guidelines turned out to be unfeasible. At the same time, this also confirms the importance of scientific diversity – that is, the continuous existence of national food safety agencies.

Similar signs of discursive contestation consist of instances where novel foods are classified as foodstuffs in some member states, but as medicinal products in others: The infamous *Noni Juice*, for example, provoked a debate of this kind between member states that proposed a classification as a medicinal product, on the one hand, and others, who successfully insisted on classifying *Noni Juice* as a novel food (see chapter five, subsection 5.4.5). In such cases, an official

¹⁵⁷ In the EU Health Claims regulation, all foods carrying a health claim were to conform to a particular 'nutritional profile', preventing products with a high sugar, salt or fat content from carrying a claim. The new rules, set in place in early 2007, redefine what constitute legitimate nutrition and health claims, and pose a challenge to the legitimacy of many common nutrition claims such as 'low fat' and 'sugar free' (European Commission Regulation no. 1924/2006 of December 20, 2006, the so-called Health Claims Regulation).

at DG SANCO (EU3-G) contends, member states use ‘science to hide behind politics’, hence depoliticizing cultural differences (see also COMM 2002a). In other words, ‘science’ - a reference to ‘facts’ - is then used to inject a sense of neutrality into the discussion. Likewise, the notion that foodstuffs should be evaluated on the basis of their potential harm, rather than their potential (health-related) benefits, hides away from the specific associations (such as healing qualities) that particular foodstuffs may carry in some contexts, but not others.

The impression that ‘politics hides behind science’ speaks to one of the key observations of this study, namely that the meanings of food (safety) and the associated policy practices remain contested, including those in the related subject areas of health and nutrition. This discursive negotiation of meaning can be made visible by examining the frictions in the development of new policies at the transnational level. For instance, in the development of a ‘Strategic Approach to Health in Europe’ (cf. COMM 2007d), consultation respondents stressed that there should be ‘a clear sense of ownership’ and the active involvement of member states, rather than a reliance on a joint EU approach (ibid.), which further points toward the sensitive character of the policy field. Again, this could be seen to pinpoint the need for a specific quality of interaction, based on a particularly flexible vocabulary, in order for Europeanization to be successfully mobilized.

Likewise, the ‘universality’ of science remains disputed. For example, the division of research tasks remains contested between the EFSA and national authorities, and ‘risky issues’ are not communicated in one ‘European voice’, as subsection 7.4.1 of the present chapter indicated. For instance, in the case of avian flu, the wording of the warning issued by the EFSA in September 2005 was strongly criticized by some of the EU member states, particularly Italy, for causing too much fear among the public. Despite this contingency, European scientists have come to be more ‘internationally-minded’, and being a member of an EU scientific committee is often considered as something prestigious. An analysis of interviews and press releases in the German case indicates as much, and the institutionalization of ‘Euro-speak’ trainings for officials at the UK FSA points to the special status of EU policymaking, too. Reinforced by the frequent establishments of ‘platforms’ and ‘stakeholder’ events, both terms being prolific in this policy field, now, ‘when it comes to scientific advice, there’s hardly a scientist who would say: “we have all the knowledge and expertise in our country”’ (EU10-G).

In sum, the public health discourse at the transnational level has grown to incorporate notions of food safety and food quality, whereas the linkages between these notions borrow from other discourses, particularly those of market efficiency (‘poor public health brings costs’) and consumer protection (‘citizens should have choice, but they should also be advised regarding good nutrition’). The Europeanization of this discourse, therefore, relies on the nodal points of

'being a consumer', *stakeholderness*, and the notion of being a responsible and competent member of the food chain, which through their interlinkages aid the fixation of meanings at the transnational level.

