

# **European Union (EU) Food Regulations and Standards**

Context, Implementation, and Cross-Border Implications

**Dr David Jukes**  
**The University of Reading**  
**United Kingdom**



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The University of Reading

# 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

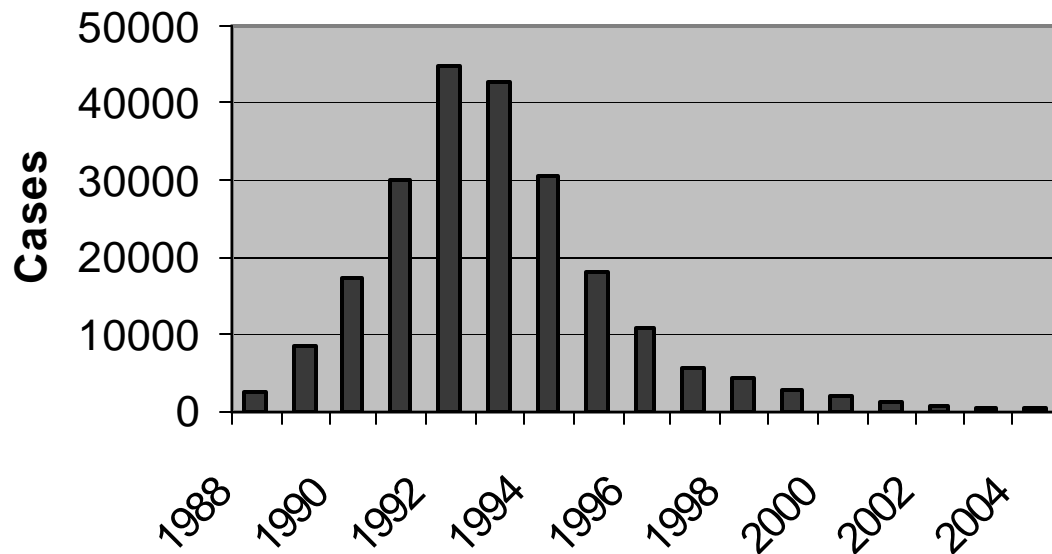


# BSE in Cattle

First case: November 1986

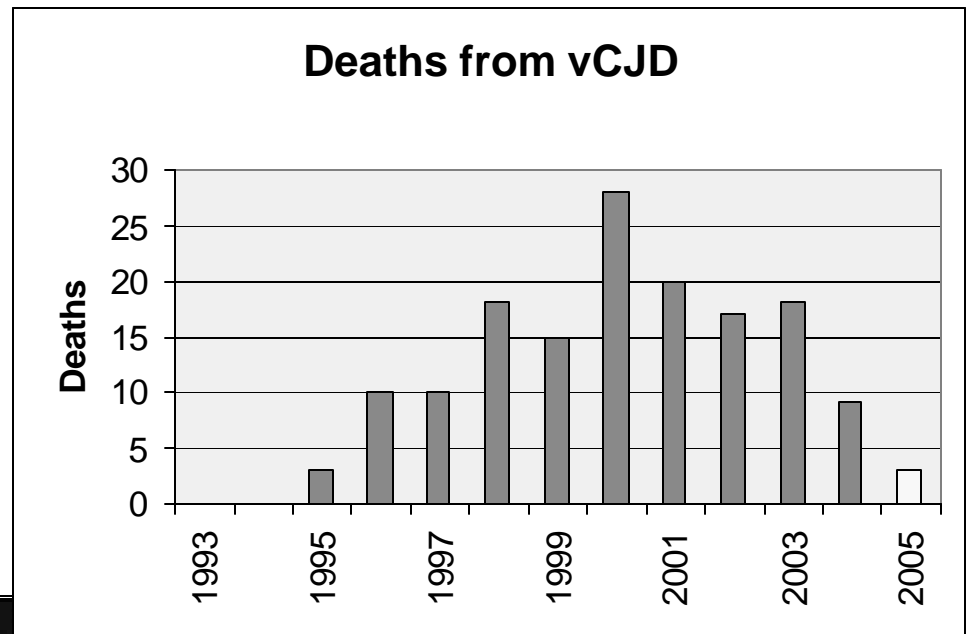


**BSE in Cattle**



# Is beef safe?

**UK Minister of Agriculture,  
Fisheries and Food  
16 May 1990**

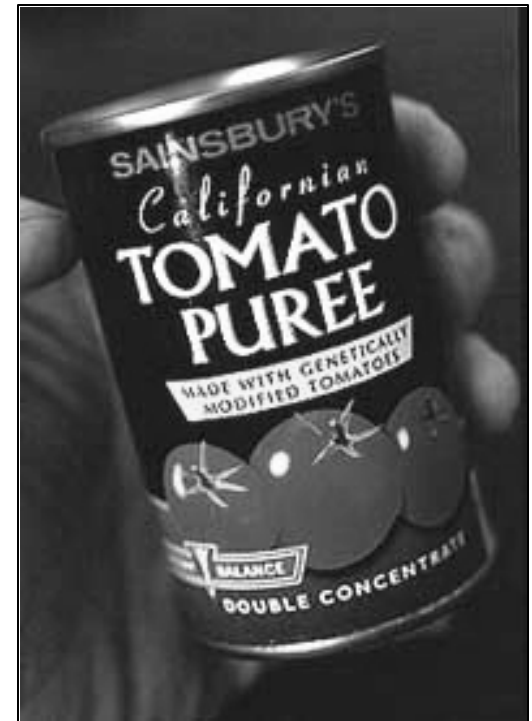


# Dioxin Crisis in Belgium

- **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



**MINIMUM 12.5% MEAT**

**INGREDIENTS:**

Wheat Flour, Water, Pork, Margarine (Vegetable Oil and Hydrogenated Vegetable Oil, Water, Salt, Emulsifier, Mono- and Di- Glycerides of Fatty Acids), Rusk, Potato Starch, Soya\* Protein Concentrate, Salt, Egg, Spices, Emulsifier (Sodium Tripolyphosphate), Herbs, Preservative (Sodium Metabisulphite).

\*Produced from Genetically Modified Soya.

