

General Principles of EU Food Law.

Regulation 178/2002: the General Food Law.

Bernd van der Meulen



Food Law
Academy

The General Food Law (GFL)

1.2.2002

EN

Official Journal of the European Communities

L 31/1

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(Acts whose publication is obligatory)

**REGULATION (EC) No 178/2002 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 28 January 2002**

**laying down the general principles and requirements of food law, establishing the European Food
Safety Authority and laying down procedures in matters of food safety**

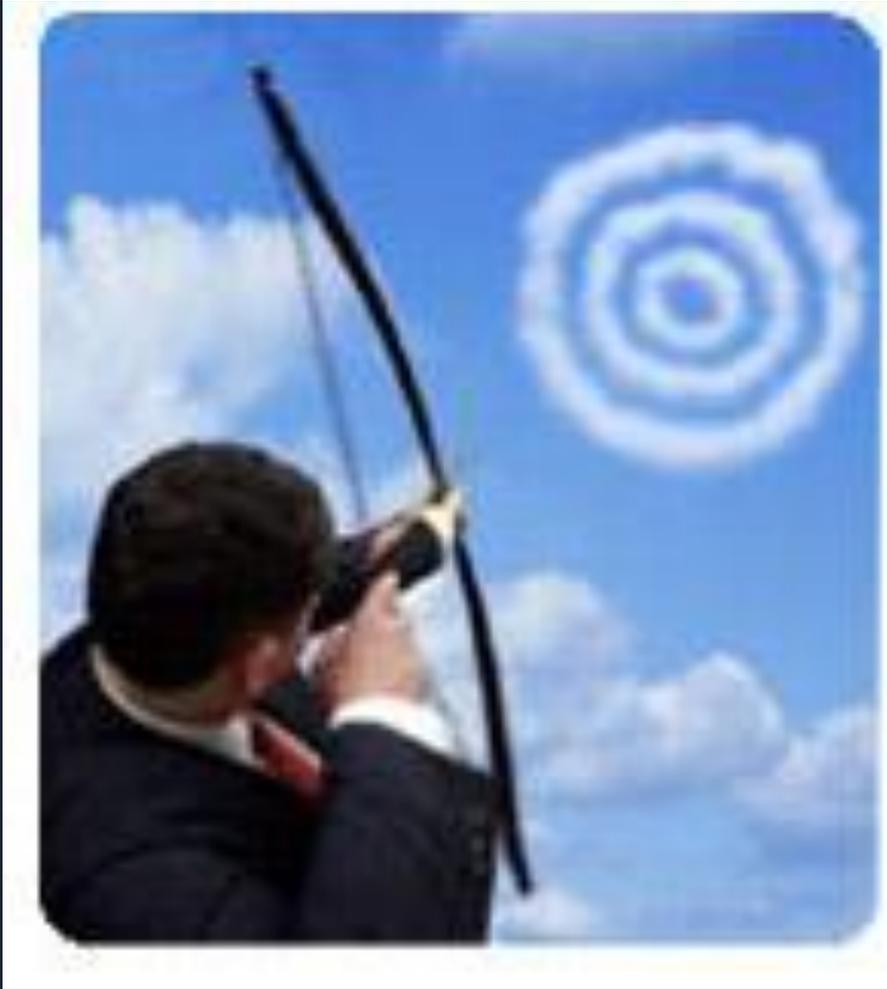
THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE
EUROPEAN UNION,

Having regard to the Treaty establishing the European
Community, and in particular Articles 37, 95, 133 and Article
152(4)(b) thereof,

the Member States. When Member States adopt meas-
ures governing food, these differences may impede the
free movement of food, create unequal conditions of
competition, and may thereby directly affect the func-
tioning of the internal market.



GFL: Objectives of food law



- Protect human life and health
- Protect (other) consumers' interests
 - Taking into account: animal health and welfare, environment
 - Achieve free movement of food



GFL Scope: holistic

- All stages of production, processing and distribution of food and feed (including feed produced for or fed to food-producing animals)
- Entire food chain “from farm to fork”
- Not applicable to private domestic consumption

<https://www.youtube.com/watch?v=j1oByXmohhU>

GFL definitions (Art. 2)

- Food(stuff): any substance or product, whether processed, partially processed or unprocessed, intended to be, or reasonably expected to be ingested by humans
- Not included: feed, live animals unless they are prepared for placing on the market for human consumption, plants prior to harvesting, medicines, cosmetics, tobacco, drugs, residues, contaminants



