

19 FOOD POLICY IN THE EUROPEAN UNION AND IN HUNGARY

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19.1 INTRODUCTION

The food industry is among the largest industries in the European Union. In the past ten years the EU almost doubled its food export and the decision-makers are trying to render Union products more competitive on the global market.¹ In the internal market food products flow freely between Member States. This includes hundreds of tons of food stuffs imported from third countries in free circulation in the EU creating significant security risks.

The subject of food policy is highly topical. Suffice to open a news site on-line or turn on the television, one immediately accesses news, theories, information about the food. For example, in 2017 the Hungarian media was full of reports and headlines that Hungarian citizens receive lower quality food products from the same companies than the citizens of Western European countries. These theories emerged in reaction to a publication of the State Veterinary and Food Administration of the Slovakian Republic, according to which authorities found differences between similar products marketed in the different EU Member States, in Western and Eastern Europe. Back then, departing from the Slovak results the Hungarian National Food Chain Safety Authority also tested and examined 24 types of similar food products from the same producers marketed in Hungary and Austria. The media put the issue into the spotlight, claiming that based on this research companies market lower quality products on the Hungarian market, than the ones they sell in Austria.²

New results emerge in the field food safety and health every day, concurrently, people are more conscious of their diet than ever. For an average consumer, it is difficult to discern the most important health advice in the flood of food related news. Advertisements, on-line blogs and social media are trying to convince consumers about the health benefits and advantages of their products, but authorities often find these products to be

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1 European Commission: *Food and drink industry*. <https://ec.europa.eu/growth/sectors/food_en>.

2 <http://hvg.hu/kkv/20170217_Silanyabb_etelek_KeletEuropaba_ket_eve_keszult_vizsgalat_okozott_most_botranyt>.

lacking. An example could be the chia seed, a popular ‘super-food’ among consumers. These little seeds have various beneficial effects on health (high in Omega 3 and other healthy fats which nourish the nervous system), but similarly to all novel foods it is a potential risk to health. In its published statement the Hungarian National Food Chain Safety Authority drew attention to the fact that chia seeds (as a novel food) are still under examination of the European Food Safety Authority, because they couldn’t rule out the possibility that it may cause allergic reactions, and consuming a larger amount could also harm the digestive system.³

Therefore, the picture is quite mixed, to the effect that the European Union created a high standard of food safety policy and rules to apply in the Member States. The present paper aims to give an overview of the legal and institutional background of the European Union’s and Hungary’s food sector, highlighting the main pillars of the area, such as regulations, decisions and directives. Finally, newly emerged issues such as consumer awareness shall also be discussed.

19.2 AN OVERVIEW OF THE FOOD INDUSTRY

There is no strict definition for ‘Food Industry’. In a broad sense, encompasses all procedures related to food from production, to farming and packaging. The industry has an immense effect on people’s everyday life, while increasing competition between countries and companies. In 2011 almost 24 million people were employed in the food supply chain, meaning 11% of the employment rate in the EU.⁴

In the European Union the food industry is the biggest manufacturing sector, with 4,2 million people employed in the field.⁵ As such it is of great significance and influences the EU’s power on the global market in trading with non-EU countries. In the past ten years the amount of food exported by the EU has doubled, reaching a turnover of almost 90 billion Euro per year.⁶ To illustrate: an average EU household spent 14,6% of its total income on food and drink in 2012, making it the biggest expense after housing, energy and water costs.⁷

Such a significant industry necessitates strict rules, resulting in the harmonization of EU food legislation in the Single Market. As an aim the Commission works to create a veritable Single Market for food to increase the competitiveness of the sector as well as the products produced in the EU.⁸

3 Nébih: *Szigorú szabályai vannak a “chia mag” (aztékzsályamag) forgalmazásának*. <<http://portal.nebih.gov.hu/-/szigoru-szabalyai-vannak-a-chia-mag-aztekszalyamag-forgalmazasanak>>.

4 FoodDrinkEurope i.m. p. 11.

5 FoodDrinkEurope: *Data & Trends of the European Food and Drink Industry 2013-2014*. p. 3. <www.fooddrinkeurope.eu/publication/data-trends-of-the-european-food-and-drink-industry-2013-2014/>.