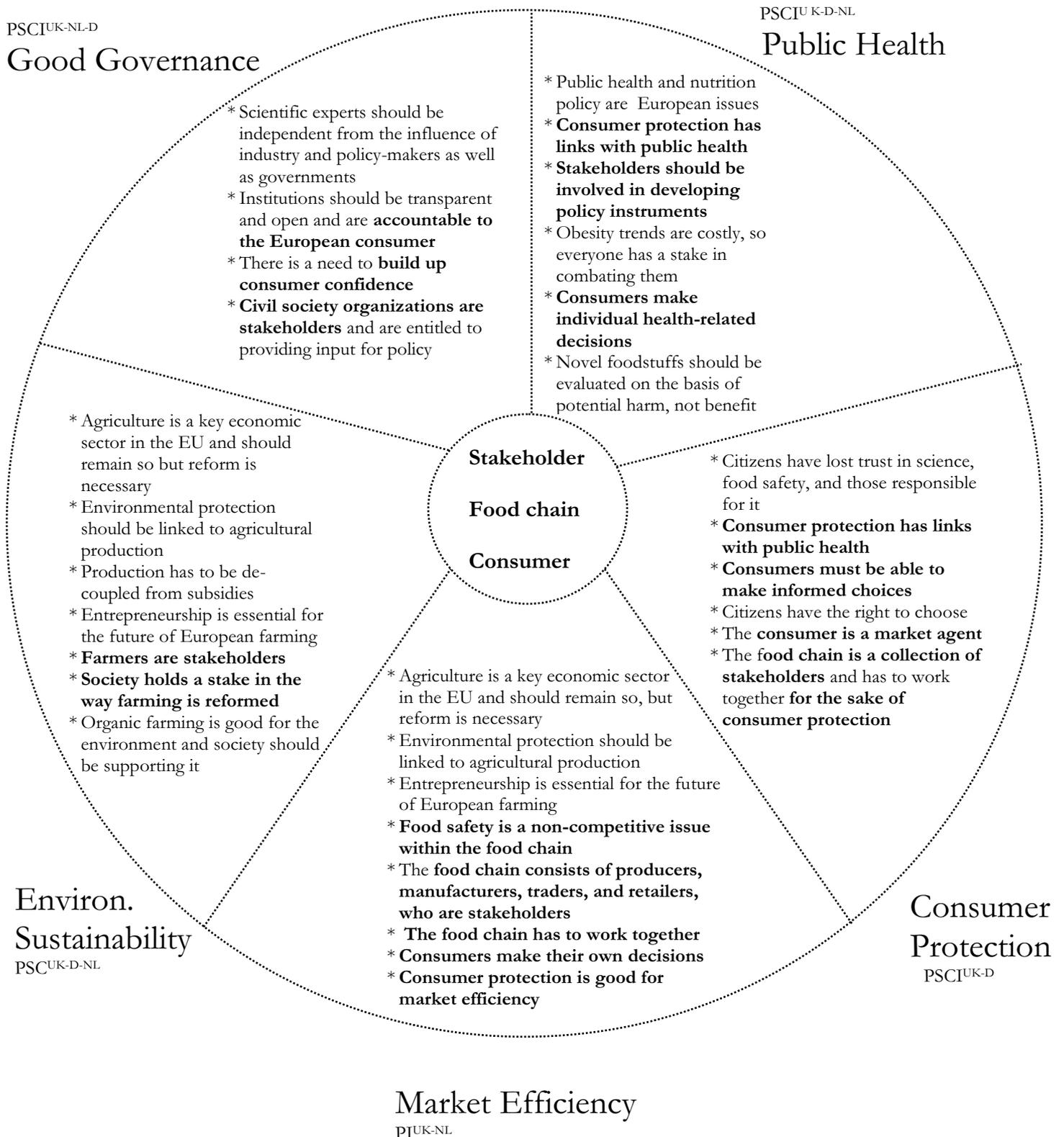
7.5 Concluding remarks

In order to explain the successful mobilization of EU food (safety) policy discourse in spite of the diversity of interpretations in the national contexts studies here, this study called for a new approach to the study of Europeanization. Such an approach would take seriously the contingency of meanings and the role of discourses in shaping and reshaping clusters of practices where actors come together based on interactively negotiated, shared notions.

Accordingly, this chapter proposed that Europeanization is a matter of performative *re-citation*, rather than a deliberate, conscious, and rational problem-solving process based on readily identifiable facts. In contrast to more mainstream policy-analytic approaches, this chapter captured the series of food scares over the past decade as moments of *dislocation* (Laclau 1990): events that could not be understood within the hegemonic food (safety) policy discourse existing at the time, hence disrupting and shattering the sedimented institutional practices and related identities in this policy field. To be precise, it was (i) the nationally-based nature of the policy regime and (ii) the related hegemonic principle of securing the free movement of foodstuffs within the EU as well as (iii) the expert-based character of food (safety) policy at the time which were disrupted.

After exploring the breakdown of the previously hegemonic EU food (safety) policy discourse in section 2, the aim of this chapter was to explain the current stability of EU food (safety) policy discourse, that is, the relative fixation and apparent convergence of meaning that transcends the heterogeneity observed on the national level. This stability, as this study of Europeanization suggests, rests on the negotiation of a shared 'food safety language' at the institutional level of the EU. For the purpose of identifying these 'integrative nodal points', section 3 discussed the most important food scares and the key institutional moments when particular definitions of what 'food safety' represents were invoked and the very meaning of food (safety) became re-cited in a new, transnational context. Subsequently, section 4 of this chapter revisited the five discourses identified across the contexts studied here, which appear visually summarized in the graph below.

Graph 7.1 Nodal points and Europeanizing actor constellations



Categories:

P = Policymakers

S = Scientists

C = Citizens (e.g. consumer advocates, environmental groups)

I = Members of the food industry

In bold: more recent/re-emerging discourse

In superscript: national discourse resonating strongly in Europeanized discourse

Before recounting the main findings across the discourses, an important qualification is in order here with respect to the graph above. Its circular shape serves to indicate the fluidity of the discursive space, while the ring-shaped center of the graph depicts the central nodal points identified here. Their visual position, however, should not be understood to indicate a stable discursive center. Rather, the two ring-shaped objects are intended to depict the relation between the more narrow nodal points in the center and the broader, integrative notions in the outer ring. It is their mutual interaction as well as the prevalence of the nodal points, highlighted in bold print across the different discourses (wedges) that make for a recognizable and relatively stable EU policy discourse.

