



Co-funded by the  
Erasmus+ Programme  
of the European Union



# 1 – European Food Law Basic Principles

## CONTENT 2 - EU FOOD LAW

---

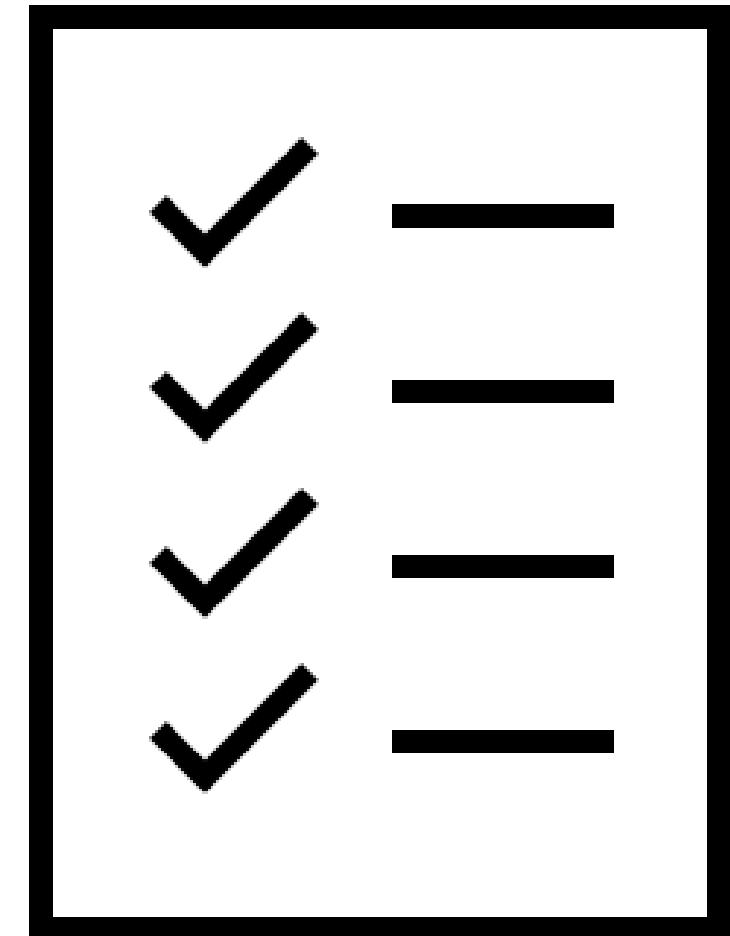
Susana Almeida / Assistant Professor at Polytechnic of Leiria

Mário Frota / Former President of Portuguese Association of  
Consumer Law

# Program

---

1. General considerations regarding food law
2. General Food Law Regulation
3. Principles of food law
4. Food law requirements
5. Food law procedures: brief notes
6. European Food Safety Authority
7. Rapid Alert System for Food and Feed
8. National Authorities



# 1. General considerations regarding food law

«**‘Food Law’** means the laws, regulations and administrative provisions governing food in general, and food safety in particular, whether at Community or national level; it covers any stage of production, processing and distribution of food, and also of feed produced for, or fed to, food producing animals» (Article 3(1) Reg. No. 178/2002)



Evolution



## 2. General Food Law Regulation (Reg. No. 178/2002)

---

- The General Food Law Regulation (GFLR) is the foundation of food and feed law.
- The **main objective** of the General Food Law is to secure a high level of protection of public health and consumer interests with regard to food products.
- It sets out an **overarching and coherent framework** for the development of food and feed legislation both at European Union and national levels.
- It lays down general **principles** and **requirements**, establishes **authorities** and gives **procedures** to support decision making in this matters.
- It covers the entire food sector, “from farm to fork”.



