

# Recent research in EU food law

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Panel II Trends in Agricultural Research and International standards

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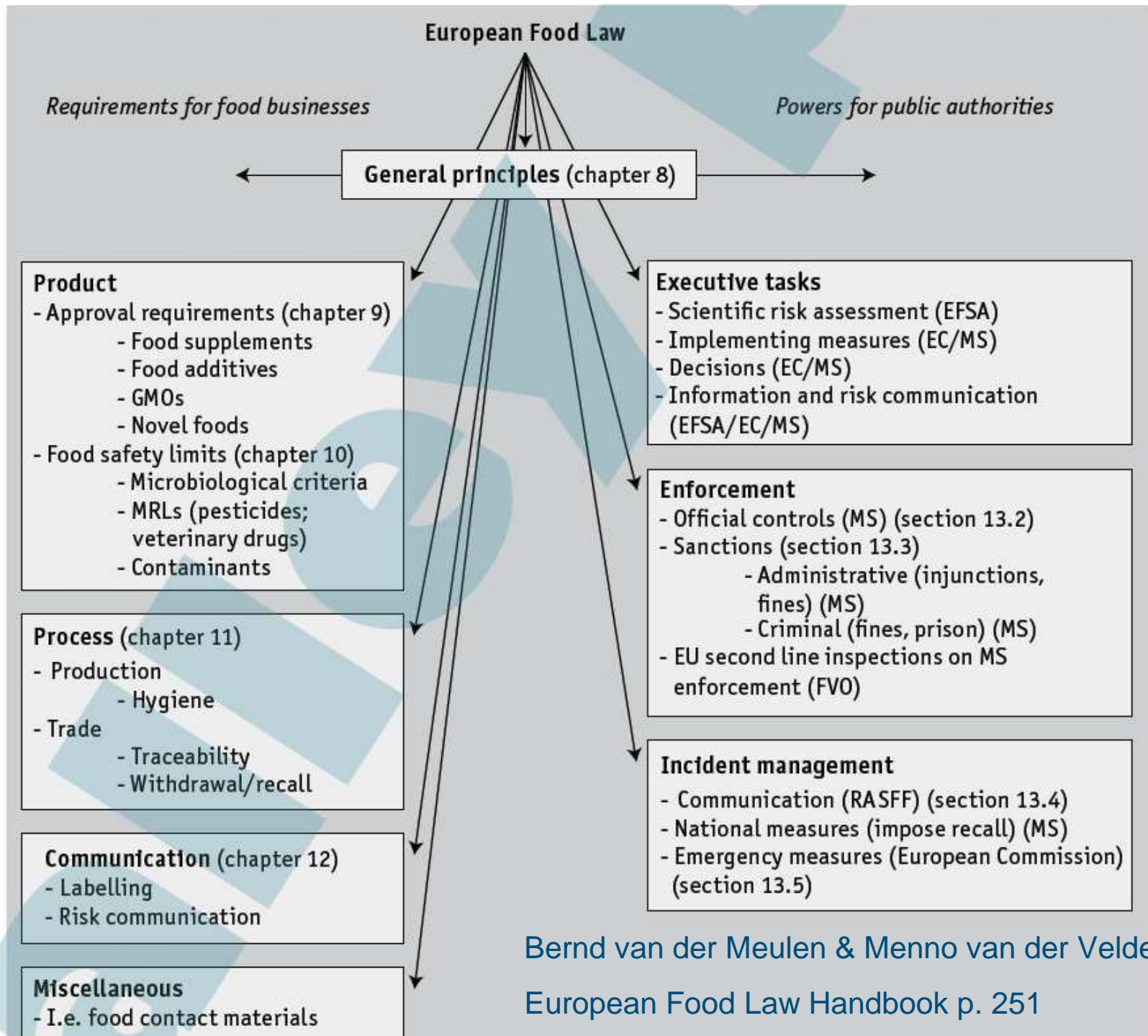