6 European Commission: *Food and drink industry*. <https://ec.europa.eu/growth/sectors/food_en>.

7 FoodDrinkEurope i.m. p. 10.

8 European Commission: i.m. <https://ec.europa.eu/growth/sectors/food_en>.

The EU's food industry is diverse and includes different sectors from the meat processing to the dairy products. In the EU the top four sectors are bakery products, meat, dairy and drink products, representing 75% of the total turnover of the food sector and more than 4/5 of the employees working in the food industry.⁹

The EU claims 16,1% of the total global market export,¹⁰ as such, this industry may be considered as competitive also on a global scale, since it produces high quality, healthy and safe food products. In the past few years increase in the sector slowed as compared to other sectors.¹¹ The industry is among the key sectors in several Member States such as Denmark, Belgium or Germany, while France, Italy, Spain and the UK are the largest EU food and drink producers.¹²

The food sector includes several sub-fields: agriculture, public health, risk management and food safety. Meanwhile, EU also includes issues of competitiveness in agriculture, publishing studies and researches on the topic to ensure the fair work conditions and development in the sector.¹³

19.2.1 *The Food Production Chain*¹⁴

It takes several steps to deliver food from the farm to the dining table. The process can be described as the 'Food chain'. It includes all processes which may directly or indirectly influence the food production.¹⁵ The term 'food production chain' also includes several steps: in general all processes involving production, distribution and preparation. Safety issues are not restricted to the food itself, but include all security issues emerging along the food chain.¹⁶

Production means that producers, farmers, agricultural workers grow plants or raise animals for consumption by the consumers. Most of the products we know today are produced from domesticated animals and plants, their 'production' mostly takes place in an agricultural environment.¹⁷ Processing means changing raw materials into a food product available in the supermarket. It involves different steps for different kinds of products, for example cleaning and sorting, slicing and bagging, and in some cases prod-

9 FoodDrinkEurope i.m. p. 9.

10 FoodDrinkEurope i.m. p. 3.

11 European Commission: i.m. <https://ec.europa.eu/growth/sectors/food_en>.

12 FoodDrinkEurope i.m. p. 9.

13 See more about European Union's agricultural and competition policy: <https://europa.eu/european-union/topics/agriculture_en, http://ec.europa.eu/growth/tools-databases/newsroom/cf/itemdetail.cfm?item_id=9132>.

14 Centers for disease control and prevention: *The Food Production Chain – How Food Gets Contaminated*. <<https://www.cdc.gov/foodsafety/outbreaks/investigating-outbreaks/production-chain.html>>.

15 Dr. Téglásiné dr. Kovács Júlia: *Az élelemhez való jog társadalmi igénye és alkotmányjogi dogmatikája*, doktori értekezés. Pázmány Péter Katolikus Egyetem, Doktori Iskola, 2017. p. 20.

16 Dr. Téglásiné dr. Kovács Júlia i.m. 2017. p. 15.

17 Centers for disease control and prevention: i.m. <<https://www.cdc.gov/foodsafety/outbreaks/investigating-outbreaks/production-chain.htm>>.

ucts must undergo special processes, such as pasteurizing or receiving additives and ingredients to create a new product with a different taste or the texture. Distribution involves delivering food to the consumer or food service facilities. It may involve transporting foods or trucking a specific item to a large supplier who will sell it to another supplier or store it in a warehouse, just to have it trucked again to a local distribution facility or store.¹⁸ Preparation means rendering the food ready to eat for customers. This step may occur at the consumer's home, in an institution or store and it may be performed by a company or a private person. This is the final step in the food chain.¹⁹

19.3 MAIN INSTITUTIONS INVOLVED IN FRAMING FOOD POLICY

On the EU level, the decision-making process related to Food Policy is defined by three main institutions: the European Commission, the Council of the European Union and the European Parliament. The Commission is the institution responsible for the operation of the EU, which includes preparing decisions, making proposals and taking initiatives. In certain cases it has decision-making and executive duties as well.²⁰ In the field of law-making, the Commission has the duty to make proposals and plays a key role in the decision-making process within the EU. It has the exclusive right to draft legislative proposals for consideration and adoption by the two legislative institutions (the Council and the Parliament).²¹

Besides the Union legislators there is a further organization with influence on EU Food Policy. The European Food Safety Authority was established to provide scientific and technical support to the European Commission and EU countries in all areas related to food safety. It is also responsible for coordinating risk assessments, identifying emerging risks and advising on crisis management. Where risk is identified following a health risk analysis, EU countries and the Commission may adopt provisional precautionary measures consistent with a high level of health protection.²² Where food or feed presents a serious and uncontainable risk to health or the environment, the Commission's emergency protective measures may include suspending trade in, or imports of the products. EU countries may take similar measures if the Commission fails to take action.

Together with the EFSA and EU countries, the Commission must draw up a general crisis management plan to cover situations where the standard emergency protective measures prove to be insufficient. Where such a case is identified the Commission must immediately set up a crisis unit to identify options for protecting human health.²³

18 Ibid.

19 Ibid.

20 Zoltán Kovács: *Handbook on the European Union*. HVG ORAC kiadó 2011. p. 83.

21 Zoltán Kovács: i.m. p. 92.

22 Zoltán Kovács: i.m. p. 476.

23 European Union: European Food Safety Authority (EFSA). <https://europa.eu/european-union/about-eu/agencies/efsa_en>.

19.3.1 *The European Food Safety Authority*

It is the responsibility of the EFSA to provide information to consumers as an independent organization, giving scientific advice to inform EU legislation and to alert relevant EU and national bodies promptly in case of food safety emergencies. Overall, the Authority serves as a point of reference in the area of consumer protection.²⁴ The Authority was established in 2002 by Regulation (EC) No. 178/2002, it has its seat in Parma.