## 2. General Food Law Regulation (Reg. No. 178/2002)

### Amended by

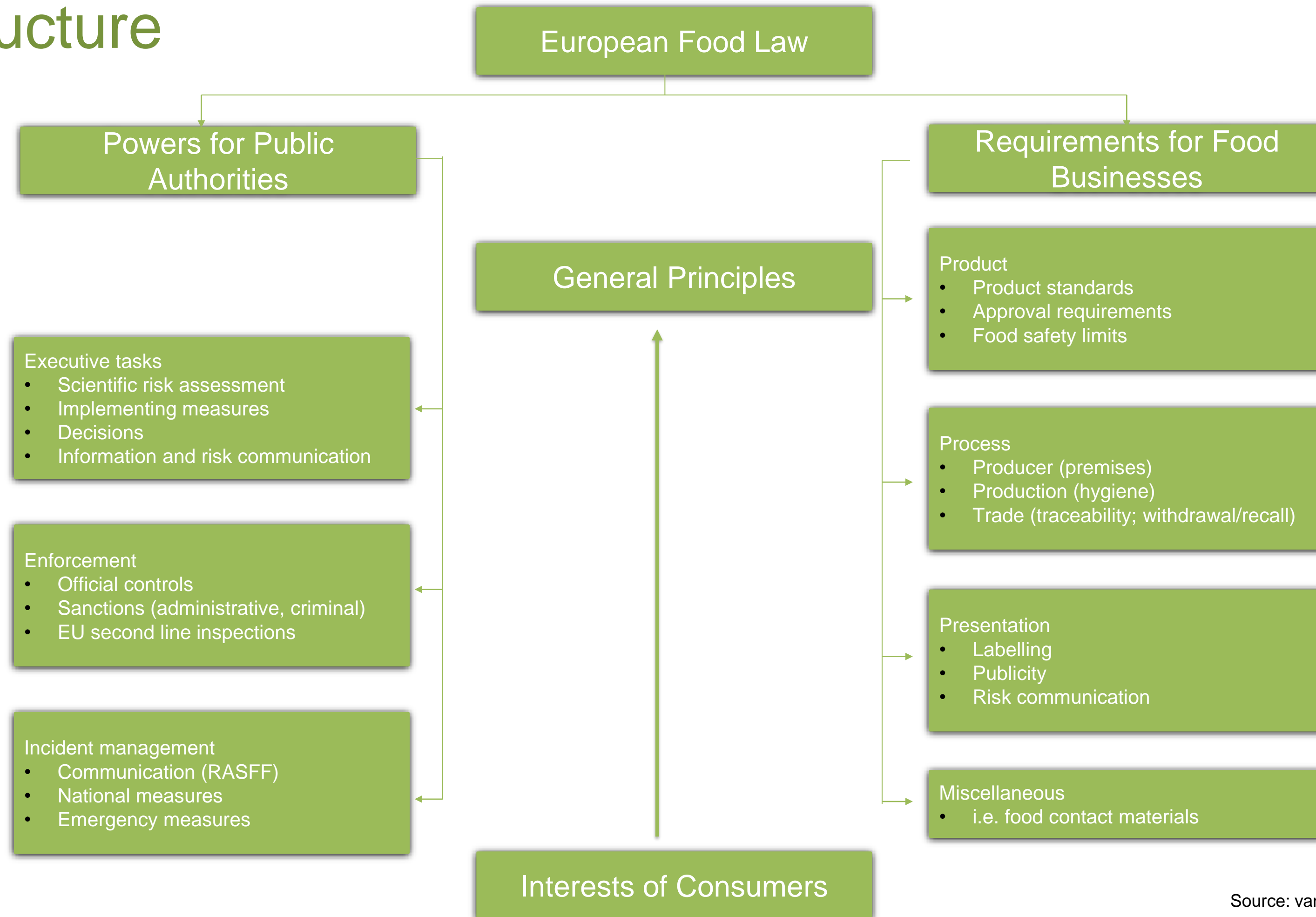
- Regulation (EC) No 1642/2003 of 22 July 2003
- Commission Regulation (EC) No 575/2006 of 7 April 2006
- Commission Regulation (EC) No 202/2008 of 4 March 2008
- Regulation (EC) No 596/2009 the European Parliament and of the Council of 18 June 2009
- Regulation (EU) No 652/2014 of the European Parliament and of the Council of 15 May 2014
- Commission Regulation (EU) 2017/228 of 9 February 2017
- Regulation (EU) 2017/745 of the European parliament and of the council of 5 April 2017
- Regulation (EU) 2019/1243 of the European Parliament and of the Council of 20 June 2019
- Regulation (EU) 2019/1381 of the European Parliament and of the Council of 20 June 2019