**European Institute for Food Law**

European Institute for Food Law

# Overview

- Structure
- Role of science
- Economic impact
- Private standards



Bernd van der Meulen & Menno van der Velde  
European Food Law Handbook p. 251

# Regulatory requirements on food

- Legislation on procedures
  - Official controls
  - Incident management
  - Rapid alert system
- Legislation on the process
  - HACCP
  - Traceability
  - Withdrawal & recall
- Legislation on the product
  - Compositional standards
  - **Pre-market approval**
  - Banned substances
  - Food safety targets (MRLs)
- Legislation on Communication
  - Labeling
  - Allergens
  - Nutrition and health claims

# Questions to science

- Identify risks
- Is it unsafe?
  - Presumption of safety
  
- Exclude risks
- Is it safe?
  - Presumption of unsafety ('a priori hazardous')



# Science in food law

- Identify risks
- Food safety targets
  - Maximum limits in numbers
    - Microbiology
    - Chemicals
  - Zero tolerance
  - Dynamic concepts  
→ 'safe' / HACCP
- Incident management
  - Products
  - Producers
  - Areas





# Science in food law

- Exclude risks
- Approval requirements
  - Additives
  - Supplements
  - GMOs
  - Novel foods
- Hybrids
  - Pesticides
  - Veterinary drugs



# Issues

- Scientific standards (very soft law)
  - Applicable science
  - Required tests
  - Applicable criteria
- Exotics
- Non legal application
- Zero tolerance
- Economic impact



# Zero tolerance

- Unapproved
  - Approval rejected / product banned
    - Stevia
    - Hormones
    - Antibiotics
    - Pesticides
  - Unfinished procedure
    - LL rice
  
- Impossible to set safety limit
  - Type of risk
    - Genotoxic
    - Carcinogenic
  - At this moment in time
    - Emerging issue (Sudan red?)





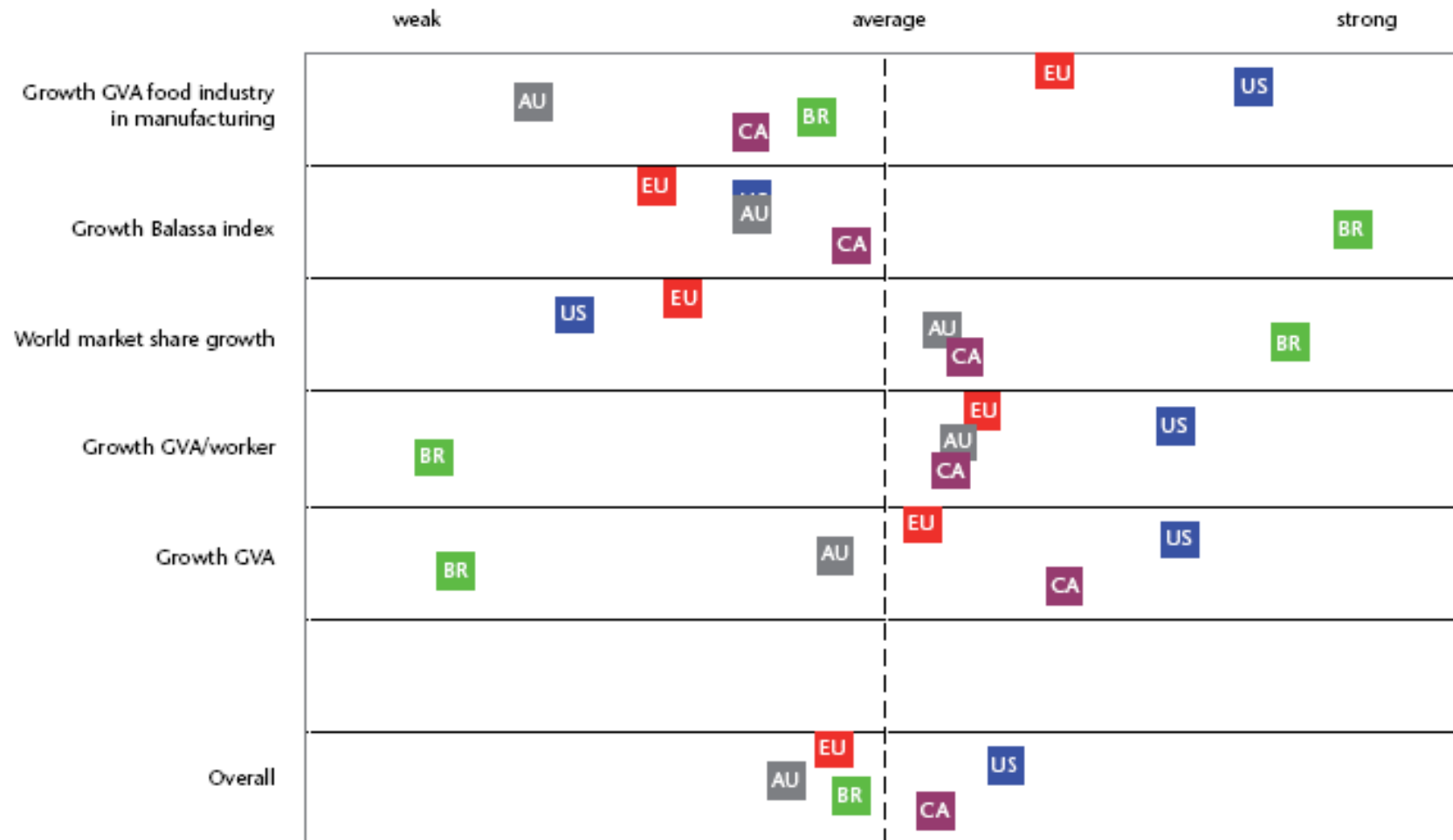
[http://ec.europa.eu/enterprise/food/competitiveness\\_study.pdf](http://ec.europa.eu/enterprise/food/competitiveness_study.pdf)

