

DOI: <https://doi.org/10.36719/2789-6919/19/34-38>

Mirjavid Miriyev
Baku State University
master student
miriyev.mm@mail.ru
UOT 34; 341

THE MAIN PRINCIPLES OF FOOD SAFETY LAW OF EUROPEAN UNION

Abstract

Food security is considered to be one of the most serious problems that concern the countries of the world in the context of increasing modern global threats. One of the important tasks ahead here is to solve the food problems of the growing world population in a sustainable and stable way for the long term. In this article, the establishment of the principles of food safety in the legislation of the European Union, the importance of the principles for human life is discussed. The application of risk analysis and precautionary principles as the main principles of food safety in the national legislative systems of the member states, as well as in the legislation of the Republic of Azerbaijan, is one of the main conditions for ensuring food safety.

Keywords: food safety, the concept of “farm-to-fork”, risk analysis, risk assessment, risk communication, precautionary principle, transparency principle

Mircavid Miriyev
Bakı Dövlət Universiteti
magistrant
miriyev.mm@mail.ru
UOT 34; 341

Avropa İttifaqında ərzaq təhlükəsizliyi hüququnun əsas prinsipləri

Xülasə

Ərzaq təhlükəsizliyi müasir qlobal təhlükələrin artdığı bir şəraitdə dünya dövlətlərini narahat edən ən ciddi problemlərdən biri hesab olunur. Burada qarşıda duran mühüm vəzifələrdən biri artmaqda olan dünya əhalisinin ərzaq problemlərinin uzunmüddətli dövr üçün davamlı və sabit formada həll edilməsidir. Bu məqalədə ərzaq təhlükəsizliyinin prinsiplərinin Avropa İttifaqının qanunvericiliyində təsbit olunması, insan həyatı üçün prinsiplərin əhəmiyyətindən bəhs edilmişdir. Ərzaq təhlükəsizliyinin əsas prinsiplər kimi riskin təhlili və ehtiyat prinsiplərinin üzv dövlətlərin milli qanunvericilik sistemlərində, həmçinin Azərbaycan Respublikasının qanunvericiliyində tətbiqi ərzaq təhlükəsizliyinin təmin olunması üçün əsas şərtlərdəndir.

Açar sözlər: ərzaq təhlükəsizliyi, “tarladan süfrəyədək” konsepsiyası, riskin təhlili, riskin qiymətləndirilməsi, riskin idarə olunması, riskin kommunikasiyası, ehtiyat prinsipi, şəffaflıq prinsipi

Introduction

Food is one of the major necessities for a human being to survive. Because food is among basic needs of mankind, effective food safety is a policy area everyone has a stake in. The physiological need to eat every day makes access to healthy food crucial for every citizen's life and well-being. This is why food safety has turned into global problem for mankind civilization. Food safety regulation affects us directly and continuously.

Food safety refers to the proper food handling procedures applied during food preparation, processing, storage, and distribution of the products you deal with food business. **The food**

production life cycle starts from agriculture to packaging of finished products and delivery to the consumer's table. **Food safety practices can help detect and control food safety risks, and contribute to economic prosperity, food security, and continuous and sustainable development.** The many benefits of food safety in various aspects of life prove why food safety is important for everyone.

The concept of “farm-to-fork” (or farm-to-table) food safety is well-known in the food industry. This concept tells us that food safety should be observed right from the beginning when raw foods are just being produced up until the finished product reaches the consumer.

Food safety is the only area of risk regulation where a comprehensive risk analysis model has been introduced not only by international trade agreements, but also by EU legislation, as one of the general principles governing policy. This article analyses the scope of application of risk analysis and the precautionary principle in EU food safety regulation.

So “Regulation (EC) No 178/2002 of the European Parliament and of the Council” 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 was adopted on the 28th of January 2002. These are the two core elements of the food policy established by the General Food Law, introducing the precautionary principle and risk analysis as general principles of food law and creating the European Food Safety Authority as part of the scientific institutional framework (Szajkowska, 2012: 25).