### Implemented by

- Commission Regulation (EC) No 2230/2004 of 23 December 2004 laying down detailed rules for the implementation of European Parliament and Council Regulation (EC) No 178/2002 with regard to the network of organisations operating in the fields within the European Food Safety Authority's mission
- Commission Implementing Regulation (EU) No 931/2011 of 19 September 2011 on the traceability requirements set by Regulation (EC) No 178/2002 of the European Parliament and of the Council for food of animal origin
- Commission Implementing Regulation (EU) 208/2013 of 11 March 2013 on traceability requirements for sprouts and seeds intended for the production of sprouts
- Commission Implementing Decision (EU) 2019/300 of 19 February 2019 establishing a general plan for crisis management in the field of the safety of food and feed



# Structure



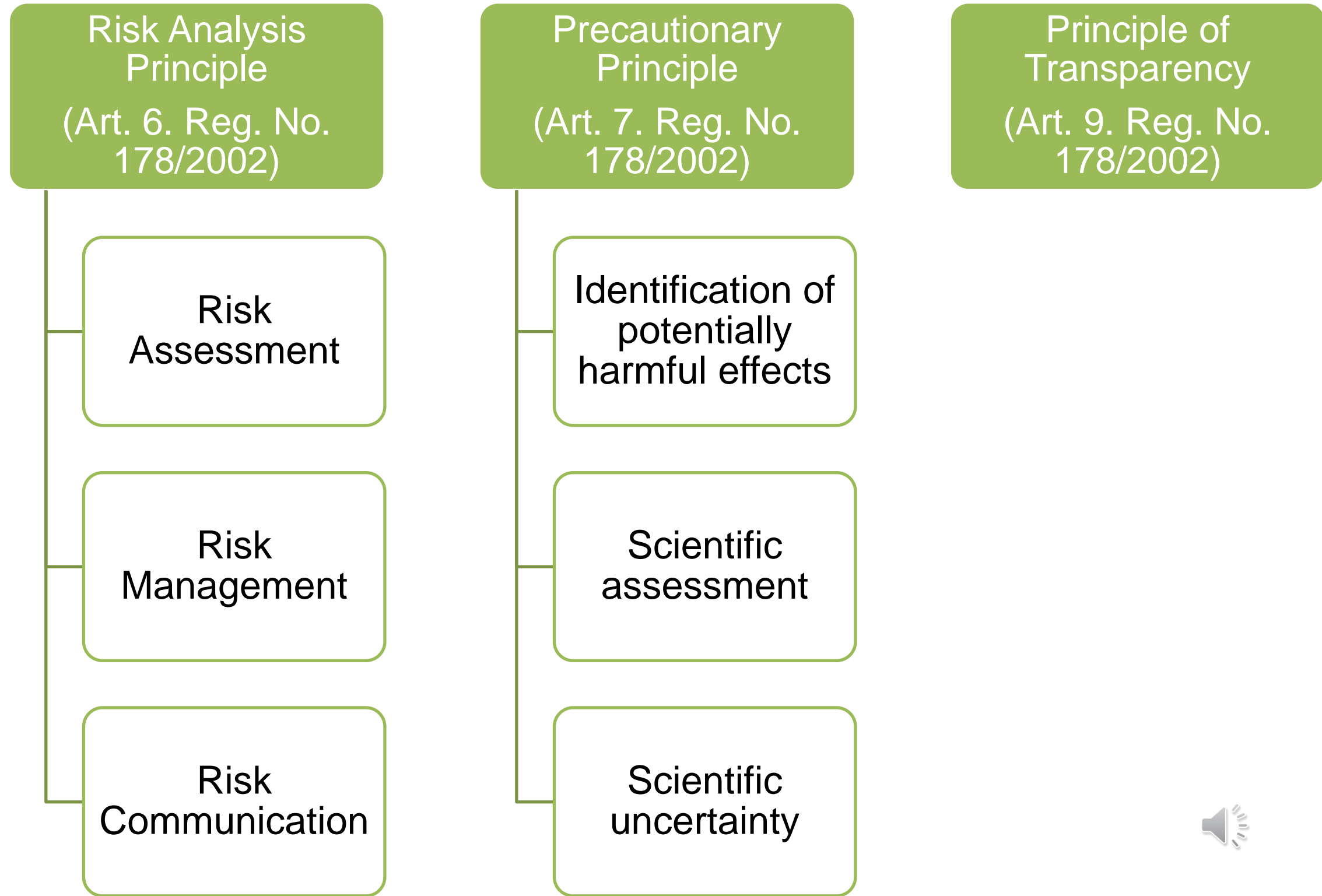
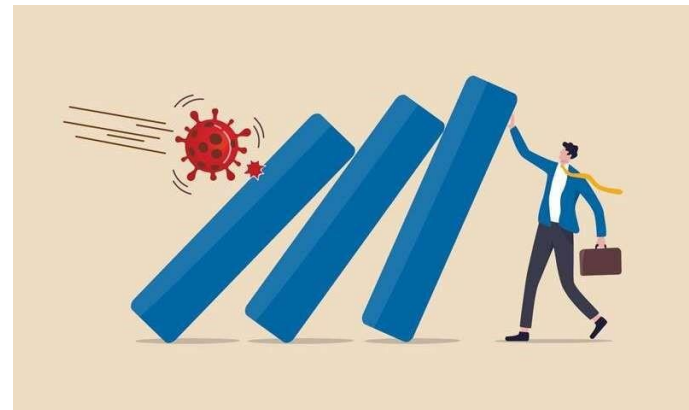