**TESCO QUALITY**

# October 20, 1999



## SEEDS OF CONFUSION

### 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**

*October 20 1999*

# GM Food 'Crisis'

- Consumer campaigns



17 May 2000

**DAILY EXPRESS**  
WEDNESDAY MAY 17, 2000

**ALTERNATIVE MEDICINE:**  
**IS IT A CURE OR A CON?**  
Writer John Diamond raised the issue. Now readers join the debate. **PAGE 11**

**CRACK THE CODE: WATCH TOMORROW'S WORLD TONIGHT TO SOLVE THE MYSTERY OF THE PICTURE ON PAGE 48**

**STORM AS GM CROPS WRECK HONEY**

Total ban urged as rape pollen from trial field is carried miles to contaminate farmer's bee hives

**JOY FOR JULIE AND LIZ AS THEY GO TO MEET THE QUEEN**  
FULL STORY SEE PAGE 3

**WEATHER 2 OPINION 10 LETTERS 30 DIARY 31 TELEVISION 51-55 CROSSWORD 56 CAREER 57 CITY 59-62**

**Daily Mail**  
WEDNESDAY MAY 17, 2000  
NATIONAL NEWSPAPER OF THE YEAR 35p

**HAVE YOU WON TODAY? PICK A PRIZE**  
PAGE 60

**Arise Dame Liz**  
WHEN ELIZABETH R MET ELIZABETH T **PAGE THREE**

**EXCLUSIVE: Prince takes on the scientists**

**CHARLES: WHY I FEAR A GENETIC DISASTER**

**PRINCE CHARLES** today launches a devastating attack on the 'potentially disastrous consequences' of GM food and cloning.