SOCIETY ENVIRONMENT

Girl Goes Viral As She Gets Attacked By An Octopus While Trying To Eat It Alive



By Kris Di

On Feb 19, 2020

A video blogger learned the hard way that food is not a toy to play with when she attempted to bite into a living octopus, only for it to viciously attach itself to her face and

General Food Law

Article 3(14)

'hazard' means a **biological**, **chemical** or **physical** agent in, or condition of, food or feed with the potential to cause an adverse health effect

GFL institutional aspects EFSA

EFSA

- European Food Safety Authority
- Responsible for risk assessment (scientific evaluation of risks, safety evaluations, identification of emerging risks)
- Responsible for communication of scientific and technical information directly to the public
- Risk management by Commission, Council and EP

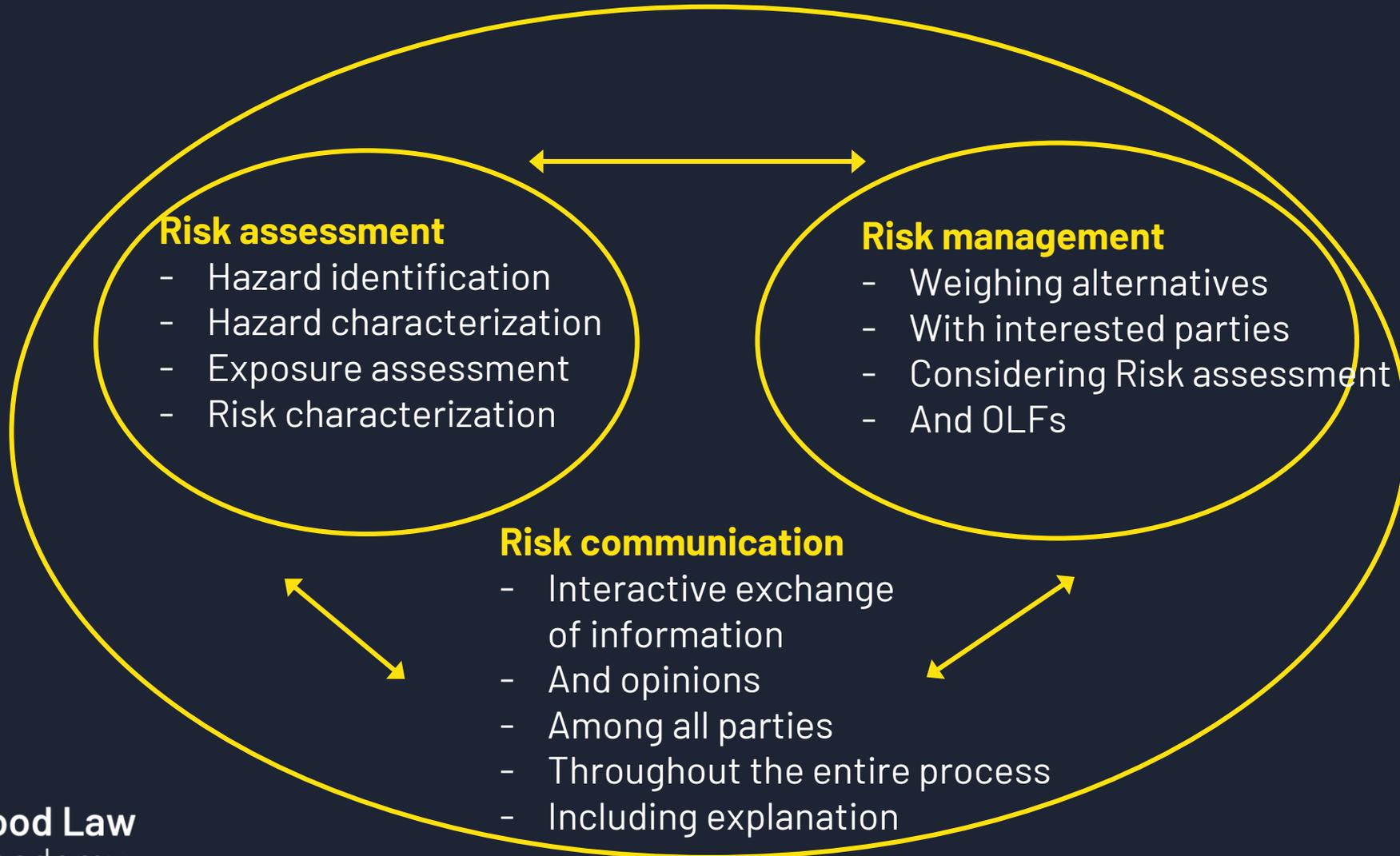


Science based legislation

- Science based
 - Food law must be based on risk analysis, carried out independently, objectively and transparently and based on available scientific evidence
- Precautionary principle
 - for risk management in case of scientific uncertainty. Measures no more restricted than required, taking into account other legitimate factors