<https://www.youtube.com/watch?v=V1yrHMMHy58>

# Overview



### 3. Principles of food law





# 3. Principles of food law

## 3.1. Risk Analysis

(art. 6 Reg. No.178/2002)



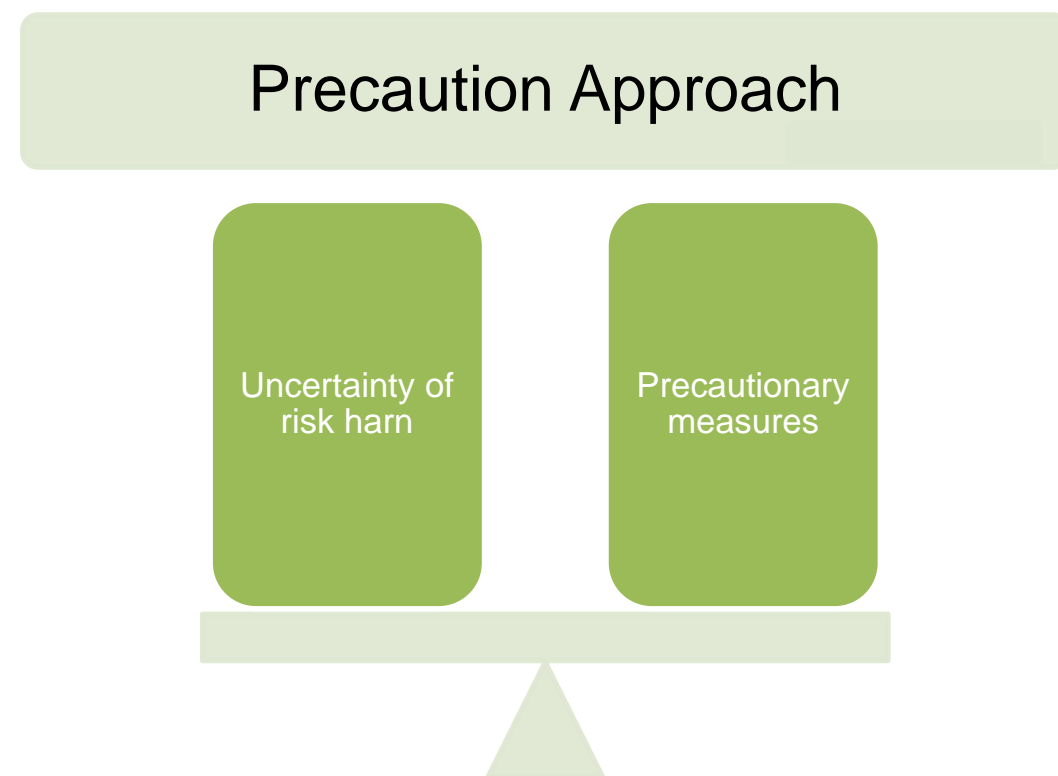
Reg. No. 2019/1381 on the transparency and sustainability of the EU risk assessment in the food chain