It shall provide independent information on all matters pertaining to the fields mentioned above, as well as communicate risks. The Authority shall contribute to a high level of protection of human life and health, and in this respect take account of animal health and welfare, plant health and the environment, in the context of the operation of the internal market. The Authority collects and analyses data to allow the characterisation and monitoring of risks which have a direct or indirect impact on food and feed safety.²⁵

19.4 AN OVERVIEW OF THE RELEVANT HUNGARIAN LEGISLATION

As a member of the European Union Hungary was obliged to harmonize national law with EU rules. The Hungarian food safety policy model is very similar, indeed, almost identical to EU system.

In 2003 Hungary, as a candidate country of the European Union harmonized national law to European law in the field of Food Safety. All applicable Hungarian rules are related to EU legislation, and the general principles established in Regulation 178/2002 were implemented in Hungarian national law.²⁶ Following Regulation 178/2002 establishing the General Food Law in 2002, the first piece of legislation in Hungary already fully harmonized with EU legislation was Act No. LXXXII of 2003. It defines the general principles and food safety provisions of Food Law, as well as creating the Hungarian Food Safety Office. It was replaced by an Act that remains applicable, as well as government decrees and EU legal acts.

As of 1 January 2007 official food control had to be established, therefore, a national office was formed under the umbrella of a complex and unified national authority which is now called the National Food Chain Safety Office.²⁷ The Office cooperates with the European Food Safety Authority and other international organizations such as the World Health Organization (WHO) or the Food Safety Emergency Network (INFOSAN Emer-

24 Zoltán Kovács: i.m. p. 476.

25 Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 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. Article 22 (1) – (4).

26 Nagy Attila: Az élelmiszer-biztonság szerepe a népegészségügyi programban. Magyar Tudomány, No. 9. (2002) 1161. p.

27 European Commission: RASFF – Food and Feed Safety Alerts. <https://ec.europa.eu/food/safety/rasff_en>.

gency).²⁸ The international relations of the Office are varied, it participates in international organizations on behalf of Hungary. Under bilateral agreements concluded with partner authorities the Office participates in international comparative trials, test, exchange of professional information and education.²⁹

19.4.1 *Scope of Duties of the National Food Chain Safety Authority*

As a member of the European Union Hungary has duties in the field of food safety. The Authority is responsible among others for the following areas:

1. Plant production, animal breeding and conservation of genetic resources,
2. the national approval of plant varieties,
3. plant health control,
4. agricultural product marketing,
5. agricultural environmental protection, plant protection, soil protection,
6. animal health, animal welfare,
7. feed safety, feed hygiene and feed quality,
8. food hygiene, food safety and food quality³⁰

19.4.2 *The Practice of Food Safety in Hungary*

Act No. XLVI of 2008 sets forth the main rules governing food-safety control, penalties, official jurisdiction and determines the disclosure obligation of authorities, as well as the provision of public information on food safety.³¹

The EFSA network ensures quick and efficient response from national authorities, whenever a problem appears in the food-chain that requires Hungary to take measures as well. Due to the structure of the policy, it is now possible for authorities to follow the preliminaries and consequences of food-safety hazards across the whole food-chain.³²

The Authority publishes on-line information, rules or publications to inform consumers, producers and restaurants, shops on matters of food safety. This system makes it easier for users to reach all the data they need in one place. For example in their latest 2017 publication³³ the Authority compared 84 food products, 7 alcoholic beverages, and 7 kinds of animal feed. All the products were available in Hungary, in Austria and Italy as

28 Wikipedia: *Magyar Élelmiszer-biztonsági Hivatal* <https://hu.wikipedia.org/wiki/Magyar_%C3%89lelmiszer-biztons%C3%A1gi_Hivatal>.

29 Nébih: *Introduction of the National Food Chain Safety Office (NFC SO)*. <<https://www.nebih.gov.hu/en/>>.

30 Ibid.

31 Ibid.

32 European Commission: *International Cooperation and Development*. <http://ec.europa.eu/europeaid/food-safety-hungary_en>.

