

EU legislation: General Food Law

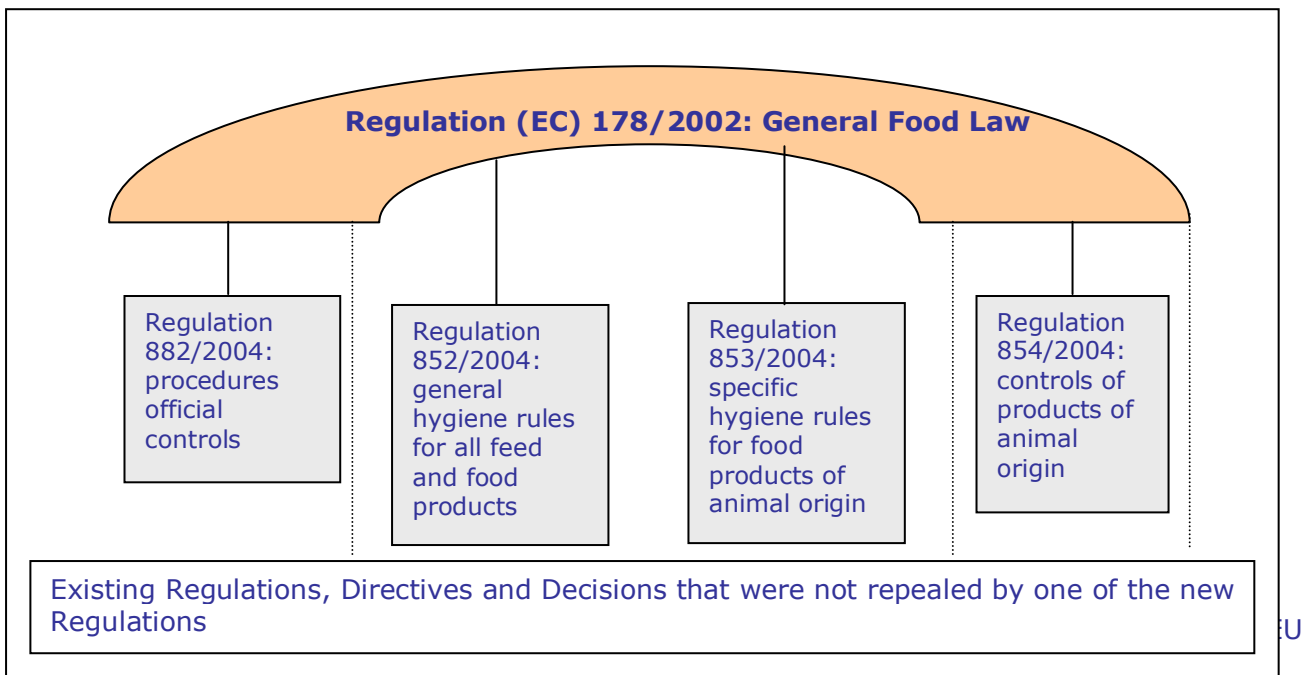
Introduction



Food safety is the key issue in EU food legislation. Food crises in the nineties put safety on the top of the agenda in EU food policies, which has led to a restructuring of EU food legislation. This document provides an overview of the General Food Law, Regulation (EC) 178/2002 as far as relevant for exports to the EU. Note that as food and feed of animal origin does not fall within the scope of the CBI product groups these are not included in this document.

The structure of the EU food safety legislation

The General Food Law, Regulation (EC) 178/2002, constitutes the framework of European food law. The General Food Law establishes that all food marketed in the EU must be safe and further lays down requirements on transparency in the food chain. These principles form a horizontal framework, on which other food legislation in the EU is based. The figure below provides an overview of the structure of EU food safety legislation.



Outline of the General Food Law

Regulation (EC) 178/2002 lays down the framework for all EU food legislation, establishing the basic principles.

Aim and scope

The aim of the Regulation is to establish a framework to guarantee that food marketed in the EU is safe. The scope, therefore, concerns all food marketed in the EU. 'Food' is defined to include drink, chewing gum and any substance, including water, intentionally incorporated into the food during its manufacture, preparation or treatment.

Basic principles

Regulation (EC) 178/2002 establishes some basic principles for food marketed in the EU. These are:

- Food safety
- Precautionary principle
- Traceability

In view of these principles, the European Food Safety Authority has been established.

Food safety authority

The main task of the Food Safety Authority is to provide scientific advice and scientific and technical support for the EU's legislation and policy in all fields related to food and feed safety. It provides independent information on all matters within these fields and communicates on risks.

➔ For more information, please see the external link to the European Food Safety Authority.

