European Union (EU) Food Regulations and Standards

Context, Implementation, and Cross-Border Implications

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Overview

• The European Union – Introduction to European Thinking
• Key historical stages in the development of EU food law
• Current legislation – an international perspective
The European Union

Population –
• EU: 450 million in 25 countries
• USA: 290 million
• China: 280 million
Food and Drink

• Perception of high safety and quality

• Pride in national foods
BSE in Cattle

First case: November 1986
Is beef safe?

UK Minister of Agriculture, Fisheries and Food
16 May 1990
Dioxin Crisis in Belgium

- **January 18-19, 1999** — Fat mixture was contaminated with dioxin at a Belgian fat and oil processing plant.
- End of January 1999 — Contaminated fat was supplied to feed manufacturers and used to make feed, which was sold to broiler chicken, egg, pork, and beef producers.
- During February 1999 — Investigations started due to health problems with hens used to produce 1-day old chicks.
- March 19, 1999 — Belgian Ministry of Agriculture notified of problem
- April 21, 1999 — Dioxin identified as possible contaminant
- April 26, 1999 — Test results found high dioxin concentrations in feed and chicken fat samples.
- **May 27, 1999** — The Belgian Ministry of Agriculture notified the public and the European Commission (EC) about the situation
GM Tomatoes

- Changed enzymes allowed ‘thicker’ paste with more flavour
- **February 5, 1996**: Launched in UK
- By November 1997, Safeway had sold 750,000 cans
GM Food - EU Controls

• **1990**: ‘Deliberate Release’ Directive
  – ‘live’ GMO material
• **1996**: Approval of Monsanto’s GM-soya
• **Jan 1997**: Approval of Novartis’ GM-maize
• **May 1997**: Novel food Regulation
  – both live and processed GMO material

• **Sept 1998**: Labelling requirements for GM soya and maize

• **Jan 2000**: Additional labelling requirements for novel foods and food ingredients – introduction of 1% limit
• **May 2004**: New controls applied. All ingredients derived from GM material to be labelled
October 1998

GM labelling appears on packets in Europe

*Produced from Genetically Modified Soya.

TESCO QUALITY
Poor science makes for damaging policies

Across Europe, consumers are thoroughly confused about genetically modified crops and foods. Are they safe to eat? Could the crops damage the environment? Rational scientific debate on these important questions has been lost in arguments based more on passion than on facts. Politicians have been uncertain how to react, or to act; and the European Union's bureaucracy, which regulates imports of GM crops and decides whether GM foods should be labelled, has become gridlocked.
GM Food ‘Crisis’

• Consumer campaigns
17 May 2000

**Daily Express**

ALTERNATIVE MEDICINE: IS IT A CURE OR A CON?

PORTER John Diamond raises the issue. Now readers join the debate. PAGE 11

STORM AS GM CROPS WRECK HONEY

Total ban urged as rape pollen from trial field is carried miles to contaminate farmer's best honey.

JOY FOR JULIE AND LIZ AS THEY GO TO MEET THE QUEEN

FULL STORY SEE PAGE 3

**Daily Mail**

EXCLUSIVE: Prince takes on the scientists

CHARLES: WHY I FEAR A GENETIC DISASTER

Prince Charles launches a devastating attack on the "potentially disastrous consequences" of GM food and cloning.

EXCLUSIVE: Lizzie Lee-Potter 13, Pamela 24-25, Dampett 43-59, TV 61-64, Letters 55-65, Coffee Bean 67-69, City 70-73
EU Consumer Survey
Reasons for using GM Technology for food use

![Graph showing the percentage of EU countries and their mean number of acceptable reasons for buying GM food products, excluding those who reject all reasons.](image-url)
### EU Survey