33 See paragraph 19.1 second subsection.

well, so as in the case of the earlier studies, these were marketed in Western and Eastern Europe. The prices, list of ingredients, the differences in ingredients and taste were examined. The results highlighted differences in some cases regarding quality, ingredients, taste and structure. These differences weren't grave and only affected a handful of products. The results are available on-line with notes and pictures to inform consumers.³⁴ The companies explained the differences with diverse consumer needs and tastes, or the savour of local products (used in production). The Hungarian Brand Assassination explained that it is well known that Hungarian citizens like their products more spicy, but companies always mark their ingredients to inform their customers, therefore, they did not mislead them.³⁵

19.5 FOOD SAFETY POLICY

As an element of the global food industry questions concerning food safety rank high on the agenda of EU legislators. EU policy safeguards health along the entire 'agro-food chain', meaning each step of the food production process from farming to consumption, by preventing food contamination and promoting food hygiene, food information, plant health and animal health and welfare.³⁶

The EU takes various actions to reach these targets. Its three general objectives are: i) to ensure that food and animal feed are safe and nutritious; ii) to ensure a high level of animal health, welfare and plant protection; iii) and to ensure adequate and transparent information about the origin, content, labelling and use of food.³⁷ The EU created its own food policy to establish a high level of protection as well as to sustain the food industry, which is, as it was mentioned previously, among Europe's largest manufacturing and employment sectors at the moment.³⁸

Based on the above, it is apparent that it is very important to ensure that food and animal feed are safe and nutritious, as well as to assure a high level of animal health and welfare, as well as plant protection. At the same time, adequate information on the origin and content of the food must be secured through proper labelling.³⁹ Accordingly, EU decision-makers laid down the general objectives of food safety policy in Regulation 178/2002. This Regulation created the foundations of EU food law.

34 <<http://portal.nebih.gov.hu/hu/termek-osszehasonlitas-2017>>.

35 <www.portfolio.hu/gazdasag/elelmiszerbotrany_reagalt_a_markaszovetseg.244203.html>.

36 Európai Bizottság: Közérthetően az Európai Unió szakpolitikáiról – Élelmiszer Biztonság, p. 3. <https://europa.eu/european-union/topics_hu>.

37 Európai Bizottság: i.m. p. 4. <https://europa.eu/european-union/topics_hu>.

38 European Commission: *Food safety: overview*. <http://ec.europa.eu/food/overview_en>.

39 Európai Bizottság: i.m. p. 5. <https://europa.eu/european-union/topics_hu>.

19.5.1 *The Targets and Elements of Food Safety*

A fundamental requirement of Food Safety is that food should not enter the internal market if it is unsafe. This is a clear norm, but at a time of increasing numbers of substances and micro-organisms in food products, the European Union legislators must set limits to distinguish what may be considered as safe and unsafe food.⁴⁰ The basis of food law is that legislation should be expedient for businesses while increasing food safety.⁴¹

To ensure public health the European Union set very strict levels for food products, which are quite difficult to achieve for products produced under normal circumstances. Yet these rules are also the condition for market entry of unqualified products. The EU follows a 'zero-tolerance' practice, which means that in real life no substances or organisms may be present in food at all. This is the target many toxicological and other scientific tests claim plays an important role before food products enter the market.⁴²

The Union created effective tools and regulation to ensure the protection of human, animal and plant health, and the protection of the environment as well. The ensuing EU food policy is based on science and risks assessment. The institutions' law-making efforts are guided by scientific committees and independent authorities, such as the European Food Safety Authority.⁴³ Continuous checks ensure that all products entering the food chain in any form comply with the relevant standards and rules of the Union. The entire process, including tests, inspector's visits, national authorities' checks and tests, make sure that food products meet the designated standards. These procedures aim at maximising compliance, while attempting to detect products which entering the system without meeting relevant standards.⁴⁴

The daily work of national authorities is to ensure that every producer and distributors follows the rules, including unannounced visits by authorities at production sites. For example the Hungarian National Food Chain Safety Authority immediately closed a bakery in Budapest, because they found serious food-hygiene and food- safety risks that may endanger consumers' health. Inspectors found almost a dozen unlabelled, expired food products which they impounded, while also banning the distribution of other products of the bakery. The hygiene level of the manufacturing process did not comply with the relevant rules and the license of the bakery was withdrawn, and a high penalty was imposed.⁴⁵ The 194/2008. (VII. 31.) Government Decree controls strict amounts of penalty payments which the Authority must follow when imposing the penalties.

40 Nagy Frigyes: A biztonság új dimenziója. Magyar Tudomány, No. 9. (2002) 1167-1170. p.

41 Bernd van der Meulen: *Reconciling food law to competitiveness*. Wageningen Academic Publishers 2009. p. 59.

42 Bernd van der Meulen i.m. p. 62.

43 Ibid.

44 Európai Bizottság: Közérthetően az Európai Unió szakpolitikáiról – Élelmiszer Biztonság. p. 6. <https://europa.eu/european-union/topics_hu>.

45 <<http://portal.nebih.gov.hu/-/azonnali-hatallyal-felfuggesztette-egy-budapesti-pekseg-mukodeset-a-nebih>>.