**By Richard Kay and James Chapman**  
Old technology and will to experiment in biotechnology agriculture banned.

Charles used the platform of the prestigious Royal Lecture - to be broadcast by the BBC tonight - to make his dramatic anti-GM and anti-cloning stance.

But his message is far more than a warning. He is a powerful voice in a world where the science of genetic engineering is being used to create new crops and animals. He is a powerful voice in a world where the science of genetic engineering is being used to create new crops and animals.

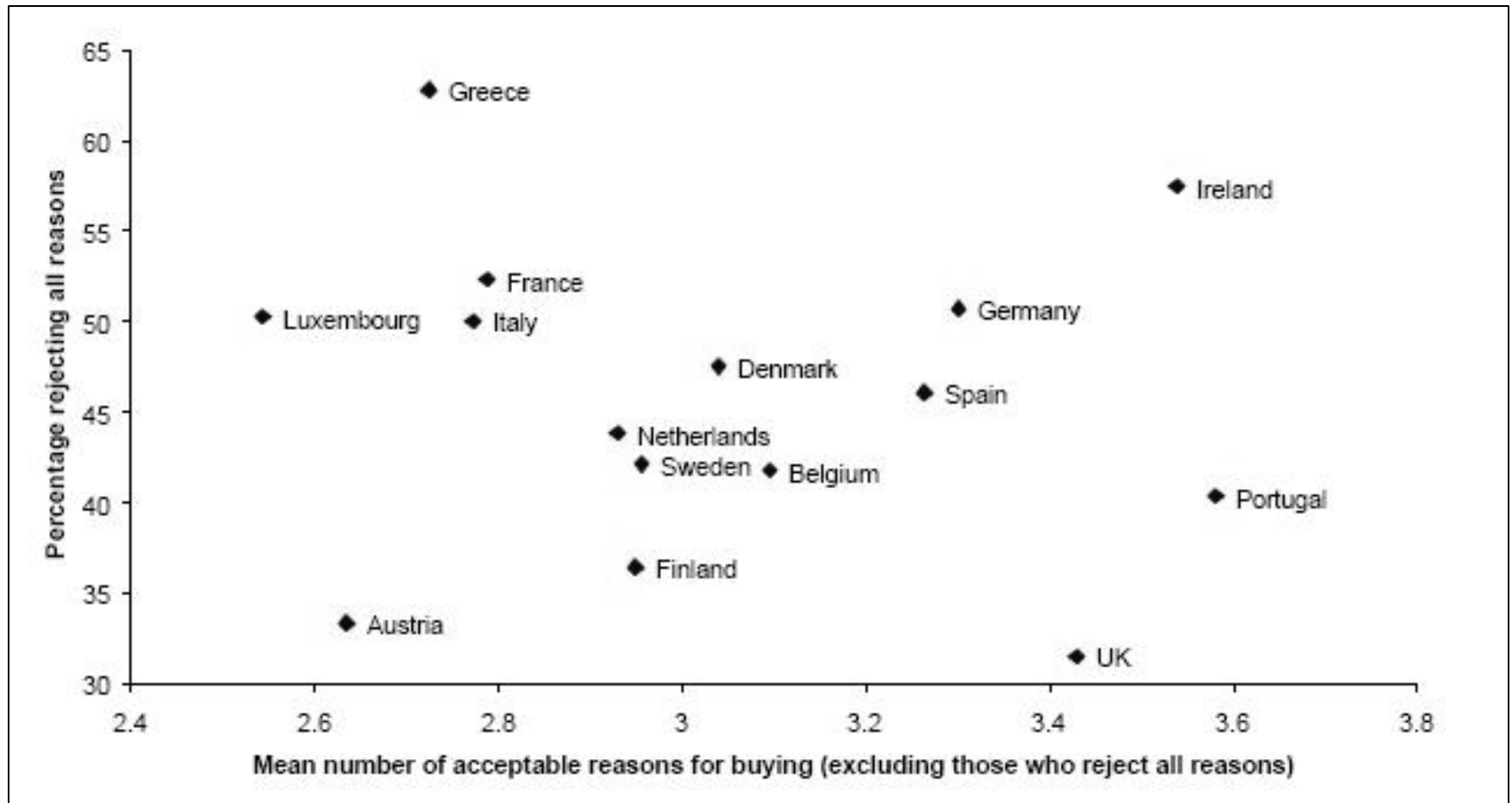
**Turn to Page 6, Col. 1**

**PRINCE CHARLES: Personal attitude against GM foods**

**WISIO: Lynda Lee-Potter 31, Pemail 24-25, Dempster 41, Moray Mail 43-58, TV 61-64, Letters 65-68, Coffee Break 67-68, City 70-73**

# EU Consumer Survey

Reasons for using GM Technology for food use



# EU Survey

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

	% Trust
The medical profession	54
Consumer organisations	49
Environmental organisations	46
Universities	33
Animal welfare organisations	26
Television and newspapers	23
International institutions (not companies)	17
National government bodies	14
Farmer organisations	13
Religious organisations	8
None of these (SPONTANEOUS)	6
A particular industry	5
Political parties	3
'Don't Know'	6

# EU Food Law – Key Stages

- 1962 - Early Directives
- 1969 – 1<sup>st</sup> Harmonisation Programme
- 1973 – 2<sup>nd</sup> 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

- BSE (1988-1995...) / Dioxin (1999)
- **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

- **Regulation (EC) No 852/2004** of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs
- **Regulation (EC) No 853/2004** of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin
- **Regulation (EC) No 854/2004** of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption

# 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](http://europa.eu.int/comm/food/fvo/index_en.htm)

The screenshot shows the official website of the Food and Veterinary Office (FVO). At the top, there is a header with the European Union flag and the text "Food and Veterinary Office". Below this is a navigation bar with links to "EUROPA", "European Commission", "DG Health and Consumer Protection", "Overview", "Food and Veterinary Office", "Site Map", "What's New", "A to Z Index", and "Mailbox". A language selector is set to "English".