**Table 15** Which organisations Europeans select as trusting to tell the truth about biotechnology

<table>
<thead>
<tr>
<th>Organisation</th>
<th>% Trust</th>
</tr>
</thead>
<tbody>
<tr>
<td>The medical profession</td>
<td>54</td>
</tr>
<tr>
<td>Consumer organisations</td>
<td>49</td>
</tr>
<tr>
<td>Environmental organisations</td>
<td>46</td>
</tr>
<tr>
<td>Universities</td>
<td>33</td>
</tr>
<tr>
<td>Animal welfare organisations</td>
<td>26</td>
</tr>
<tr>
<td>Television and newspapers</td>
<td>23</td>
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<tr>
<td>International institutions (not companies)</td>
<td>17</td>
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<tr>
<td>National government bodies</td>
<td>14</td>
</tr>
<tr>
<td>Farmer organisations</td>
<td>13</td>
</tr>
<tr>
<td>Religious organisations</td>
<td>8</td>
</tr>
<tr>
<td>None of these (SPONTANEOUS)</td>
<td>6</td>
</tr>
<tr>
<td>A particular industry</td>
<td>5</td>
</tr>
<tr>
<td>Political parties</td>
<td>3</td>
</tr>
<tr>
<td>‘Don’t Know’</td>
<td>6</td>
</tr>
</tbody>
</table>
EU Food Law – Key Stages

• 1962 - Early Directives
• 1969 – 1st Harmonisation Programme
• 1973 – 2nd Harmonisation Programme
• 1979 – Application of Article 30 [28] judgements
• 1985 / 1992 – Internal Market programme
• 1995 / 1999 – Crisis in consumer confidence
• 2000 – Food safety programme
The Treaty and Barriers to Trade

Article 28 (ex Article 30)

Quantitative restrictions on imports and all measures having equivalent effect shall be prohibited between Member States.

Article 30 (ex Article 36)

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.
The Internal Market (1985 – 1992)

• Foodstuffs
  – Official Control (including food hygiene)
  – Labelling
  – Additives
  – PARNUTS (Particular Nutritional Uses)
  – Packaging

• Veterinary Controls
  – ‘Vertical’ hygiene controls
Food Law - Recent Activity

• 12 January 2000 - White Paper on Food Safety
• 21 January 2002 - Regulation on food law and establishment of the European Food Safety Authority
• 29 April 2004 – The ‘hygiene package’ and ‘official control’ to enter into force 1 January 2006
International Requirements

• WTO requires food controls to be established on the basis of risk assessment
Risk Analysis in the EU

- **Risk Assessment** with the European Food Safety Authority (EFSA)
- **Risk Management** with the European Commission, Parliament and Council
European Food Safety Authority (EFSA)

- Risk assessment
- Scientific advice to the Commission
- Now based in Parma, Italy

http://www.efsa.eu.int/
General Food Law

• Regulation 178/2002 Laying down general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.
Regulation (EC) No 178/2002

Article 6 - Risk analysis

1. In order to achieve the general objective of a high level of protection of human health and life, food law shall be based on risk analysis except where this is not appropriate to the circumstances or the nature of the measure.

2. Risk assessment shall be based on the available scientific evidence and undertaken in an independent, objective and transparent manner.
3. Risk management shall take into account the results of risk assessment, and in particular, the opinions of the Authority referred to in Article 22, other factors legitimate to the matter under consideration and the precautionary principle where the conditions laid down in Article 7(1) are relevant, in order to achieve the general objectives of food law established in Article 5.
Article 7 - Precautionary principle

1. In specific circumstances where, following an assessment of available information, the possibility of harmful effects on health is identified but scientific uncertainty persists, provisional risk management measures necessary to ensure the high level of health protection chosen in the Community may be adopted, pending further scientific information for a more comprehensive risk assessment.
2. Measures adopted on the basis of paragraph 1 shall be proportionate and no more restrictive of trade than is required to achieve the high level of health protection chosen in the Community, regard being had to technical and economic feasibility and other factors regarded as legitimate in the matter under consideration. The measures shall be reviewed within a reasonable period of time, depending on the nature of the risk to life or health identified and the type of scientific information needed to clarify the scientific uncertainty and to conduct a more comprehensive risk assessment.
Article 11 - Food and Feed Imported into the Community

Food and feed imported into the Community for placing on the market within the Community shall comply with the relevant requirements of food law or conditions recognised by the Community to be at least equivalent thereto or, where a specific agreement exists between the Community and the exporting country, with requirements contained therein.
Food Hygiene Controls

Official Control Regulation

- Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules
The Food and Veterinary Office (FVO)

- Established in 1987; based in Ireland
- Monitors compliance within the EU
- Grants approval outside the EU

http://europa.eu.int/comm/food/fvo/index_en.htm
Avoid raw eggs, warns the EU food watchdog

By Michael Seamark, Jane Merrick and Andrew Levy

EATING raw eggs and meat should be avoided to prevent the spread of bird flu, consumers were warned last night.