Food safety rules ensure that food products including additives, flavouring or other chemical substances do not put human health at risk. All additives used in the territory of the EU are scientifically tested before they add them to any kind of food product. Meanwhile, legislation also ensures that where food additives are used in a product, this must be clearly labelled on the package to inform consumers, helping them enforce their right to decide whether they want to purchase the product or not. At the moment there are over 2100 flavourings approved in the EU, while 400 different substances are still being analysed by the European Food Safety Authority.⁴⁶

How does this work in practice? For example, the EFSA just recently published the permissible limit of nitrites and nitrates in the European Union. Although the EFSA had already defined the limits for these preservatives in the past years, yet from time to time, in the light of the latest research the numbers must be up-dated to reflect new health data. Nitrites and nitrates (on labels we may identify them as E249, E250, E251 and E252) are approved preservatives in the EU, in particular for meat, fish and cheese products to prevent the growth of microbes and botulism poisoning (which can cause paralysis and death), while also giving meat products a better taste and colour. In the course of its tests, EFSA found that the limits it had defined earlier were still appropriate.⁴⁷

To protect citizens from the risks of bacterial infections and viruses is a crucial point, therefore, strict rules protect human health across the food chain. There are many compulsory self-check programs, such as the EU hygiene package, as well as tests and other preventive measures and official control programmes. These measures span the entire food chain from the production to the preparation and distribution of foodstuffs.⁴⁸

Since 2002 the EU made extensive efforts in the field of research (covering various topics such as diseases, allergies or environmental impacts), and cooperated with international organizations (such as the WHO and INFOSAN) to promote the EU food safety policy and to make sure that all imports from third countries meet the same quality standards. At the same time the EU makes important contributions towards achieving global food security. The Union works to provide education, health policies and building effective food management systems for improving food security for the benefit of the poorest people of the world.⁴⁹

46 Európai Bizottság: Közérthető az Európai Unió szakpolitikáiról – Élelmiszer Biztonság. p. 6. <https://europa.eu/european-union/topics_hu>.

47 <<http://portal.nebih.gov.hu/-/efsa-megerosites-az-elelmiszerhez-adott-nitritek-es-nitratok-biztonsagos-szintjeirol>>.

48 Európai Bizottság: Közérthető az Európai Unió szakpolitikáiról – Élelmiszer Biztonság. p. 7. <https://europa.eu/european-union/topics_hu>.

49 Európai Bizottság: Közérthető az Európai Unió szakpolitikáiról – Élelmiszer Biztonság. p. 13. <https://europa.eu/european-union/topics_hu>.

19.6 REGULATIONS IN THE AREA OF FOOD POLICY

In the following, I would like to highlight some of the most important EU regulations dealing with food policy and food safety issues.

Regulation No. 178/2002 on General Food Law

The principles of the European Union's food safety policy is based on the general food law adopted in 2002 with Regulation 178/2002 of the European Parliament and the Council. The law sets forth the main principle to ease free movement of goods between the Member States by creating a high standard of rules and protection in the field of food policy.⁵⁰ In effect, it is a 'constitution' of food law in the European Union.

The Regulation is designed to guarantee the quality of food (whether for human or animal consumption). It reinforces rules governing the safety of food and feed in the European Union, and also sets up the European Food Safety Authority.⁵¹ The common rules ensure minimum standards which, when applied throughout the European Union help Member States to prevent and control diseases, to tackle food/feed safety risks and to coordinate with each other.

A key point of Regulation 178/2002 is that in case a food poses a health risk, it cannot be sold. That is why the Regulation contains the following key factors, to protect consumer welfare: it defines normal conditions under which food is used by the consumers, as well as specifying the information provided to consumers and the specific sensitivities of certain consumer groups, for example children.⁵²

The Regulation must be applied at all stages along the food chain from production to processing, transportation and distribution. In accordance with the food law, the individual food businesses must guarantee the traceability of food, feed and food-producing animals at all stages of production and distribution. It also ensures that food products are immediately withdrawn from the market or recalled where already supplied in case they are considered to be harmful to health. Finally, appropriate authorities, and where necessary, consumers must be informed of the process and possible risks.⁵³

50 Európai Bizottság: Közérthetően az Európai Unió szakpolitikáiról – Élelmiszer Biztonság. p. 5. <https://europa.eu/european-union/topics_hu>.

51 Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 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. <<http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32002R0178>>.

52 Regulation (EC) No 178/2002 – general principles and requirements of food law, establishing the European Food Safety Authority and procedures for food safety. <http://eur-lex.europa.eu/summary/EN/uriserv:f80501>

53 Ibid.

Article 3 (1) describes the concept of ‘food law’ with the definition:

“‘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.”⁵⁴

As described above, the European Union’s Food Law is based on common principles, these are enforced in all Member States. These principles are the following:

1. protection of public health, plant health, animal health and welfare;
2. risk analysis and independent scientific advice;
3. precaution;
4. possibility to trace the origin of all products;
5. transparency and clear, unambiguous information on food and feed;
6. clearly defined responsibilities for all actors in the food chain;
7. strict controls and regular checks;
8. training and education.⁵⁵

