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FOOD LAW OF EUROPEAN UNION

Abstract

This article represents the analysis of European Union's Food Law. Due to food crisis that happened in 1990s EU needed a systematic, common regulation of this area. After publishing White Paper and Green Paper, in 2002 Regulation 178/2002 entered into force, being binding, generally applicable for all Member States. This Regulation sets the basic principles of Food Law, and special attention is this article is given to precautionary principle. Transparency principle is also important due to consumer's right and protection that is guaranteed by Treaty of Functioning of EU. In order to ensure food safety, EU authorities established EFSA (European food safety authority) whose works and bodies are also explained in this article. Key definitions and responsibilities of stakeholders in food and feed production are also broadly explained. Food safety has been emphasized and serves as an instrument in order to protect human life and health after the food crisis and scandals that happened in the past.

Keywords: EU law, food law, Regulation 178/2002, precautionary principle, transparency principle, consumer's right and protection.

1. Introduction

As a unique policy regarding food and all about food, its safety and management, European Parliament together with Council of European Union

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has made Regulation 178/2002, laying down general principles and requirements of food law, establishing European Food Safety Authority and laying down the procedures in matters of food safety (Regulation 178/2002).¹

The right to food is recognized by Universal Declaration of Human rights back in 1948, as part of right to an adequate standard of living. In 1976 it was strengthened with two binding Treaties: International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR). "The right to food is the right to have adequate, permanent and free access, either directly or by means to financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensures a physical, mental, individual and collective fulfilling and dignified life free of fear." This definition represents the United Nations Special Rapporteur John Ziegler on the right to food.²

Before making and entering into force Regulation 178/2002, European Union has suffered several food crisis which actually led to making a legally binding framework for all Member States. One of the biggest crisis was BSE (bovine spongiform encephalopathy) which represented the degenerative disease of central nervous system of cattle, popularly known as "mad cow disease". With later research, World Health Organization has found connection between BSE and food contamination which caused a lot of financial damage to farmers and also caused fear to European consumers. Strongly criticized and accused of putting industry interests before consumers health and safety, in 1997 Commission published Green paper on the general principles of food law in EU, which also led to publishing White paper on food safety. Both of these documents represent the legal predecessors of Regulation 178/2002 since they represent goals and objectives that EU wanted to accomplish in food sector.

2. General food law

After two years of publishing White Paper, European Parliament and Council of European union have made and published the mentioned Regulation 178/2002. This regulation in English is called General food law, while the German language uses the name *Basisverordnung*. Since this Regulation, according to EU legal

¹ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002, laying down general principles and requirements of food law, establishing European Food Safety Authority and laying down the procedures in matters of food safety.

² Right to adequate food - Factsheet No. 34, United Nations Office of High Commissioner for Human Rights, Geneva, 2013, 1, 2.

system, is binding and directly applicable in all Member States and represents general objectives and administrative provisions for food law.

Regulation 178/2002 represents legal framework for both national and Community level. In Article I, "... provides the basis for the assurance of high level of protection of human life and health and consumers interests in relation to food... it establishes common principles and responsibilities, the means to provide strong science base, efficient organizational agreements and procedures... lays down general principles governing food and feed in general, food and feed safety in particular, at national and Community level..." From mentioned, it can be concluded that General food law concerns both food and feed, as well as responsibilities of all participants in food chain - including farmers, producers and traders.

Regulation 178/2002 is full of definitions which also leaves space for confusion among the stakeholders who apply it in practice. Law is being made by legislators and it is used by variety of parties who interpretate it - EU has 28 Member States where different languages are being used so the problem shows up when the authorities and courts need to apply it. It needs to be assured that those rules are applied in identical manner with no differences.