Some of the main purposes for adoption of this regulation are following:

-To guarantee a high level of protection of human life and health and the protection of consumers' interests. Also guarantee fair practices in food trade, taking into account animal health and welfare, plant health and the environment

-To ensure free movement of food and feed manufactured and marketed in the Union, in accordance with the General Food Law Regulation

-To facilitate global trade of safe feed and safe, wholesome food by taking into account international standards and agreements when developing Union legislation, except where this might undermine the high level of consumer protection pursued by the Union (2).

It is necessary to establish the general principles upon which food and feed may be traded and the objectives and principles for the contribution of the Union to developing international standards and trade agreements.

The scientific and technical basis of Union legislation relating to the safety of food and feed should contribute to the achievement of a high level of health protection within the Union. The Union should have access to high-quality, independent and efficient scientific and technical support.

The General Food Law Regulation establishes the principle of risk analysis in relation to food and feed. According to the Article 6 of the Regulation 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 analysis principle establishes the structures and mechanisms for the **scientific and technical evaluations**, which are undertaken by the **European Food Safety Authority**. The Union has been at the forefront of the development of risk analysis principles and their subsequent international acceptance (3).

Food law is based on the three inter-related **components of risk analysis**: risk assessment, risk management, risk communication.

The first component of the principle of risk analysis is risk assessment. **Risk assessment** must be undertaken in an independent, objective and transparent manner based on the best available science. This scientifically based process consists of four steps. These are hazard identification, hazard characterization, exposure assessment and risk characterization. Here "hazard" means a biological, chemical or physical agent in, or condition of, food or feed with the potential to cause an adverse health effect.

The second component is risk management. The article 3 of this Regulation gives the definition of "risk management". "Risk management" is the process, distinct from risk assessment, of weighing policy alternatives in consultation with interested parties, considering risk assessment and other legitimate factors, and, if need be, selecting appropriate prevention and control options.

Risk management means the process of weighing policy alternatives in the light of results of a risk assessment and, if required, selecting the appropriate actions necessary to prevent, reduce or eliminate the risk. In the risk management phase, the decision makers need to consider a range of other information in addition to the scientific risk assessment. These include, for example: most effective risk reduction actions depending on the part of the food supply chain where the problem occurs, feasibility of controlling a risk, socio-economic effects, environmental impact, a wide range of other factors legitimate to the matter under consideration (3).

So Risk management shall take into account the results of risk assessment, and in particular, the opinions of the European Food Safety Authority, other factors legitimate to the matter under consideration and the precautionary principle in order to achieve the general objectives of food law.

Risk communication is the third component of the principle of risk analysis. According to the Article 3 of the Regulation "risk communication" means the interactive exchange of information and opinions throughout the risk analysis process as regards hazards and risks, risk-related factors and risk perceptions, among risk assessors, risk managers, consumers, feed and food businesses, the academic community and other interested parties. This also includes the explanation of risk assessment findings and the basis of risk management decisions (2).

The General Food Law contains in Article 7 a definition of the precautionary principle. This is the first time the principle has been defined in Union law. Previously, the application of the precautionary principle to different areas of Union activity was based on the Treaty, which only adopts the principle, without determining conditions of putting it into practice (2; Szajkowska, 2012: 56-57).

The precautionary principle enables decision-makers to adopt precautionary measures when scientific evidence about an environmental or human health hazard is uncertain and the stakes are high. It first emerged during the 1970s and has since been enshrined in a number of international treaties on the environment, in the Treaty on the Functioning of the European Union and the national legislation of certain Member States (4).

At the Article 7 of the General Food Law the precautionary principle refers to specific situations where:

- there are reasonable grounds for concern that an unacceptable level of risk to health exists
- the available supporting information and data are not sufficiently complete to enable a comprehensive risk assessment to be made.

When faced with these specific circumstances, decision makers or risk managers may take measures or other actions based on the precautionary principle, while seeking more complete scientific and other data. Such measures have to comply with the principles of non-discrimination and proportionality and should be provisional until the time when more comprehensive information concerning the risk can be gathered and analysed.