The Regulation seeks to guarantee a high level of protection for human life, health and consumer interests, while guaranteeing fair trading practices and taking into account animal health, welfare, plant health and the environment. Meanwhile, it also lays down the principles for ensuring the free movement of food and feed products marketed in the territory of the Union, according to the general principles and requirements of the Regulation. The Regulation mentions where an international standard for the trade in safe feed and healthy food exists, these must be used to develop relevant Union legislation.^{56, 57}

Food safety and the protection of consumer interests are a grave concern to the general public and international organizations.⁵⁸ The Regulation provides for mechanisms necessary to increase consumer confidence in food law through effective public consultations, as well as the obligation of public authorities to inform the general public when there are reasonable grounds to suspect that a food or feed may present a risk for human or animal health.⁵⁹

⁵⁴ Regulation 178/2002 Article 3 (1).

⁵⁵ Európai Bizottság: Közérthetően az Európai Unió szakpolitikáiról – Élelmiszer Biztonság. p. 5. <https://europa.eu/european-union/topics_hu>.

⁵⁶ Regulation 178/2002 Article 5.

⁵⁷ Dr. Téglásiné dr. Kovács Júlia i.m. 2017. p. 179.

⁵⁸ Kovács Ferenc: Állati eredetű élelmiszer-eloállítás, élelmiszer-biztonság, életminőség. Magyar Tudomány, No. 9. (2002) 1145. p.

⁵⁹ european Commission: *Food Law General Principles*. <http://ec.europa.eu/food/safety/general_food_law/principles_en>.

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Regulation (EC) No 258/97 on New (Novel) Foods and Food Ingredients

Regulation No 258/97 applies since 1997 to food and food ingredients which present a new or modified molecular structure, contain micro-organisms, fungi, algae or are isolated from plants and animals that have nutritional value on metabolism.⁶⁰

In the reading of Regulation No 258/97 novel foods and food ingredients are those which are not yet currently used for human consumption in the European Union. Foods and ingredients covered by this regulation do not pose any danger to human health or mislead consumers and may not be nutritionally disadvantageous for them. It foresees that novel foods and ingredients must undergo EU checks and tests before being sold in the internal market. The assessment procedure is carried out by the competent authority of the given Member State. Following the process, if all conditions are met, the novel food or ingredient receives an application. If neither the Commission nor the EU countries raise an objections, the competent national authority informs the applicant that they may sell the product in the internal market.⁶¹

The Regulation prescribes specific requirements for labelling novel food and ingredients. Labels must describe characteristics of the specific foodstuff, the presence of materials which may have implications for health and the presence of materials which give rise to ethical concerns.⁶² Many food products in trend nowadays are actually on the list of novel foods in the EU, just like the above mentioned chia seeds.⁶³

Regulation (EC) No 1829/2003 on Genetically Modified Food and Feed

What is a genetically modified organism? According to the Regulation, genetically modified organisms are “an organism whose genetic material has been altered by means of genetic engineering to include genes that it would not normally contain.”⁶⁴

Regulation No. 1829/2003 contains rules on the authorization and supervision of genetically modified organisms, as well as the labelling of GMO food and animal feed. The main aim of the Regulation is to protect the life and health of people as well as to ensure animal health, welfare, environmental and consumer interests. It applies to genetically modified organisms used in foods or feeds, or to those which contain GMO or are

60 Regulation (EC) No 258/97 concerning novel foods and novel food ingredients. New (novel) foods and food ingredients. <<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=URISERV:l21119&from=HU>>.

61 Ibid.

62 Ibid.

63 See paragraph 19.1 third subsection.

64 Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed. <<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=URISERV:l21154&from=HU>>.

made with ingredients which contain GMO.⁶⁵ Where a product contains GMO this should be clearly spelled out in the label.⁶⁶

In Europe Spain was the first country to start planting GM corn in 1998 next to normal maize corn. Years later they created the legal basis for growing the two types of corn together, but it was too late.⁶⁷ Meanwhile, we could say that Hungary is at the other end of the spectrum as a GMO-free country.⁶⁸ The two types of GM plans (Amflora GM potato and MON810 GM corn) permitted in the EU are banned in the territory of Hungary.⁶⁹ Directive 2001/18/EC and Directive 2015/412 amending the former, made this possible by enshrining the power of Member States to restrict or prohibit the cultivation of genetically modified organisms (GMOs) in their territory.

Regulation (EU) No 1169/2011 about Food Information to Consumers (Labelling)

The European Union law ensures their consumers appropriate informations about the food they buy and eat. With this Regulation the EU guarantees consumers the right to have proper informations about the food by establishing the general principles, requirements and responsibilities for the labelling of foodstuffs.⁷⁰ The Regulation defines rules for businesses at all stages of the food chain which includes food delivers, suppliers and producers as well.