### 3.2. Precautionary Principle (Art. 7. Reg. No. 178/2002)

“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”.





### 3.3. Transparency Principle (Art. 9. Reg. No. 178/2002)

“There shall be open and transparent public consultation, directly or through representative bodies, during the preparation, evaluation and revision of food law, except where the urgency of the matter does not allow it”.



## 4. Food law requirements

---



### 4.1. Safety requirements

Food safety is of crucial importance. Consumers must have confidence and assurance that the food they buy will do them no harm or have an adverse effect (injurious to health or unfit for human consumption). The GFLR establishes that only safe food and feed can be placed on the Union market or fed to food-producing animals. The GFLR also lays down basic criteria for establishing whether a food or feed is safe (Articles 14 and 15 Reg. No. 178/2002).



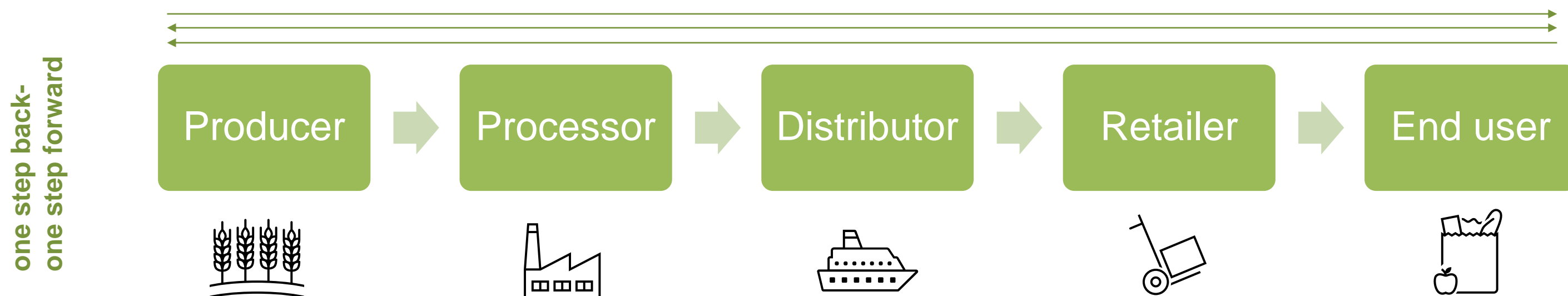
## 4. Food law requirements

### 4.2. Traceability of food and feed products

Tracing food and feed throughout the food chain is very important for the protection of consumers. The GFLR defines traceability as the ability to trace and follow any food, feed, food-producing animal or substance that will be used for consumption, through all stages of production, processing and distribution. See Article 18 Reg. No. 178/2002.

#### Traceability:

- facilitates withdrawal of unsafe food/feed from the market
- provides consumers with targeted and accurate information on specific products
- covers all food and feed, all food and feed business operators
- affects importers who are required to be able to identify from whom the product was exported in the country of origin
- obliges businesses to be able to identify at least the immediate supplier of the product in question and the immediate subsequent recipient, with the exemption of retailers to final consumers. See [Factsheet](#).



## 4. Food law requirements

---



### 4.3. Operator's responsibilities

Food or feed business operators are the primary responsible for ensuring compliance with food law. In this regard, competent authorities of the EU countries must assure adequate and effective controls.