The main content area is titled "The Food and Veterinary Office - Introduction" and "Food and Veterinary Office (FVO)". It contains a paragraph stating: "The Commission, in its role as guardian of the European Community Treaties, is responsible for ensuring that Community legislation on food safety, animal health, plant health and animal welfare is properly implemented and enforced. As a Commission service, the Food and Veterinary Office (FVO) plays an important role in fulfilling this task."

Below this paragraph are two links: "What is the role of the FVO in achieving this? More..." and "How does the FVO contribute to achieving this? More...".

At the bottom of the main content area, there is a section titled "What's new : Food and Veterinary Office - Inspection reports - Last 5 published reports".

On the left side, there is a sidebar with "Special Topics" including "Import Guidelines", "Pesticide Monitoring", and "2005 Inspection Programme". Below this are icons for "Food and Feed Safety", "Animal Health and Welfare", "Plant Health", "FVO Inspections", "Other related sites", and "Consumer Affairs".

On the right side, there is a sidebar with "Resources" including "Speeches", "Press Releases", "Health & Consumer Voice Newsletter", and "Publications". Below this is a section titled "International Affairs" with links to "Organisations", "Codex", "Import Conditions", "Pets and Animal Welfare", "Enlargement", and "Agreements".

The Mail  
October 26,  
2005

Daily Mail, Wednesday, October 26, 2005

\*\*\* Page 7

As bird flu fears rise, a ban on live imports and an alert in the kitchen

# 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.

The advice comes from the European Food Safety Agency which gave the public a list of specific risks to avoid, including raw eggs and meat.

Last night's alert acknowledged a growing concern over the spread of bird flu, which has been found in several countries.

The food safety watchdog - which advises European governments - has also warned that consumers should avoid eating raw eggs and meat.