According to the Regulation Precautionary principle 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).

So the precautionary principle is part of the risk analysis methodology. It allows decision makers to act without having to wait until the reality and seriousness of risk to health are fully demonstrated. The principle is a provisional risk management tool, "pending further scientific information for a more comprehensive risk assessment" (2). The principle is closely connected to risk assessment and should be preceded by a comprehensive evaluation of possible risks to human health based on the most recent scientific information (Szajkowska, 2012: 57).

The precautionary principle divides opinions. To some, it is unscientific and an obstacle to progress. To others, it is an approach that protects human health and the environment. Different stakeholders, experts and jurisdictions apply different definitions of the principle, mainly depending on the degree of scientific uncertainty required for the authorities to take action. Although most experts agree that the precautionary principle does not call for specific measures (such as a ban or reversal of the burden of proof), opinions are divided on the method for determining when to apply precautionary measures. The application of the precautionary principle presents many opportunities as well as challenges. The precautionary principle is closely linked to governance. This has three aspects: risk governance (risk assessment, management and communication), science-policy interfaces and the link between precaution and innovation (7).

Food safety and protection of consumer interests are of great concern to the general public, non-governmental organizations, professional associations, international trading partners and trade organizations. Therefore, transparency of decision-making is of paramount importance. The General Food Law Regulation provides for the mechanisms necessary to increase consumer confidence in food law:

-Effective public consultations during the preparation, evaluation and revision of food and feed law

-Obligation on public authorities to inform the general public, where there are reasonable grounds to suspect that a food or feed may present a risk for human or animal health (6).

Protection of consumers' interests was determined at the Article 8 of Regulation. The aim of food law at the protection of the interests of consumers is to provide a basis for consumers to make informed choices in relation to the foods and consumers. According to the regulation the main aim is to prevent fraudulent deceptive practices, the adulteration of food and other practices which may mislead the consumer (5).

Principles and standards of general food law were also identified in national legislation of the Azerbaijan Republic. The Decree on Additional measures related to the improvement of the food safety system was signed by the President of the Republic of Azerbaijan. As a continuation of the measures taken, providing the country's population with safe and quality food products, further increasing the efficiency of the food product safety control system has been determined as one of the main tasks for the coming period. For the Decree it is necessary to improve the legislative framework in this field in the intended target country, fully adapt national standards to international requirements and deepen cooperation with international organizations.

Development and implementation of the control system and mechanisms in accordance with the level of risk carried by the product at all stages of food production based on the "from field to table" principle is a basis priority direction of state program (3).

Conclusion

Finally the Law on Food Safety, adopted by the Milli Majlis of the Azerbaijan Republic in 2022 and came into force on January 1, 2023.

The main principles of food safety were also identified at the articles 6, 7 and 8 of this Law. Basic principles of food safety are analysis of risks with scientific evidence, application of temporary measures to prevent a possible threat to life, health and protection of consumer rights in the field of food safety.

It is expected that the new Law will strengthen the legal framework of the food safety system and play an important role in protecting the life and health of citizens.

Literature

1. Szajkowska, A. (2012). Regulating food law. The Netherlands.
2. Regulation (EC) No 178/2002
3. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32002R0178&from=EN>
4. https://food.ec.europa.eu/horizontal-topics/general-food-law/food-law-general-principles_en
5. Treaty on the Functioning of the European Union
6. https://lexpency.org/eu/TFEU/ART_191/
7. Degree of the President of the Republic of Azerbaijan
8. <https://e-qanun.az/framework/34810>
9. The law on food safety of the Azerbaijan Republic
10. <https://e-qanun.az/framework/49857>
11. [https://www.europarl.europa.eu/thinktank/en/document/EPRS_IDA\(2015\)573876](https://www.europarl.europa.eu/thinktank/en/document/EPRS_IDA(2015)573876)

Received: 24.01.2023

Accepted: 09.03.2023