## **Competitiveness**

## **of the European Food Industry**

An economic and legal assessment

Figure 1 Competitiveness of the EU food industry



# Businesses on EU food law

- Legislation minor issue
- Appreciate level playing field
- Prefer over US system
  - Liability risk
- Premarket approval has exclusionary effects
- Private regulation helps in compliance

# Private law food law

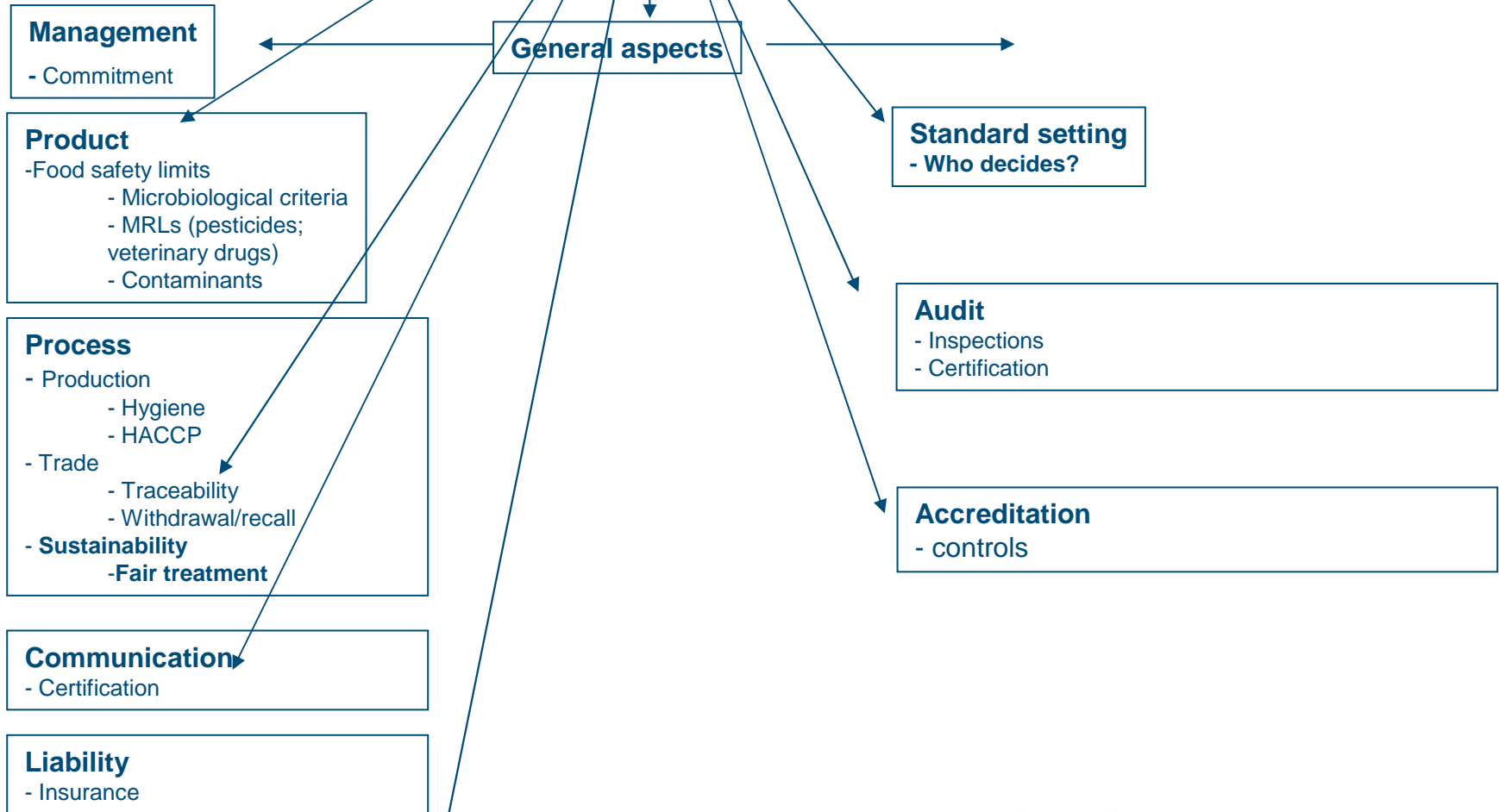
- BRC
- IFS
- SQF
- ISO
- Hygiene codes
- KKM
- IKB
  