#### Key obligations of business operators:

- shall not place on the market unsafe food or feed;
- are responsible for the safety of the food and feed which they produce, transport, store or sell;
- shall be able to rapidly identify any supplier or consignee;
- when food or feed is unsafe, are obliged to withdraw or recall it;
- are obliged to inform the competent national authorities;
- shall identify and regularly review the critical points in their processes and ensure that controls are applied at these points;
- Shall cooperate with national authorities.

See **Articles 19 and 20 Reg. No. 178/2002.**

Source: [https://food.ec.europa.eu/system/files/2016-10/gfl\\_req\\_business\\_operators\\_obligations\\_en.pdf](https://food.ec.europa.eu/system/files/2016-10/gfl_req_business_operators_obligations_en.pdf)

## 5. Food law procedures: brief notes

---

### 5.1. Rapid Alert System for Food and Feed

One of the key tools to maintaining a high level of safety and ensuring a quick response to safety emergencies and incidents is the Rapid Alert System for Food and Feed (RASFF). See [Article 50 of Reg. No. 178/2002](#).

RASFF enables information to be shared efficiently between the EU Member States, national food safety authorities, Commission, EFSA, ESA, UK, Norway, Liechtenstein, Iceland and Switzerland). RASFF members are obliged to notify the RASFF if they take such measures as withdrawing or recalling food or feed products from the market in order to protect consumers' health and if rapid action is required.



## 5. Food law procedures: brief notes

---



### 5.2. Standing Committee on Plants, Animals, Food and Feed

The Standing Committee on Plants, Animals, Food and Feed “plays a key role in ensuring that Union measures on food and feed safety, animal health and welfare as well as plant health are practical and effective”. The Committee is responsible for delivering opinions on draft measures that the Commission intends to adopt. See [Articles 58 and 59 of Reg. No. 178/2002](#).

“The Committee is composed by representatives of all Member States and presided by a European Commission representative”. It is organized in [14 sections](#) to deal with all relevant matters.

“The Committee’s mandate covers the entire food supply chain - from animal health issues on the farm to the product on the consumer’s table - helping the EU deal effectively with health risks at every stage of the production chain”.

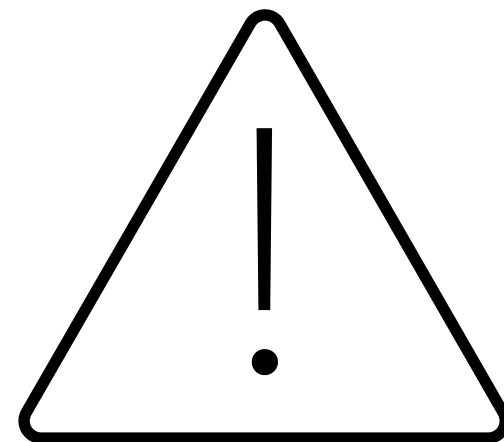




## 5. Food law procedures: brief notes

---

### 5.3. Emergency measures



“Where food or feed - including those imported from a non-EU country - presents a serious and uncontrollable risk to human health, animal health or the environment, the Commission (it’s initiative or by request of a Member State) can put in place protective measures, following an opinion from the Standing Committee on Plants, Animal, Food and D-Feed and:

- suspend the placing on the market or use of products originating from the EU;
- suspend imports of products originating from non-EU countries;

However, if the Commission does not act after having been informed of the existence of a risk, the EU country concerned may take interim protective measures. Within a period of 10 working days, the Commission must refer the matter to the Standing Committee on Plants, Animals, Food and Feed with a view to extending, amending or revoking the national measures”. See **Articles 53 and 54 Reg. No. 178/2002**.

## 5. Food law procedures: brief notes

---

### 5.4. Crisis management

“Sometimes, incidents related to food or feed that pose potential serious risks to human health cannot be managed properly within routine procedures. In such cases, the Commission, EFSA and the affected Union countries shall follow the general crisis-management plan as adopted by [Decision 2004/478/EC](#). In the case of a serious risk, the Commission must immediately set up a crisis unit, which EFSA supports by providing scientific and technical support. The crisis unit is responsible for collecting and evaluating all relevant information and identifying the options available for preventing, eliminating or reducing the risk to human health.

