

A more sophisticated crisis response

Would the response to the recent E coli outbreak have been better if the European Commission had taken on more powers? Alberto Alemanno thinks so

It is now six weeks since the E. coli outbreak claimed its first victim, and the peak of deaths and new infections seems to have been reached. Finally, too, the source of contamination source seems to have been identified. But each day that passed without discovery of the source was evidence not just of the scientific challenge of pinning down the source of an outbreak, but of the complexity, length and size of the modern food-production chain and of the difficulties of a multilevel – national and EU – system of food-safety governance.

The geographical spread of the deaths, the rarity of this strain of the E. coli bacterium and its particular virulence – the deadliest in history – have made this a true ‘stress test’ of the EU’s food-safety regime. There are several questions for the EU, one of which was posed by José Luis Rodríguez Zapatero, Spain’s prime minister: “Did it react too slowly?” Zapatero’s answer was “Yes, the Commission was slow”, and it is an argument with merit, in part, because the Commission could have acted earlier to oblige the lifting of bans imposed on fresh produce from Spain. But in one respect it was too quick – it should have been more cautious about endorsing Germany’s risk assessment and relaying it through the EU’s Rapid Alert System for Food and Feed (RASFF).

But the broader questions are whether it could have, and should have, responded differently. The answers are ‘Yes’.

To date, the Commission has limited itself to ensuring the rapid distribution of information – about sources and



SUSPECT AND CULPRITS Spanish cucumbers were not to blame for the deadly E. coli outbreak, bean sprouts were. REUTERS

about infections – via its RASFF and the Early Warning and Response System (EWRS).

This is in keeping with its role during a normal outbreak: it is for EU member states to decide what actions to take. But in emergency situations, under Article 53 of the EU’s general food regulation (GFR), the Commission can assume special, interim powers, such as the right to suspend the sale of a food. There are two conditions. First, the Commission can act only when the product “is likely to constitute a serious risk to human health” and, second, “that such risk cannot be contained satisfactorily by means of measures taken by the member state(s) concerned”.

In addition to “emergency measures”, the Commission can, under Article 56, “set up a crisis unit immediately” in “a situation involving a serious direct or indirect risk to human health deriving from food...and the risk cannot adequately be managed solely by way

of the application of [Article] 53”.

This option has, to my knowledge, never been used, but that does not mean it should not be. It would have provided a solid legal basis for a prompt EU-wide response. It might have provided the Commission not only with the authority immediately to engage the European Food Safety Authority (EFSA) to supervise the risk assessments conducted across Europe, but also to secure for the Commission the task of communicating the outcome of those assessments.

The Commission and EFSA have a more sophisticated ability to collate, assess and distribute information than national authorities. More importantly, an EU crisis unit would have been able to convey to the public a more balanced and cautious message about the possible sources of the outbreak. And, if the crisis unit had made the same mistake as the German authorities have made in risk assessment or communication, the consequences of its actions would have

been less prone to politicisation and would have been less likely to contribute to protectionist fears and impulses.

Some will perhaps argue that member states may yet satisfactorily contain the outbreak by themselves. But this crisis has demonstrated that modern supply chains will frequently oblige an international response and has highlighted the risk that the responses of national authorities will be – or will be perceived to be – politicised.

A quicker, better response was possible. The option of assigning the EU emergency powers should no longer be simply a theoretical option, contained in two obscure, little-discussed clauses of a regulation.

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Why the EU needs a migration organisation

A European Migration Organisation would help the EU develop clearer responses to migration, writes Hugo Brady

EU leaders will discuss reform of the Schengen area at their summit next week (23-24 June). Most observers expect some restrictions on borderless travel and the advancement of plans for a European border guard. But more innovative thinking is needed if the future of the Schengen is to be assured.

Taken separately, EU countries attract very different numbers of immigrants and from different locations. Depending on geography, historical ties and international perception, their border challenges and popular concerns over immigration vary widely. They can find precious little to agree on when it comes to a European migration policy, such as entry quotas or the distribution of migrants.

The relative success of Frontex, the EU’s modest border agency, shows that

the Union helps best by delivering personnel, equipment and know-how to states struggling to cope with migration pressures. The agency demonstrated considerable mettle in mitigating last year’s partial collapse of the Greek-Turkish border and continues to assist Italy with the disembarkation of immigrants fleeing northern Africa.

But apprehending unauthorised immigrants on land and sea is costly and a moral minefield. Earlier intervention in often ill-conceived plans to travel to Europe could save lives, spare resources and help alleviate political tensions within the Schengen area. At their summit, leaders should complement the efforts of Frontex – and of the EU’s newly established refugee office in Malta – by creating a European Migration Organisation (EMO).

Headquartered in an EU country, the organisation would have branches in the Union’s overseas missions. Its specialists would enjoy semi-autonomous status but perform functions similar to immigration liaison officers posted in some national embassies.

Integrated into the EU’s global network, EMO operatives could feed back real-time information to national capitals about migration trends in key

regions and foster intimate working relationships with immigration, labour, health and education authorities in their host countries. Most individual member-states have no such international reach on immigration issues, let alone Frontex or the European Commission’s home affairs and development directorates.

Importantly, the EMO would be funded mostly through contracts to carry out specific projects in migrants’ home countries and the ‘transit’ regions through which they travel to Europe. The market for such ‘migration-delivery services’ is healthy with governments and EU institutions readily outsourcing some tasks to private consultancies, the UN Refugee Agency and the International Organization for Migration.

The EMO should not duplicate the work of other bodies where they have a clear lead, such as in refugee protection. But it could support joint European operations to send back immigrants who enter the Schengen area illegally, help foreign governments to resettle those who return home voluntarily and work with communities overseas at risk from human-traffickers and people-smugglers.

The organisation could also help manage EU ‘mobility partnerships’, pilot schemes to which Schengen countries trade some visas to foreign governments in return for greater co-operation on border control and repatriation of their nationals. In time, it could be contracted to administer more ambitious labour-migration programmes for the EU, provide consular services abroad for EU citizens and process the biometric information needed for Schengen visas.

Good leadership from the start would be crucial: the EMO director should set strategy and maintain relationships with EU institutions, the relevant UN bodies and others. He or she could also act as a special adviser on migration to EU interior and justice ministers.

The historian Tony Judt once wrote of the reflex tendency of European nations to build institutional talking-shops as “a prophylactic, to keep the past at bay”. But, by learning from past successes and failures, a European Migration Organisation could be something more. Neither a border guard nor an NGO, it would be a flexible body charged with helping governments respond to one of the perplexing public-policy challenges now facing Europe.

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