In Article 2, there are various definitions. First of them is *food*, where it is explained what food is and what is not. It is important to notice that crucial matter in this definition is oral consumption - it is irrelevant what kind of substance or product is it as long as it serves for human ingestion. Also, in the same article, it is emphasized what is not considered to be food where is important to mention medicinal products. There is a difference between medicinal products and food supplements, whereas medicines are used for curative and preventive purposes - they serve to heal and prevent diseases and on the other hand, food supplements have beneficial effect on human health but are different from medicines because of their beneficial effect - they are not used in treatments. Medicinal products are defined precisely in Directive 2001/83, and if a product is in compliance with the definitions in this Directive it is considered to be medicine, otherwise it is regarded as food.

Food business operator means the natural or legal persons responsible for ensuring that the requirements of food law are met within food business under their control. This definition is imprecise and also puts up a question of responsibilities among the employers of food business operator - the person responsible for compliance of all actions with food law is the one who has the control over the structure. That would usually be the owner since he is in charge for compliance or incompliance with Regulation.

There are *six general principles of food law* mentioned in Article 5 of Regulation 178/2002. The first of them is *free movement of goods*, which represent one of four freedoms guaranteed by the Treaties and it is prohibited to take any kind of measure that might affect trade between Member States. The second principle regards *human life and health*, meaning that European Union requires highest levels of protection of human life and health at any cost. It also gives priority to safety rather than trade. The third and fourth principle should be mentioned together because they take care of *consumers protection and information to consumers*, meaning that consumers have a right to know what kind of food and which quality of it they are consuming. It regards prevention of fraudulent and deceptive practices, adulteration of food and any other action that may mislead the consumers. EU authorities also made a special Directive 2000/2013 on Labelling to ensure consumers rights and interests are satisfied. The fifth and sixth principle are *precautionary principle* and *transparency principle*.

Precautionary principle is one of the general principles in General Food Law but it is also important in international trade since it was a subject of disputes in front of Dispute settlement body at World Trade Organization. This principle is mentioned in Article 7 Regulation 178/2002 and also in Article 191 of Treaty of Functioning of EU, and states that in case of possible harmful effects that food product can have on human health, its circulation on market can be banned in order to protect human life and health, until the scientific information are available. It is also required that the measures taken upon this principle must be proportional and no more restrictive to trade than its necessary. The measures are taken until the possibility of the harmful effects on human health exists. The most famous law case where this principle was applied was T13/99 *Pfizer Animal Health SA v. Council of European Union*.³ Pfizer is global pharmaceutical corporation, one of the largest companies in this area. The problem with this case was the ban of usage of certain antibiotics, including virginiamycin, which was used as additive in feed for cattle as growth promoter. As an outcome, the cattle would become bigger and improved weight gain for shorter period of time and it was ready for slaughter. Antibiotics also had beneficial health effects for animals such as prevention of diseases in animals. But the consequence for humans was the improvement of resistance to antibiotics, which represented a threat to human health which is why the authorities made a withdrawal of authorization of antibiotics. In this case, zero risk was applied – the preventive measure taken from the EU authorities was based on hypothetical approach, instead of scientific certainty. This situation demanded proper risk analysis, which is a complex

³ Case T-13/99 *Pfizer vs. Council of European Union* [2002] ECR II-3305.

process that includes interconnected components such as risk assessment, which must have been carried out before any preventive measure was taken. It is upon the Community institutions to determine which level of protection they deem appropriate, meaning that the authorities have to set up a threshold with acceptable and unacceptable risk levels. This was also confirmed by World Trade Organization's Agreement on Sanitary and Phytosanitary Measures, set in Annex A article 5 "... the level of protection deemed appropriate by the Member establishing a sanitary or phytosanitary measure to protect human, animal or plant life or health within its territory."⁴ In order to make risk assessment clear, transparent and independent, competent authorities can make researches on possible health effects that can last for years. Protection of human life and health are the main justification of precautionary principle – Member States are allowed to ban circulation of possibly harmful product on the market until they get accurate scientific evidence that it represents no threat for humans. All the objectives and pleas of Pfizer were rejected as unfounded. This principle was a subject of controversy also on international level, because it can be an effective protectionism device for the EU authorities who want to protect the Internal market.