Risk analysis



Article 14 GFL

Article 14

Food safety requirements

1. Food shall not be placed on the market if it is unsafe.
2. Food shall be deemed to be unsafe if it is considered to be:
 - (a) injurious to health;
 - (b) unfit for human consumption.
3. In determining whether any food is unsafe, regard shall be had:
 - (a) to the normal conditions of use of the food by the consumer and at each stage of production, processing and distribution, and
 - (b) to the information provided to the consumer, including information on the label, or other information generally available to the consumer concerning the avoidance of specific adverse health effects from a particular food or category of foods.



4. In determining whether any food is injurious to health, regard shall be had:

- (a) not only to the probable immediate and/or short-term and/or long-term effects of that food on the health of a person consuming it, but also on subsequent generations;
- (b) to the probable cumulative toxic effects;
- (c) to the particular health sensitivities of a specific category of consumers where the food is intended for that category of consumers.

5. In determining whether any food is unfit for human consumption, regard shall be had to whether the food is unsuitable for human consumption according to its intended use, for reasons of contamination, whether by extraneous matter or otherwise, or through putrefaction, deterioration or decay.

6. Where any food which is unsafe is part of a batch, lot or consignment of food of the same class or description, it shall be presumed that all the food in that batch, lot or consignment is also unsafe, unless following a detailed assessment there is no evidence that the rest of the batch, lot or consignment is unsafe.

7. Food that complies with specific Community provisions governing food safety shall be deemed to be safe insofar as the aspects covered by the specific Community provisions are concerned.

8. Conformity of a food with specific provisions applicable to that food shall not bar the competent authorities from taking appropriate measures to impose restrictions on it being placed on the market or to require its withdrawal from the market where there are reasons to suspect that, despite such conformity, the food is unsafe.

9. Where there are no specific Community provisions, food shall be deemed to be safe when it conforms to the specific provisions of national food law of the Member State in whose territory the food is marketed, such provisions being drawn up and applied without prejudice to the Treaty, in particular Articles 18 and 30 thereof.