As the graph shows, *first*, within the discourse of good governance, this chapter highlighted the notions of openness and transparency; the notion of the need to separate ‘science’ from ‘policy’; the notion of the trusting European consumer; and the notion of *stakeholderness* in conjunction with the notion of being a member of the food chain. As in the national cases studied here, the good governance played an important role in delimiting the sense of crisis and ambiguity that the several food scares produced. In particular, the drawing up of institutional boundaries produced such an effect, finding expression, for instance, in the constructed differentiation between ‘science’ and ‘policy’, which, in praxis, are remarkably unstable, as the discourse analysis demonstrated. Here, the in-depth interviews in both ‘policy’ and ‘science’ institutions were a particularly pool of resources.

Second, the discourse of market efficiency continues to structure food (safety) policy in the EU context. Through the notions of farmers as entrepreneurs and stakeholders, the CAP as an economically, but also socially important sector, as well as the notion of the food chain, this discourse shapes food production as well as consumer protection and public health policy in concrete ways. Moving on, the composition of the discourse of environmental sustainability suggests that the market efficiency discourse has not been left unharmed in the series of institutional rearrangements. Considering the shape that the environmental discourse has taken

in the national contexts of Germany and England, it is notable that, whilst the environmental sustainability discourse is in part composed of notions of reform of the CAP, food *safety* as a policy area has not been linked to environmental issues as much as to consumer protection. This implies that the environmental impact of agricultural food production is only marginally understood as a threat to a 'safe future' in environmental terms.

The *fourth* discourse examined here, 'consumer protection', suggests that the discursive category of the consumer has become an integrative nodal point in contemporary policy discourse in this domain, while its composition – i.e. its embedded notions – have shifted in the course of a reintegration with previously distinct policy areas, namely market efficiency and public health. In light of the apparent flexibility of the notion of being a consumer and the divergent discursive policy traditions across the studied contexts, it is interesting to note that tensions and contradictions within this discourse persist. The discourse analysis presented here reveals, for instance, the discursive friction between the notion of a consumer being a freely choosing market agent, on the one hand, and the notion of the consumer as bearing particular social and environmental responsibilities regarding sustainable consumption.

Finally, the discourse of 'public health' features a remarkable discursive amalgamation of a market efficiency, consumer protection, and individual health discourse. Resembling the discursive frictions in the consumer protection discourse, the public health discourse appears torn, at times, between the dominant notion that the protection of public health aids market efficiency and the notion that public health protection constitutes an essential responsibility, given that all parties 'hold a stake' in it.

An overall finding here concerns the interplay of elements of change *and* continuity. Both the consumer protection discourse and the more recent shift towards a different notion of food *quality* (rather than merely *safety*) draw on the pre-existing (internal) market efficiency discourse. The reappearance of these older discourses reflects the restabilization of institutional authority and the solidity of particular discursive clusters where – linked up through commonly shared discourses – seemingly disparate actors come to push for particular notions.

The integrative nodal points that stabilize and sustain EU food (safety) policy do so by making it appear coherent and 'naturally given'. The specific qualities that such nodal points would have to feature were discursive malleability and flexibility, a seemingly neutral and universalistic meaning, and the ability to bridge across discourses, and across the previously assumed boundaries between the national and the transnational, as well as food and health. The specific notions that make this policy stable (and indeed sustainable) are visible across the discourses: the notion of being a member of the food chain; the notion of (being) a trusting

(European) consumer; and the notion of *stakebolderness*. The qualities and functions of these notions are threefold: First, they form the nodal points that EU policy discourse rests on in the field of food (safety). Next, their discursive function is the bridging of discourses and actor categories, while their particular integrative power stems from the fact that they exist across all studied contexts. Third, due to their universalistic character, they can be *re-cited* or reinserted into a new context at the transnational level without too much discursive friction.

To conclude, the overlaps between the discourses on the studied *national* levels and at the EU level, as indicated in the superscripts in graph 7.1, speak to the shared sense of a pervasive dislocatory experience and institutional ambiguity upon which policymakers were forced to act when the previously hegemonic policy discourse was exposed as socially constructed and vulnerable. The findings in this chapter also suggest that we may have to move away not only from the constructed distinction between the categories of ‘the policymaker’, ‘the scientist’, ‘citizens’, and ‘the industry’, but also from the notion of ‘levels’ in the analysis of Europeanization. Instead of attempting to determine the direction in which Europeanization takes place, and hence holding onto and reifying the concept of national boundaries as well as national interest, it seems more urgent to assess the qualities that a transnational vocabulary must bear in order to provide stability in a given field of EU policy: openness, flexibility, and malleability.