Another principle regarding food safety is transparency principle.

Transparency principle is found in Articles 9 and 10 of Regulation 178/2002 and combines Public consultation and Public information. Public consultation regards open and transparent public consultation, directly or indirectly through competent bodies, during preparation, evaluation and revision of food law. Public information considers action of competent authorities to inform general public about any case where reasonable ground of suspect exists and threatens to endanger human or animal health.⁵ To emphasize how important this issue is, it is significant to mention case-law of Court of Justice and Case C-636/11 *Karl Berger v. Freistaat Bayern*.⁶ Karl Berger was a owner of meat processing and distribution facilities in Germany, whose facilities were under the official control of authorities where they found unsatisfying hygiene conditions in facilities and took samples in order to run the necessary analysis. Those analysis have shown that products from his facilities were unfit for human consumption and injurious to health within the meaning of Regulation 178/2002. Therefore, the authorities have informed him about the duty of informing the public about the food that

⁴ Agreement on the application of Sanitary and Phytosanitary Measures, Annex A, Article 5, https://www.wto.org/english/tratop_e/sps_e/spsagr_e.htm, 77.

⁵ B. Van der Meulen, *EU Food Law Handbook*, Wageningen Academic Publishers, 2014, p. 251.

⁶ Case C-636/11 *Karl Berger vs. Freistaat Bayern* [2013] ECLI:EU:C:2013:227

was unfit for human consumption, which he did not do. The authorities have made a prompt reaction and informed the public about the injurious food coming from Karl Berger's establishments. Karl Berger has faced considerable economic losses due to press releases that authorities had made and brought an action for damages against German authorities. The court stated that the authorities, as stated in Article 10, are under obligation to inform the public about suspicious products that represent threat to human health.

Article 14 of Regulation 178/2002 deals with food safety. It is said that food should not be placed on the market if it is unsafe. Unsafe food is the food which is injurious to health or unfit for human consumption. This was also a topic of discussion in previously mentioned case law *Karl Berger v. Freistaat Bayern* where the food was withdrawn from market because it was unsafe. It is also found in Articles 168 and 169 of the Treaty of Functioning EU, which cover whole consumer protection, health, safety and economic interests of consumers. Article 168 does not mention food safety, but refers to high level of human health protection.

3. Consumer's protection

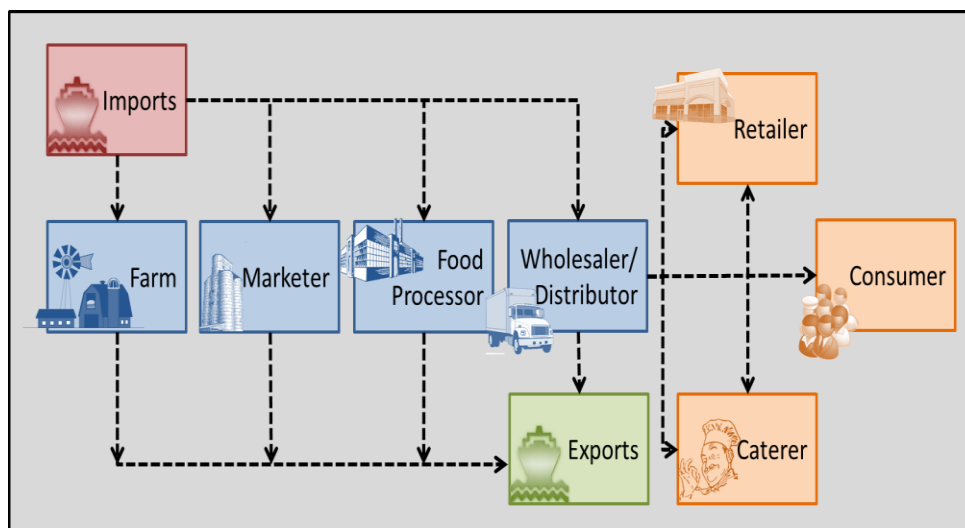
Another important and relevant regulation of consumer's interests and protection of their life and health is Regulation 1169/2011.⁷ Aim of this Regulation is to establish general principles, requirements and responsibilities governing food labelling, it guarantees the right of consumers to information and procedures for the provision of food information. This Regulation is applicable to all food business operators at all stages of food supply chain. In chapter IV entitled as Mandatory food information, Article 9 contains a list of mandatory particulars that each food label should have: name of the food, list of ingredients, any ingredient that can cause allergies or intolerances, quantity of certain ingredients, net quantity of the food, use-by date, any special storage conditions, name of the food business operator, country of origin, instructions for use and nutrition declaration.⁸ The regulation mentioned above provides all the requirements one food label needs to contain in details, in order to achieve the objective of the regulation which is protection of human life and health.