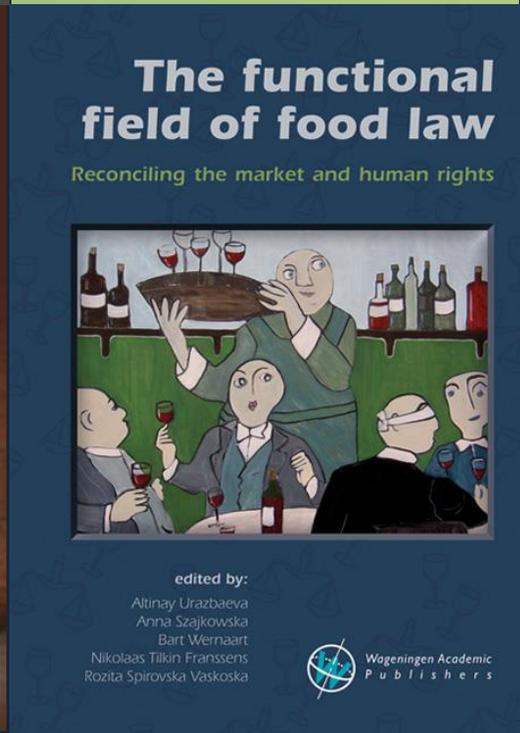
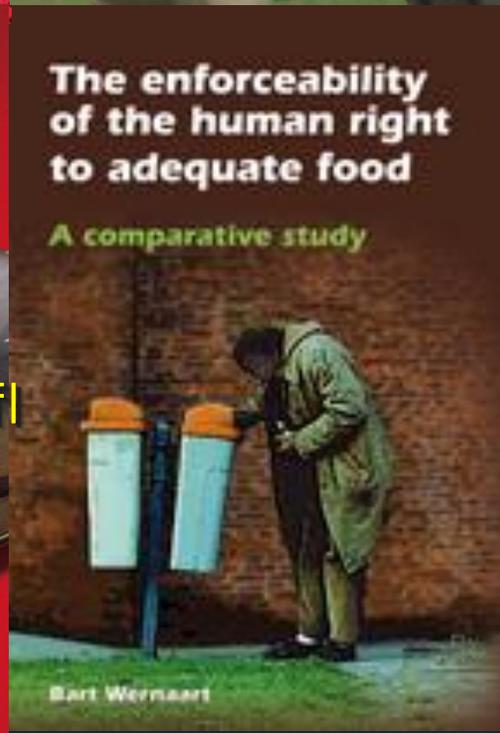
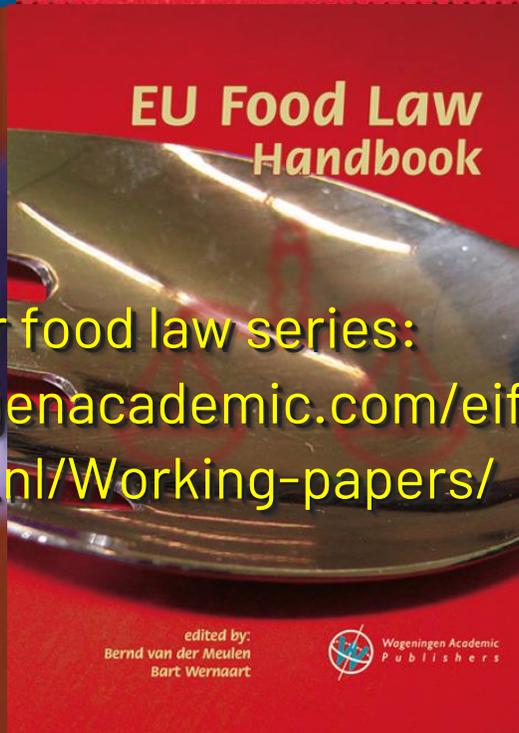
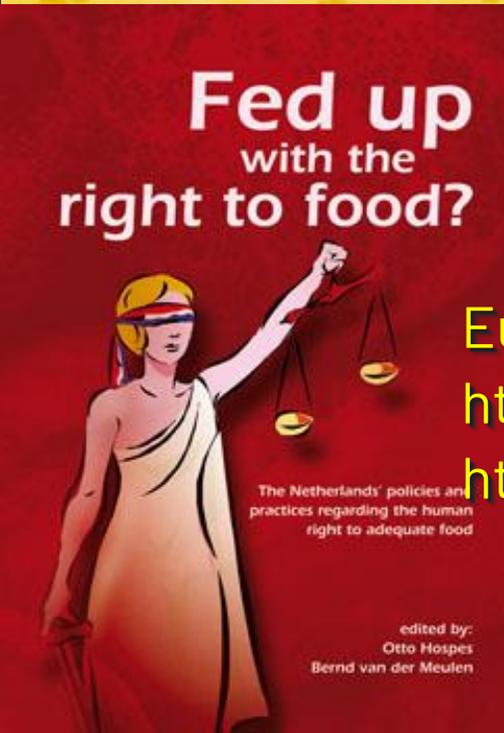
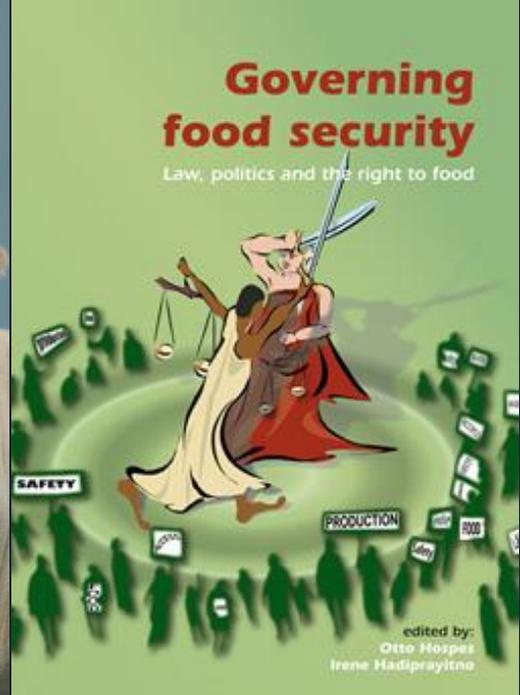
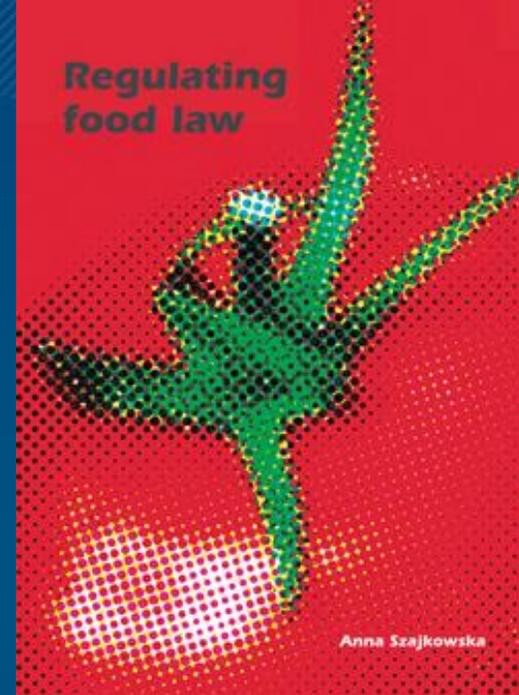
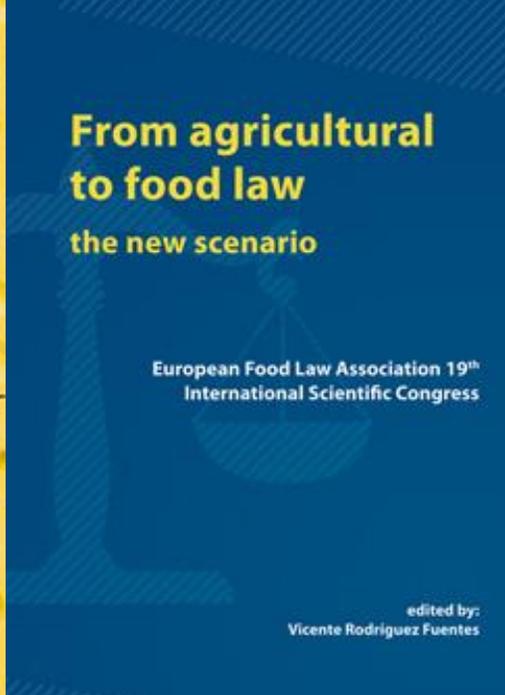
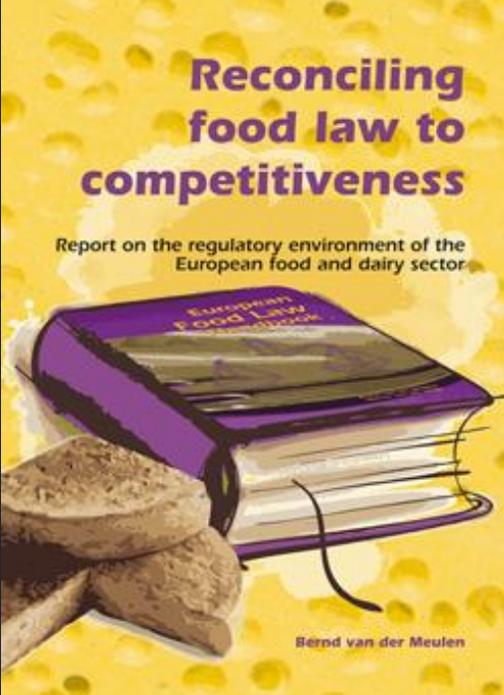
Food safety: what, who, when?

Safety		Not-regulated	Regulated
	Review		
Inherent properties		Art. 14: effect	Category: Additives, GMOs, novel foods
	Ex ante	Self assessment	Authorisation
	Ex post	Enforcement	Enforcement
Condition		Art. 14: effect	MRLs, shelf life
	Ex ante	Self assessment	Self assessment
	Ex post	Enforcement	Enforcement



GFL principles international trade

- Exports
 - Food exported from EU must comply with relevant food law requirements (never export of unsafe food)
- Imports
 - Food imported in EU must comply with relevant food law requirements or their equivalence



European Institute for food law series:
<http://www.wageningenacademic.com/eifl>
<http://www.food-law.nl/Working-papers/>

Thank you for your kind attention

Q&A

Bernd.vanderMeulen@food-law.nl

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