The main aim of the Regulation is to give certain informations of food stuffs. It is including the name, the list of ingredients, net quantity, the use by date, instructions for use, operator's name, address and nutrition declarations. These informations must be available on the package for consumers. In the case of certain type of foods additional mandatory informations must be given (for example if the product contains sweetener or ammonium salt). The labelling also has to contain the net quantity of food or liquids.⁷¹ Food informations shouldn't mislead the public by suggesting special characteristics or effects if it doesn't have, and also it has to be accurate, clear and easy for the consumer to understand.⁷²

65 Ibid.

66 Ibid.

67 GMO-k a világban. A vidékfejlesztési Minisztérium ismeretterjesztő kiadványa. <www.gmoterkep.hu/#>.

68 Tahyné dr. Kovács Ágnes: A genetikailag módosított szervezetekre vonatkozó európai és magyar jogi szabályozásról egyes környezetjogi alapelvek, különösen a fenntartható fejlődés tükrében. Doktori értekezés. PPKE, 2013, p. 243.

69 Ibid.

70 Regulation (EU) No 1169/2011 — food information to consumers. Labelling of foodstuffs. <<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:co0019>>.

71 Ibid.

72 Ibid.

Since the 13th of December 2016 it is compulsory to label the mandatory informations on the pre-packaged food products around the EU, but the regulation contains exceptions (like in the case of herbs, yeast, gum, *enzymes etc.*)⁷³

The compulsory sequence of the nutrition is shown in Table 19.1.⁷⁴

Table 19.1 The compulsory sequence of the nutrition

Energy	kJ/kcal	COMPULSORY
Fat	g	COMPULSORY
of which		
- saturates	g	COMPULSORY
- mono-unsaturates	g	NON COMPULSORY
- polyunsaturates	g	NON COMPULSORY
Carbohydrate	g	COMPULSORY
of which		
- sugars	g	COMPULSORY
- ployols	g	NON COMPULSORY
- starch	g	NON COMPULSORY
Fiber	g	NON COMPULSORY
Protein	g	COMPULSORY
Salt	g	COMPULSORY

Regulation No. 178/2002 Article 18 about Traceability

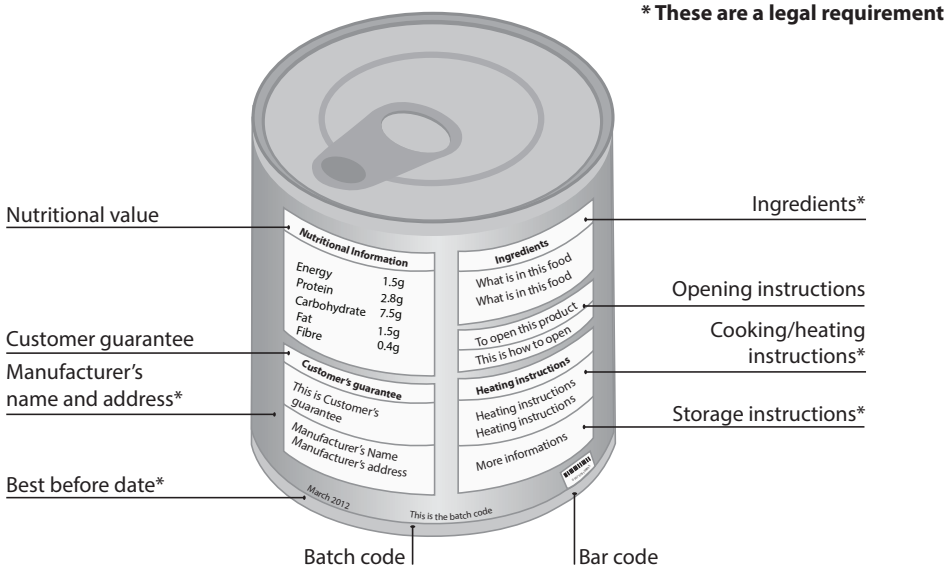
I would like to give a quick overview about Article 18th of the Regulation No. 178/2002, which is laying down the rule of traceability in the case of food products. This Article – in my point of view – is related to labelling. It says that in all stages of the production, procession or distribution of foods and feeds or any other substance it has to be traceability, and food business has to be able to identify any person from whom they have been bought any kind of food, food-product or substance which they put into a food or feed

73 NÉBIH: 2016. december 13-tól kötelező lesz az élelmiszereken a tápértékjelölés. <<http://portal.nebih.gov.hu/web/guest/-/2016-december-13-tol-kotelezo-lesz-az-elelmiszereken-a-tapertekjeloles>>.

74 Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011. Annex XV. <<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02011R1169-20140219&from=HU>>.