⁷ Regulation 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) 1924/2006 and 1925/2006 of the European Parliament and Council and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and Council, Commission Directives 2002/67/EC and Commission Regulation (EC) 608/2004.

⁸ Regulation 1169/2011.

4. Traceability

Because of the food crisis in the past, the need for identifying the origins of every content of food was of crucial significance. In order to make it possible, Article 18 deals with traceability. Traceability is in fact, the possibility to trace and follow any substance that has been incorporated into food through all phases of food supply chain, from production to consumption. The basic idea is to follow the product through all phases so in case of possible threat to human life and health, it is known where the problem appeared and whose responsibility it is and at last, to withdraw the product from the market in case of existence of such threat. Importance of traceability system is that it unifies all the stages in food supply chain and makes a distinction in the responsibility aspect. It also provides precise information to consumer, since all products must be properly labelled and contain traceability information in it. Food business operators must install systems and procedures in order to trace the problem and responsibility. For instance, traceability system of live animals is quite complex because it includes cattle identification and registration system. This means that live animals are traced from the moment they were born until the moment they reach the final consumer - some will say that products of animal origin are safer for consumption than the products of plant origin due to complexity of their traceability system which includes ear tags, health certificates, passports and information preserved in computerized database.



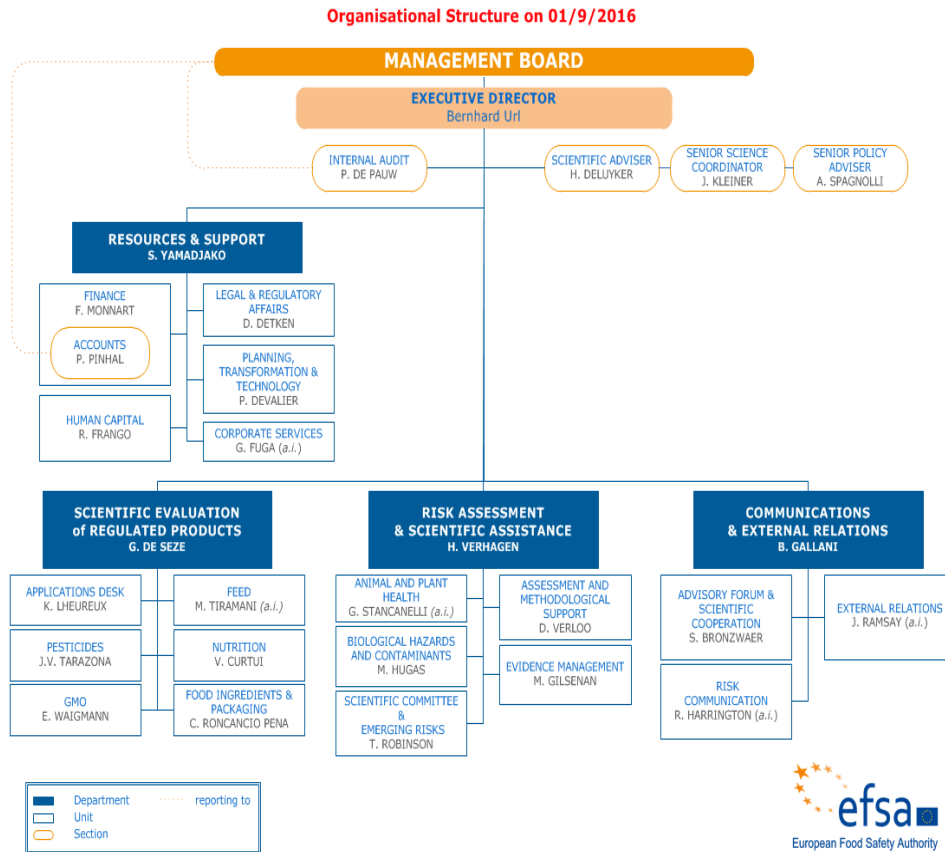
This diagram above shows the usual food supply chain. The length of food supply chain varies, depending on how many steps there are from production to