The agency said that consumers should avoid eating raw eggs and meat, and that they should also avoid eating raw fish and shellfish.

The agency also warned that consumers should avoid eating raw milk and cheese.



# The tainted fields

By Julie Wheldon  
Science Correspondent

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

Campaigners last night seized on 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 the Department for the Environment, Food and Rural Affairs.

These trials were set up in the UK from 1999 to look at how GM crops may affect other plants and

## Government tests show GM crops can 'poison' plants 50 yards away

wildlife. Already they have shown that GM crops could have a devastating effect on the countryside and harm birds, bees and butterflies and could lead to a 'biological desert'.

Only this month it emerged that growing GM crops can 'pollute' a field for up to 15 years. Now data put out by DEFRA late last night has shown that even at 50 metres (54 yards) away there is significant

contamination of other crops. For a type of winter oil seed rape known as varietal association, they found that 77 plants per 10,000 were contaminated at this distance.

For the spring version of the same type of oil seed rape contamination reached levels of 37 per 10,000 plants.

Previous research has shown that GM seed can travel well beyond 50 metres with some even found as far

as 16 miles away. But this is understood to be the first time that precise levels of contamination at this distance have been studied.

Peter Riley from the GM Freeze, an alliance of environmental and community groups, said last night: 'This research confirms that anybody growing crops near to GM fields would find it very difficult to be able to say what they are selling is free of GM.'

'As there appears to be no benefit to GM crops it is time the Government finally put these things quietly to sleep.'

Claire Oxborrow, spokesman for Friends of the Earth, said that under current guidelines food which is accidentally contaminated with GM up to 0.9 per cent is allowed to be declared GM free.

But consumers want their food to be totally free of any contamination with GM crops, she said.

She said the levels found in this

study would not be acceptable if there was an organic farmer next door to the GM fields.

'We know there are huge concerns around the contamination of non-GM crops,' she added.

'Clearly this study shows that this happens up to 50 metres and we know it can happen beyond that.'

'Are consumers going to be happy with this level of contamination - we say no.'

'What people want is totally GM free food. The Government must put in place strict measures to eliminate GM contamination.'

DEFRA said it welcomed publication of the study which provided valuable data on cross-pollination between GM and non GM oil seed rape.

The trials have now finished and currently there are no GM crops being grown in the UK.

j.wheldon@dailymail.co.uk



# UK Papers

## October 26, 2005

THE TIMES WEDNESDAY OCTOBER 26 2005

2WC

## 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 Ita-

making 115,000 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 British supermarkets, said: "It is absolutely ludicrous. This is a knock-back. Where is it going to come from now? We can't all come from Greece."

She will now have to come up with a new name for her cheese. "We will not be able to choose anything that passes itself as 'feta', such as 'fetta' or 'feta', but should be able to use 'greek-style' cheese or 'white goats' cheese in brine'."

The decision is hard for the firm, which has been making feta since the 1930s, and is the UK's second-largest producer, making 30,000 tonnes

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 consum-

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



18 THE SUN, Wednesday, October 26

## I CAN'T BELIEVE IT'S NOT FETA

By CHARLES RAE, Consumer Editor

**A FOOD boss hit out yesterday after the EU ruled she must stop calling her cheese "feta".**

Judy Bell's firm Shepherd's Purse Cheeses has been making Yorkshire feta since 1987.

Workers churn out about a ton of the cheese, below, every week.

But now the company faces a costly re-branding exercise after Euro judges ruled feta is too closely linked with its Greek roots for others to use the name.

The decision in Luxembourg followed a bitter five-year legal battle.

Mrs Bell, of Thirsk, North Yorkshire, said: "It's ludicrous. It's going to have an impact on jobs all over the place and cost a lot of money."

"We're now going to have to go through a major re-branding exercise. We've never tried to deceive anyone about where it's from."

Feta has been made in Greece for 6,000 years.



# 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/>