- ISO 22.000
- Global Food Safety Initiative
- GlobalGAP



# Private Food Law

*Requirements for food businesses*

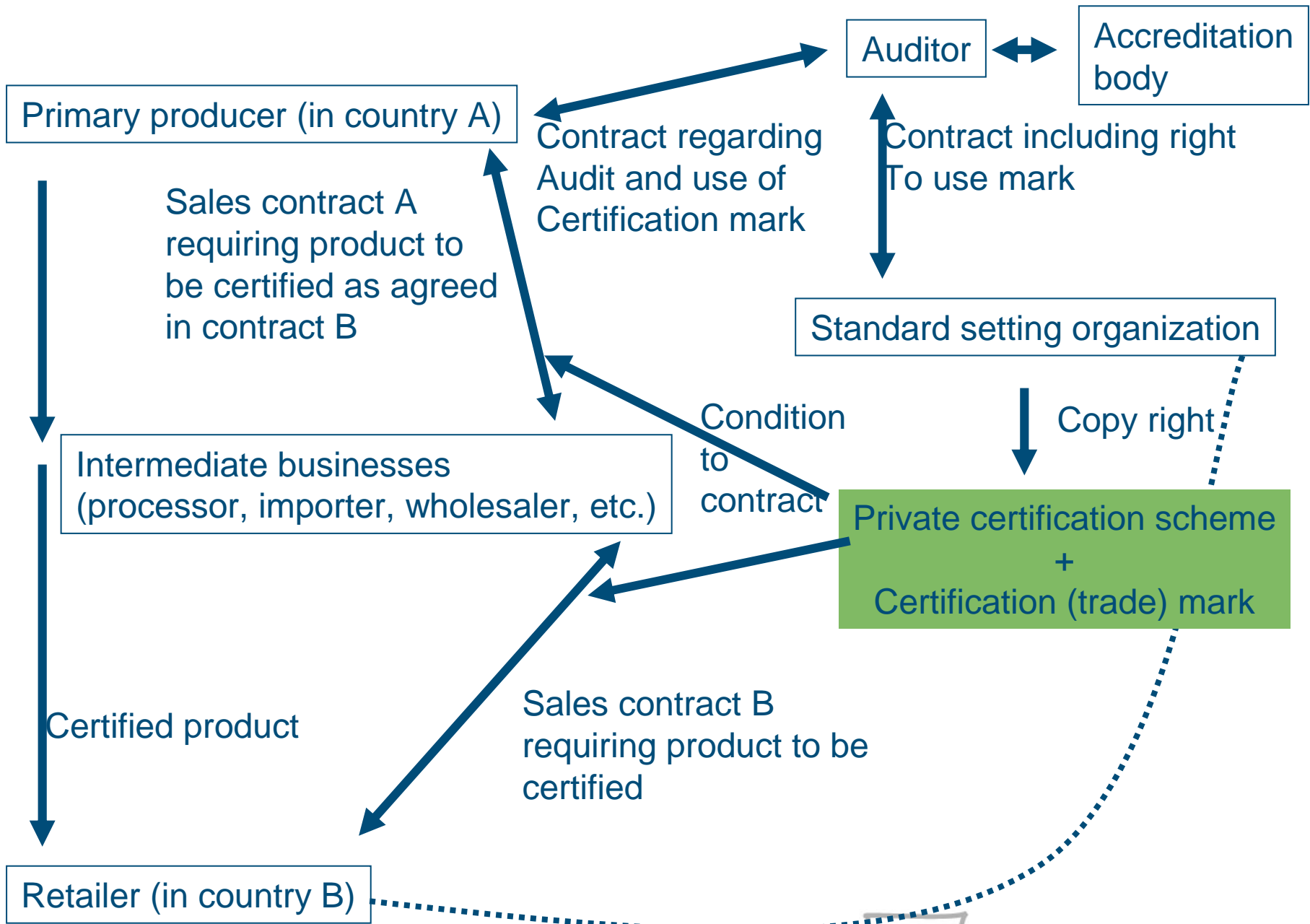
*Powers for third parties*





# Private standards

- **Management**
  - Commitment
  - Finance
- **Product**
  - Safety targets
- **Process**
  - Hygiene
  - HACCP
  - Traceability
- **Procedures**
  - Audits
  - Accreditation
- **Communication**
  - Certification
- **Liability**
  - Insurance
- **Sustainability**



# Why?

- To comply with public law requirements
- To cope with flaws and gaps in public law requirements
- To comply with foreign requirements
- To comply with customers demands
  - Instrument for chain control
- To make compliance visible
- To distinguish through a higher quality level
- To keep inspectors at a distance
- To protect the market

# Private standards in international trade

- Low quality & high performance
- Improved performance on public law requirements
- Willingness to comply
- Positive feed back



# Issues

- Democratic legitimacy
- Enforceability
- Judicial review
- Costs / exclusionary effects

# This summer at Wageningen University

- **Food Law Academy**  
Summer school in food regulatory affairs  
7th – 12th June 2009
- [http://www.wbs.wur.nl/UK/newsagenda/agenda/  
Food\\_Law\\_Academy.htm](http://www.wbs.wur.nl/UK/newsagenda/agenda/Food_Law_Academy.htm)





See also: **European  
Food Law  
Handbook**

**European  
Food Law  
Handbook**

■ <http://www.wageningenacademic.com/foodlaw>

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Thank you for your kind attention

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International Food Law Students

Forum:

<http://moose.nimio.info/foodlaw/>

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