consumption. Food supply chain can go from local to global, depending how complicated is the production process or which market the products shall be placed on. This is relevant and important because Article 19 deals with responsibilities. Food and feed business operators at all stages of production are responsible for the final outcome of their work and they need to ensure that all the processes are done in compliance with law. Consumers around EU are offered with wide range of high quality and safe products coming from all Member States (which is in compliance with one of four freedoms guaranteed by the Treaties - free movement of goods). Food production is a very complex procedure - every link in the chain must be strong in order to protect human life and health. This obligation refers not only for food produced in EU, it is also request for all food products coming outside of EU. Member states shall lay down rules that are applicable to any possible infringement of food law. This diagram also shows the connection between traceability and responsibility of food business operators, because it show the different stages that every product goes through. Of course, not every production stage needs to go through the phases pictured above, it depends on how long the food supply chain is.

5. European Food Safety Authority

As it is mentioned in the title, this Regulation establishes EFSA - European food safety authority, in Article 22. EFSA is an independent agency responsible for 2 components of risk analysis - risk assessment and risk communication, which provides scientific evidence and support to Member States. Risk management, however stays within domain of the EU authorities, which take into account all factors when making a decision how to conduct the situation. EFSA's headquarters are in Parma, Italy and its organization is quite complex - has 4 bodies and each of them has its own tasks. Bodies of EFSA are:

- Management board;
- Executive Director;
- Advisory Forum;
- Scientific Committee and Scientific Panels.



Organisational chart of EFSA⁹

The Management board has 15 members, one representative of Commission and fourteen members appointed by Council with accordance of European Parliament, which are selected on the basis of competence and expertise. Tasks of the Management Board are:

- Adopt EFSA's annual work programme;
- Ensure that EFSA carries out its mission and performs the tasks assigned to it;
- Adopt revisable multi-annual programme.

Executive director is another body within EFSA, it is legal representative of this entity and is responsible for day-to-day administration of EFSA, implementing

⁹ EFSA Organisational Chart: <https://www.efsa.europa.eu/sites/default/files/assets/orgchart.pdf>, 20.11.2016.

the work programme, communicating with EU authorities and more. The Advisory forum represents the link between EFSA and Member states and each Member State sends one its representative. This body gives the advice to Executive Director on all aspects of EFSA's work and ensures close cooperation between EFSA and Member States. Scientific committee and Scientific Panels is in charge of providing scientific opinion within their area of competence. Their work is explained in the organizational chart above.

EFSA is a public legal person whose task is to take care of the scientific part of food safety and also communicates with EU authorities and Member States in order to provide accurate scientific data regarding food safety. EFSA's work is based on independence, transparency, confidentiality and communication.