"For the first time that this distance has been studied," Peter Blythe from the GM Focus, an alliance of environmental and community groups, said last night.

"We found that GM crops can 'poison' plants 50 yards away."

Government tests show GM crops can ‘poison’ plants 50 yards away

By Julie Wheldon

GENETICALLY-modified crops can contaminate significant numbers of plants up to 50 yards away, the Government’s own research has revealed.

Campaigners last night praised the admission to renew their call for the introduction of strict measures in the UK to eliminate GM plants from the environment.

"The latest results come from a four-year-long research project called Farm-scale Evaluation Trials funded by Department for Environment, Food and Rural Affairs in the UK from 1999 to look at how GM crops may affect other plants and wildlife. Already they have shown that GM crops could have a devastating effect on the countryside and harm bees and butterflies and could lead to a ‘biological desert’.

"For the first time that this distance has been studied," Peter Blythe from the GM Focus, an alliance of environmental and community groups, said last night.

"We found that GM crops can ‘poison’ plants 50 yards away."

Previous research has shown that GM seed can travel well beyond 50 metres with some even found as far as 10 miles away. But this is understood to be the first time that precise levels of contamination at this distance have been studied.

Peter Blythe from the GM Focus, an alliance of environmental and community groups, said last night.

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Eating uncooked eggs and meat should be avoided to prevent the spread of bird flu, consumers were warned last night.

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"We found that GM crops can ‘poison’ plants 50 yards away.

"As there appear to be no benefits to GM crops in terms of the Government’s own research, put these things quietly to death.

Quire O’Neill, a spokesperson for Friends of the Earth, said that under current guidelines food which is accidentally contaminated with GM up to 0.1 per cent is deemed safe.

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The Mail
October 26, 2005
Feta ruling is all Greek to Yorkshire cheesemakers

By Anthony Browne
Brussels Correspondent

Britain’s only feta producer has said that a European court ruling that the name may be used only by Greek cheesemakers will lead to shortages.

Judy Bell, of Shepherd’s Purse Cheese in Yorkshire, branded the decision by the Luxembourg court as “ludicrous”, and said that it would cost jobs and money.

The European Court of Justice ended a 13-year dispute when it ruled that the name “feta” must be used only for white cheese soaked in brine and made in Greece. The ruling was made under the same legislation that ensures that champagne comes from Champagne, France, and parma ham must come from Parma in Italy.

Greeks think of feta as a Greek cheese, and that “in other member states, feta is commonly marketed with labels referring to Greek cultural traditions and civilisation. Thus consumers think making 15,000 tonnes a year, most of it is for domestic consumption.

Ms Bell, who produces a tonne a week in the summer peak and supplies most big UK supermarkets, said: “It’s an absolute knock-back. We’re going to lose money from the moment it comes from Greece.”

She will now have to change the name for her cheese and will not be able to choose names like “fetta”, such as “fetta”, “feta”, but should be able to use “Greek-style” cheese or “white goats’ cheese”.

The decision is hard for many, which has been making feta since the 1930s, and which is second largest in making 30,000 tonnes a year, most of it is for domestic consumption.

Ms Bell said: “It’s a recipe; our cheese is just as acceptable. It is authentic; made with 100 per cent ewes’ milk.”

Edward McMillan-Scott, a Tory MEP, said: “Such a tough
Further Background

• Foodlaw-Reading website:  
  http://www.foodlaw.rdg.ac.uk/

• MSU International Food Laws and Regulations Certificate Programme  
  http://vu.msu.edu/preview/anr-ifl/2002/