1. Food safety

Chapter 2 of Regulation 178/2002 is referred to as the "General Food Law". It applies to all stages of the production, processing and distribution of food, and also of feed produced for, or fed to, food-producing animals.

Please note that this document only focuses on food, as feed is not a CBI product group.

In the general food legislation a safety requirement is included (Article 14):

*Food is not allowed to be placed on the market if it is **unsafe**, and, Food is considered unsafe if it is: (1) injurious to health, (2) unfit for human consumption.*

This general food safety requirement implies that although a product that complies with all specific requirements of food legislation (e.g. contaminants in food, etc.), it is not allowed on the market if a new hazard is found for which no requirements yet exist.

In determining if food is:

- *Unsafe*: the normal conditions of use of the food by the consumer, and at each stage of production, processing and distribution are taken into account, as well as the information provided to the consumer.
- *Injurious to health*: regard shall be had (1) not only to the probable immediate, short term and long term effects of the food to health, but also to that of future generations, and (2) to probable cumulative toxic effects, and (3) to particular health sensitivities of a specific category of consumers.
- *Unfit for human consumption*: regard shall be had to whether the food is unacceptable for human consumption according to its intended use, for reasons of contamination, whether by extraneous matter or otherwise, or through putrefaction, deterioration or decay.

Please note that if food that is found to be unsafe is part of a batch, lot or consignment, it is presumed that all the food is unsafe, unless a detailed assessment proves that there is no evidence that the rest of the batch is unsafe.

In addition, food that complies with specific EU requirements on food safety is considered safe insofar as it concerns these specific issues for which the requirements are set. If however, despite compliance to these requirements, the competent authorities have reasons to suspect that the food is not safe, they can still require withdrawal from the market.

2. Precautionary principle

The General food law establishes that food law should be based on scientific risk analysis, except where this is not appropriate to the circumstances or the nature of the measure.

Risk analysis consists of (1) risk assessment, (2) risk management and (3) risk communication. Risk assessments should be based on available scientific evidence and must be undertaken in an independent, objective and transparent manner. Risk management needs to take the results of the risk assessment into account, but also the opinions of the Food Safety Authority.

It sometimes occurs that after an assessment of available information the possibility of harmful effects on health is identified, but scientific **uncertainty** persists. In such a case provisional measures may be necessary. This is called the **precautionary principle**.

Such measures need to be proportionate and no more restrictive of trade than is required to achieve the high level of health protection chosen in the European Community. The measures

shall be reviewed within a reasonable period of time. This period depends on the nature of the risk to health and the type of scientific information needed to clarify uncertainty.

3. Traceability

The BSE-crisis and other food crises within the EU proved that it is very important that at all times the origin of food products can be retrieved. The new Regulation therefore also includes provisions on the traceability of food in the food chain. Article 18 of the Regulation as displayed in the box below describes the requirements.

Strictly spoken the requirements apply to food and feed businesses **located in the EU** (including importers). They are obliged to:

1. know and document from whom they have bought their food (ingredients)
2. know and document to whom they supply their products
3. label their products so that they can establish traceability in case of a food safety problem.

However, importers are likely to request the food supplied to him can be traced in the chain. Importers are legally responsible for marketing the food in the EU and therefore must be able to guarantee that the food brought on to the market meets all EU requirements.

Article 18 – Traceability

1. The traceability of food, feed, food-producing animals, and any other substance intended to be, or expected to be, incorporated into a food or feed shall be established at all stages of production, processing and distribution.
2. Food and feed business operators shall be able to identify any person from whom they have been supplied with a food, a feed, a foodproducing animal, or any substance intended to be, or expected to be, incorporated into a food or feed.

To this end, such operators shall have in place systems and procedures which allow for this information to be made available to the competent authorities on demand.

3. Food and feed business operators shall have in place systems and procedures to identify the other businesses to which their products have been supplied. This information shall be made available to the competent authorities on demand.
4. Food or feed which is placed on the market or is likely to be placed on the market in the Community shall be adequately labelled or identified to facilitate its traceability, through relevant documentation or information in accordance with the relevant requirements of more specific provisions.
5. Provisions for the purpose of applying the requirements of this Article in respect of specific sectors may be adopted in accordance with the procedure laid down in Article 58(2).

4. Relevance for developing countries

Article 11 of Chapter 2 is very important to producers outside the European Union.

It states that:

“food and feed imported to the European Union for marketing shall comply with the relevant requirements of food law or conditions recognised by the Community. If specific agreements exist between the EU and your country, all food should comply with those requirements”.

These requirements are laid down in the different Regulations that together make up the EU food safety legislation.

➡ For more information on the Regulations and other legislative requirements for food marketed in the EU, please refer to the related documents.

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