6. Food safety

One of the topics that is not explained broadly in Regulation 178/2002 and has its own regulation package is food safety. From the objectives of Regulation 178/2002 it is clear that one of them is certainly the safety of food. Food safety's history begins with scandals such as BSE, dioxin, avian flu and other cases and when European Parliament has accused European Commission of "giving priority to the management of market, as opposed to the possible human health risks..."¹⁰ The Commission was accused of wrongly putting the industry interests ahead of public health and consumer safety, science has been biased and transparency was lacking.¹¹

In order to be fully in compliance with food law requirements, food business operators need to apply all the safety rules. Since there are dozens of regulations that need to be respected in food production it is obvious they cannot deal with all by themselves. Apart from food safety they have a lot of other aspects of business to handle with, such as economic or labor aspect. That is why the competent National authorities, in this case veterinary inspectors help the food business operators in understanding the rules and applying them in practice.

Food safety approach in EU is based on Risk Analysis. It is composed of three interconnected components: Risk Assessment, Risk Communication and Risk Management. Concept of risk is usually a negative connotation but it also an opportunity to gain something from it. It has two matrices, one related to probability and another related to impact. Since the food handling has also three

¹⁰ *Reconciling food law to competitiveness*, Report on the regulatory environment of the European food and dairy sector, Wageningen Academic Publishers, p. 27.

¹¹ B. Van der Meulen, *op. cit.*, p. 211.

stages such as prevention, preparedness and response, all of these actions are closely connected to HACCP. HACCP is an international standard developed by NASA and later adopted by Codex Alimentarius Commission in order to prevent hazards and deal with consequences. HACCP is mandatory for all food businesses in EU and as a consequence they have to analyze their processes, establish procedures to ensure hygiene and control the functioning of these systems themselves.¹²

EU Hygiene legislation is formed as Hygiene Package and it is consisted of 4 Regulation, each of them dealing with different subjects but with the same aim - to ensure food safety. Those regulations are:

Regulation 852/2004 - on the hygiene of foodstuffs;

Regulation 853/2004 - laying down specific rules on hygiene of food of animal origin;

Regulation 854/2004 - laying down specific rules on organization of official controls on products of animal origin intended for human consumption;

Directive 2004/41 - repealing certain Directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives 89/662/EEC and 92/118/EEC and Council Decision 95/408/EC.¹³

EU rules on hygiene covers all the stages of production, processing, distribution and placing on market food that is intended for human consumption. Basically, all the responsibilities are on food business operators - their establishments need to have special authorization and approval from competent National authorities, their practices have to be in compliance with all the rules regarding food production in EU. These rules are applied both for products produced in EU and products coming from third countries. These requirements on food safety do not only address the condition of product when it arrives to European border, but also the way it has been handled in processing and trade and even the choice of raw materials.¹⁴ From all the mentioned above, we can conclude it is a very broad and complicated operation - from production to consumption. Food business operators also need to deal with all other aspects of their businesses, not just food safety.

¹² *Ibid.*, p. 348.

¹³ https://ec.europa.eu/food/safety/biosafety/food_hygiene/legislation_en.

¹⁴ B. Van der Meulen, *op. cit.*, p. 251.

7. Conclusion

Food sector is the first manufacturing sector in terms of turnover, employment and value added in EU economy. Apart from being significant in economic aspect, there is also social, environmental and health aspect of food sector in general. From all the information mentioned above, one can conclude that this is heavily regulated sector – in fact there are over 15000 pages that represent rules on all questions regarding food. Food law cannot be known in its entirety – it is next to impossible to know it all due to quantity and complexity of regulation. Another problem arising is the knowledge of the food business operators who are not capable of knowing all the rules regarding their businesses. The vast majority of them believe that they are well informed. However, one of the things that is connected to informedness is business size. The bigger and more complex the business is, there are more people and experts involved which will ensure all the legal requirements are met, which is not likely to happen in small businesses. Social aspect of this sector includes people who participate in it – owners, workers and farmers. There are 4,5 million of people who work in food and drink industry. This sector also keeps rural areas alive – farmers who produce the food that we eat on daily basis, whose number is going down because young people are not quite interested in this profession. Common agriculture policy is also one of the instruments of EU to help the farmers with their production, to ensure their income and help them financially through grants and loans. Farmers are encouraged to use latest technical production methods and to preserve the environment. Why is environment of such big significance for food? We all know that food production is closely connected to soil and climate, which makes food sector highly dependent on these two factors. There is no bigger polluter of environment as agriculture and no other sector depends more of environment than agriculture. The idea is going green – producing high quality, affordable and safe food in environmentally sustainable way, preserving the biodiversity and protecting the nature. The biggest importance in food law regulation in EU has been given to food safety, as a response to food crisis that happened in past, where the EU authorities have been accused to give priority to market rules and profit rather than protection of human life and health. Due to large and heavy regulations, the stakeholders were not sure how to implement it – whether to respect the national rules or EU regulation. From the above it is obvious that food production processes are very complicated – from selection of raw materials to production, distribution and consumption till the withdrawal and recall in case of adverse health effects and at the end the safe disposal. Rules on hygiene and quality are based on international standards, whose implementation has become a standard practice in food business. However, for third countries, mostly of them developing countries, those rules represent an obstacle to enter the Common market. Those countries are still developing and the quality and safety

