Presentation at the 3rd SAFOODNET seminar
St Olav’s Hotel, Tallinn, Estonia; May 4-6, 2009

Food Legislation in the EU

Outline

• General principles of EU legal order and sources of law (treaties, regulations, directives etc)
• Historical overview of EU food legislation (until 2002)
• Estonian food safety assurance system
General principles of EU legal order and sources of law

**Founding Treaties** *(also known as primary legislation)*
- Treaty establishing the European Coal and Steel Community (1951) *ECSE*
- Treaties of Rome (1957)
  - Treaty establishing the European Economic Community, *EEC*
  - Treaty establishing the European Atomic Energy Community, *EURATOM*
- Amended or supplemented by
  - The Single European Act (1986)
  - Treaty on European Union (Maastricht, 1992)
  - Treaty of Nice (2001)
  - Draft Treaty Establishing a Constitution for Europe?

Secondary legislation *(art 249 of EC Treaty, enacted by the institutions)*
- **Regulations** *(mandatory, directly applicable)*
- **Directives** *(mandatory, define the result and must be implemented at the MS level within 2-3 years after adoption usually)*
- **Decisions** *(mostly directly applicable, binding on those parties to whom addressed)*
- **Recommendations, Opinions** *(no binding force)*
- European Union Case Law *(e.g. Cassis de Dijon case in 1979 established the principle of mutual recognition)*
Historical overview of EU food legislation (until 2002)

First steps to harmonize the food law:

In 2000 The European Commission’s proposal “White Paper on Food safety” new approach to food safety policy including the modernization of the legal framework


Principles of the new food legislation:

1. High level of consumer protection
2. Functioning of the internal market
3. Covers all aspects of the food chain “from farm to table” including primary production and feedstuffs
4. **Business operator has the primary responsibility** for ensuring food safety through self-monitoring
5. Traceability
6. **Risk analyse** (risk assessment, risk management, risk communication) as basis for food safety measures including legal acts and rules
7. Objectives of the new food legislation: consumer confidence in food safety due to more transparent regulation and information to the public

Structure of the new food legislation:

<table>
<thead>
<tr>
<th>Regulation (EC) No 178/2002 General Food Law</th>
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<tbody>
<tr>
<td>“Hygiene Package”</td>
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<tr>
<td>Reg. 852, 853, 854/2004 etc.</td>
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<td>Contaminants and microbiological criteria</td>
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<td>Reg. 2073/2005, 1881/2006 etc.</td>
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Guidance documents for business operators or control bodies (e.g. *Listeria monocytogenes* shelf-life studies for ready-to-eat foods)
http://ec.europa.eu/food/food/biosafety/salmonella/docs/guidoc_listeria_monocytogenes_en.pdf

<table>
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<tr>
<th>Regulation (EC) No 882/2004 Official food and feed controls</th>
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Regulation (EC) 852/2004 on the general hygiene of foodstuffs
- applies to all business operators
- main responsibility rests with the business operator
- business operators have to implement HACCP principles
- application of basic common hygiene requirements
- guidelines for food hygiene practice

- Primary production for domestic use and domestic preparation of food for private consumption are not regulated by Community rules

Regulation (EC) 853/2004 laying down specific hygiene rules for food of animal origin
- applies to all business operators in the field of food of animal origin in addition to 852/2004
- specific hygiene rules or measures, e.g. meat, milk, eggs, fish, honey
- approval of food establishments, excluding retail sale and primary production

Regulation (EC) 854/2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption

Sources of EU Legislation

- More detailed summaries of EU legislation, including food law are available in the EU homepage http://europa.eu/scadplus/leg/en/s80000.htm

Estonian food safety assurance system

- Primary responsibility for food safety lies with business operators as regulated in the EU food law
- It is the responsibility of Ministries to develop legislation
- Estonian competent authorities and control bodies have the task of ensuring that law is followed by operators properly
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Thank you for your attention!

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