Decision 2004/478/EC also lays down management procedures where the risk is potential but could evolve into a serious risk. In this case, a crisis unit will not be set up but adequate provisions will be made to ensure effective management of this type of situation.

In order to allow the application of the general plan for crisis management, Member States are also required to draw up their own contingency plans to apply in emergency situations. According to Article 13 of [Regulation \(EC\) No 882/2004](#), these contingency plans must outline the national administrative authorities to be engaged in crisis management, and their respective powers and responsibilities, as well as the channels and procedures for communication between the relevant actors”.

See [Articles 55 to 57 Reg. No. 178/2002](#).

## 6. European Food Safety Authority

---



- Independent agency responsible for scientific advice and support established by **Articles 22 and ff. of Reg. No. 178/2002.**
- Takes an independent role in risk assessment.
- Responds to requests for scientific advice.
- Carries out autonomous scientific work.
- Cooperates with EU countries, international bodies, and other stakeholders.
- EFSA Strategies 2027 - Science, food, security, sustainability.
- <https://www.efsa.europa.eu/en>.

## 7. Rapid Alert System for Food and Feed

---



- Legal basis: **Article 50 Reg. No. 178/2002.**
- Was established to ensure the exchange of information between member countries, allowing rapid reaction by food safety authorities in case of risks to public health resulting from the food chain.
- Provides a round-the-clock service to ensure that notifications are sent, received and responded.
- RASFF Window is an online database that allows consumers, business operators and authorities worldwide to public access to summary information about transmitted RASFF notifications:  
<https://webgate.ec.europa.eu/rasff-window/screen/search>.
- RASFF Window includes a RASFF consumers' portal:  
<https://webgate.ec.europa.eu/rasff-window/screen/consumers>
- Annual Report 2021: total of 4607 notifications