requirements set by EU authorities are almost impossible to achieve. Some might say that all the EU rules regarding food production represent effective protectionism device, because they protect the domestic production not allowing products from other countries to participate in Common market. Food produced in EU and food coming from third countries must meet the same requirements regarding safety and quality. EU food safety standards are probably the highest and strictest on the world and are definitely not easily achievable for the countries who would want to export their goods in EU. However, this is also related to trade negotiations and agreements EU wants to sign with partner countries because this is the topic which is most negotiated – approximation of standards and safety rules because they differ in each country. It is interesting to mention Transatlantic trade and investment partnership, bilateral trade facilitation agreement between EU and USA, because those two are two strongest world economies and yet they still haven't reached the final deal because of the diversity of approaches regarding food safety. This article is supposed to introduce legal framework of EU food law, which is connected to health related issues, consumers interest and somewhat tackles economic approach because Free movement of goods is guaranteed by the Treaties, even though the competition rules are not part of Regulation 178/2002, food safety and explanation of EFSA's work, as well as emphasizing the significance of this part of EU economy, since we are all, in this way or another, highly dependent on it and hopefully has fulfilled its scope.

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PRAVO HRANE U EU

Zaključak

Prehrambeni sektor je prvi proizvođački sektor u smislu prometa, zapošljavanja i dodane vrijednosti proizvoda u privredi Evropske Unije. Pored toga što je značajan za ekonomski aspekt EU, značajni su i društveni, ekološki i zdravstveni aspekt prehrambenog sektora. Iz svih informacija navedenih u članku, može se zaključiti da je ovo opširno pravno regulisan sektor – postoji preko 15 000 stranica koje predstavljaju pravila koja regulišu prehrambeni sektor. Prehrambeno pravo ne može biti poznato u svojoj cjelini – nemoguće je poznavati sve propise zbog kvantiteta i kompleksnosti njegovih propisa. Drugi

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problem koji se pojavljuje jeste znanje prehrambenih proizvođača koji nisu u mogućnosti da poznaju sva pravila i propise koji se tiču njihovog poslovanja. Čak štaviše, većina njih smatra da veoma dobro poznaje važeću regulativu. Jedna od stvari koja je povezana sa informisanošću prehrambenih proizvođača je svakako obim njihovog poslovanja. Što je prehrambena proizvodnja veća i kompleksnija, više ljudi i eksperata učestvuje u proizvodnim procesima, koji će osigurati da su ispoštovani svi zakonski propisi, što nije tako čest slučaj kada se radi o malom proizvodnom pogonu. Društveni aspekt ovog sektora uključuje ljude koji učestvuju u njegovom funkcionisanju- vlasnici, radnici i farmeri. Njih 4,5 miliona radi u proizvodnji hrane i pića. Ovaj sektor održava u životu i ruralna područja – farmeri koji proizvode hranu koju svakodnevno jedemo, čija populacija brojčano opada jer mladi ljudi nisu zainteresovani za ovu profesiju. Common agriculture policy (Poljoprivredna politika EU) je jedan od instrumenata vlasti Evropske Unije s ciljem da pomogne farmerima i njihovoj proizvodnji, da im osigura prihode i pomogne finansijski kroz grantove i kredite. Poljoprivrednici se podstiču da koriste najnovije tehničke metode proizvodnje i na taj način očuvaju životnu sredinu. Zbog čega je životna sredina od tako velikog značaja za hranu? Svi znamo da je proizvodnja hrane usko povezana sa tlom i klimom, zbog kojih prehrambeni sektor u velikoj mjeri zavisi od ova dva faktora. Ne postoji veći zagađivač životne sredine od poljoprivrede i nijedna druga djelatnost ne zavisi tako mnogo od životne sredine kao poljoprivreda. Ideja je da se proizvodi visoko kvalitetna, cjenovno pristupačna i bezbjedna hrana na ekološki održiv način, očuvanje biodiverziteta i zaštita prirode. Najveći značaj u pravu hrane Evropske Unije je dat sigurnosti hrane, kao odgovor na krize koje su se dešavale u prošlosti, kada su vlasti EU bile optužene za davanje prednosti tržišnim pravilima i profitu umjesto zaštiti ljudskog zdravlja i života. Zbog obima i količine propisa koji regulišu ovaj sektor, akteri nisu bili sigurni u njihovoj primjeni – da li da poštuju nacionalne propise ili pak komunitarne. Iz svega gore navedenog, jasno je da su proizvodni procesi izuzetno zahtjevan posao – od biranja sirovina do proizvodnje, distribucije i potrošnje do povlačenja i opoziva u slučaju neželjenih efekata po ljudsko zdravlje i u konačnici neškodljivog odlaganja i uklanjanja. Propisi o higijeni i kvalitetu su zasnovani na međunarodnim standardima, čija je primjena postala standardna praksa u proizvodnji hrane. Međutim, za treće zemlje, uglavnom zemlje u razvoju, ti propisi predstavljaju prepreku za ulazak na Zajedničko unutrašnje tržište. Hrana koja se proizvodi u EU kao i hrana koja dolazi iz trećih zemalja, mora zadovoljiti identične kriterijume u pogledu sigurnosti i kvaliteta. Standardi EU u pogledu sigurnosti hrane su vjerovatni najviši i najstrožiji na svijetu i sigurno nisu lako ostvarljivi za treće zemlje koje bi željele da izvoze svoje proizvode u EU. Ovo je takođe povezano sa trgovinskim pregovorima i sporazumima koje EU želi da potpiše sa svojim trgovinskim partnerima, jer je to tema o kojoj se najduže

pregovara – približavanje standarda i propisa o sigurnosti hrane zbog toga što su u svakoj zemlji različiti. Interesantno je spomenuti Transatlantic Trade and Investment Partnership, bilateralni sporazum između EU i SAD, zbog toga što se radi o dvije najjače ekonomije na svijetu koje i još uvijek nisu postigle konačan dogovor zbog različitosti u pristupima u pogledu sigurnosti hrane. Ovaj članak je imao za cilj da pojasni osnovne pojmove pravnog okvira prava hrane u EU, koje je također povezano sa zdravstvenim pitanjima, interesima potrošača i donekle dotiče ekonomski pristup zbog toga što je Sloboda kretanja robe zagarantovana osnivačkim Ugovorima, iako pravila o konkurenciji nisu sastavni dio Uredbe 178/2002, zatim sigurnosti hrane i pojašnjenje značaja i rada EFSAe, kao i naglašavanje značaja ovog sektora u privredi EU, zato što smo svi, na ovaj ili onaj način, u ogromnoj mjeri zavisni od njega, i nadam se ispunio svoj cilj.

Ključne reči: pravo EU, pravo hrane, Uredba 178/2002, precautionary principle, transparency principle, consumer's right and protection.