## 8. National Authorities

---

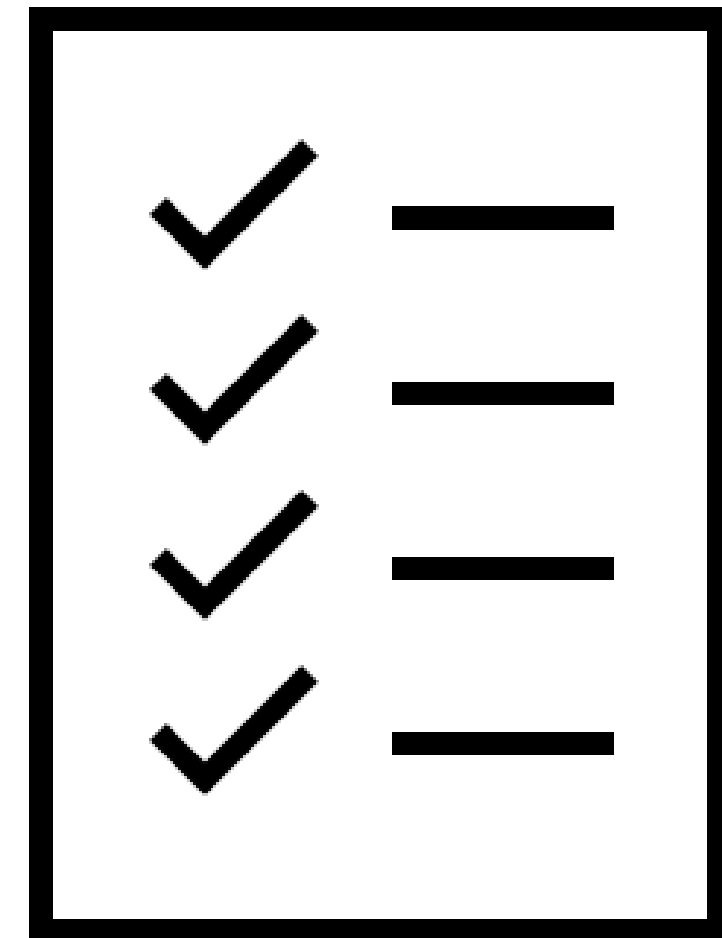


- Portuguese Economy and Food Safety Authority (ASAE)
- Spanish Agency for Food Safety and Nutrition (AESAN)
- French Agency for Food, Environmental and Occupational Health Safety (ANSES)
- Food Safety Authority of Ireland (FSAI)
- Icelandic Food and Veterinary Authority (MAST)<sup>o</sup>
- Federal Public Service and Federal Agency for the Safety of the Food Chain Belgium
- Food and Consumer Product Safety Authority (NVWA) The Netherlands
- Ministry of Health Italy
- Federal Institute for Risk Assessment (BfR) Germany
- Austrian Agency for Health and Food Safety (AGES)
- Ministry of Agriculture Czech Republic
- National Institute of Hygiene Poland
- Institute of Public Health Slovenia
- Croatian Agency for Agriculture and Food (HAPIH)
- Hellenic Food Authority (EFET)
- Ministry of Health and Risk Assessment Center on Food Chain – Ministry of Agriculture, Food and Forestry Bulgaria
- National Sanitary Veterinary and Food Safety Authority Romania
- Ministry of Health – Cyprus
- National Food Chain Safety Office Directorate for Food Safety Risk Assessment Hungary
- State Food and Veterinary Service and National Food and Veterinary Risk Assessment Institute Lithuania
- Institute of Food Safety, Animal Health and Environment (BIOR) Latvia
- Veterinary and Food Laboratory Estonia
- Finnish Food Authority
- Swedish National Food Agency and National Veterinary Institute
- Norwegian Scientific Committee for Food and Environment (VKM)
- Technical University of Denmark
- Malta Competition and Consumer Affairs Authority (MCCAA)

# Short Summary

---

1. The GFLR is the foundation of food and feed law.
2. The GFLR lays down general **principles**: (i) Risk Analysis Principle; (ii) Precautionary Principle; (iii) Principle of Transparency.
3. The GFLR lays down **requirements**: (i) Safety requirements (only safe food and feed can be placed on the Union market or fed to food-producing animals; lays down basic criteria for establishing whether a food or feed is safe); (ii) Traceability of food and feed products; (iii) Key obligations of business operators (v.g., withdraw or recall, information, cooperation);
4. The GFLR establishes **authorities**: European Food Safety Authority.
5. The GFLR gives **procedures** to support decision making in this matters: (i) Rapid Alert System for Food and Feed (RASFF); (ii) Standing Committee on Plants, Animals, Food and Feed; (iii) Emergency measures; (iv) General crisis-management plan and crisis unit.



# Bibliography

---

1. Rodriguez Fuentes V., *From agricultural to food law: the new scenario*, Wageningen Academic Publishers, The Netherlands, 2014.
2. MacMaoláin C., *Food Law. European, Domestic and International Frameworks*, Hart Publishing, London, 2015.
3. L. Costato, F. Albisinni, *European and Global Food Law*, II ed., CEDAM, 2016.
4. Bernd van der Meulen, *EU Food Law Handbook*, European Institute for Food Law series, Volume 9, 2020
5. A. Szajkowska, *Regulating food law: risk analysis and the precautionary principle as general principles of EU food law*, Wageningen Academic Publishers, 2012.
6. D. Holland, H Pope, *EU Food Law and Policy*, Kluwer Law International, 2004.
7. Alemmano, A., & Gabbi, S. (Eds.). (2014). *Foundations of EU food law and policy: Ten years of the European food safety authority*. Ashgate Publishing, Ltd.
8. MacMaoláin, C. (2007). *EU food law: Protecting consumers and health in a common market*. Hart Publishing.
9. van der Meulen, B. M. J. (2014). *EU food law handbook*. Wageningen Academic Publishers.
10. van der Meulen, B. M. J. (2013). The Structure of European Food Law. *Laws*, 2(2), 69–98. <https://doi.org/10.3390/laws2020069>

# Thank you for your attention

---

Any question? Doubts?

Feel free to reach us at:

[susana.almeida@ipleiria.pt](mailto:susana.almeida@ipleiria.pt)

[apdconsumo@sapo.pt](mailto:apdconsumo@sapo.pt)