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and these informations have to be available for the competent authorities as well. Businesses also have to be able to identify other businesses which placed food on the market.⁷⁵



Authorities take this issues very seriously. If traceability isn't clear the product has to be blocked and destroyed. In April 2017 the NÉBIH blocked 24 tons of polish potato for the same reason. During the control the authorities found that vegetable was completely unmarked and hadn't found the necessary notations. Under the valid plant-health acts all the potatoes for humans consumptions has to have a registration number and a CMS certify. The CMS certify proves that the plants are free from diseases. The owner couldn't show up the right certifications so the deliver had to be annihilated by the competent authorities.⁷⁶

Hazard Analysis and Critical Control Points

It's not related strictly to the EU legislation, but Hazard Analysis and Critical Control Points (or HACCP) are used in the territory of the EU as systematic preventive approach for Food Safety. In this manner, HACCP is referred as the prevention of hazards rather than finished product inspection. The HACCP system can be used at all stages of a food

⁷⁵ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 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. ARTICLE 18 <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32002R0178>

⁷⁶ <portal.nebih.gov.hu/-/24-tonna-jeloletlen-burgonyat-foglalt-a-nebih>.

chain, but it is focusing on the health safety issues of a product and not the quality.⁷⁷ The HCAPP gives principles, these are the following:

1. conduct a hazard analysis
2. identify critical control points
3. establish critical limits for each critical control point
4. establish critical control point monitoring requirements
5. establish corrective actions
6. establish procedures for ensuring the HACCP system is working as intended
7. establish record keeping procedures.⁷⁸

19.7 FOOD WASTE IN THE EUROPEAN UNION

What is food waste? Food waste is when food discarded or lost uneaten. There are several reasons and causes of food waste and they are occurring at every stages of the food chain from the production, to processing, till the retailing and consumption. Currently the global food loss and waste between one-third and one-half of all food produced.⁷⁹ About a **third of all food** produced globally for human consumption is lost or wasted – around 1.3 billion tonnes per year – and around 88 million tonnes of food are wasted annually just in the EU. The European Commission is taking this issue of tackling food waste very seriously so food waste prevention is an integral part of the Commission's new Circular Economy Package.⁸⁰

To prevent food waste the EU and Member States are committed to meeting the Sustainable Development Goals of the United Nations. The goals adopted by the EU in September 2015, and it is including the aim to reduce per capita food waste at the retail and consumer level by 2030, and decrease food losses along the food chain. To support the Sustainable Development Goals targets the Commission will for example elaborate a common EU methodology to measure food waste consequently with the Member States and stakeholders, as well as to create new platforms involving both Member States and actors in the food chain in order to help define measures what are needed to achieve the targets, increase co-operation between the sectors, and share best practices, results achieved.⁸¹

The main aim for the EU is to ensure that national food waste prevention programs informs consumers, that's why the EU wants to **co-operate with member states and**

77 FAO/WHO guidance to governments on the application of HACCP in small and/or less-developed food businesses. <<ftp://ftp.fao.org/docrep/fao/009/a0799e/a0799e00.pdf>>.

78 Ibid.

79 Fa: *Food Loss and Food Waste*. <www.fao.org/food-loss-and-food-waste/en/>.

80 European Commission: *EU actions against food waste*. <https://ec.europa.eu/food/safety/food_waste/eu_actions_en>.

81 Ibid.

stakeholders. The main institution in the field is the Commission, who's analysing the industry, the habits of the consumers, co-operate with other non governmental organizations, food sector experts and Member State policy experts to **reduce food waste without food safety risks** and to discuss options for possible EU actions.⁸² The Commission is consenting to **awareness raising on food waste prevention with communication materials which contains good practices** on food waste prevention and reduction initiatives, such as researches and informations for consumers, awareness informations, educations, programs for food redistribution.⁸³

Spar, Auchan and other big companies joined to the EU's food redistribution program in the past years. For example Auchan has a partnership with 'Banco Alimentare', which is an Italian 'food bank' that collects food near to the expiration date but still edible from Hypermarkets and give it to organizations which take care about poor people. In 2012 Auchan offered food earning 600.000 €, and the company also applies discount to the goods which are close to the expiration date and customers can buy them under the normal price to reduce food waste. The company also buying goods from local producers (dairy products, cold cuts and pasta). Auchan has a self-discount format as well which means that the food is sold without packaging, so that clients can buy only the amount of food they need.⁸⁴

19.8 RASFF – RAPID ALERT SYSTEM FOR FOOD AND FEED

The European Union apply high food safety standards to protect consumers and their citizens. The main element is to ensure the cross-border follow of informations are flowing swiftly when risks to public health are detected in the food chain.⁸⁵ For this purpose the Union created the RASFF system in 1979. The system grants the free flow of informations between it's members (EU-28 national food safety authorities, Commission, EFSA, ESA, Norway, Liechtenstein, Iceland and Switzerland) and provides a quick service to ensure that urgent notifications are sent, received and responded efficiently.⁸⁶ If information alert emerge thought the RASFF the products could be recalled from the market. The RASFF portal features an interactive searchable on-line RASFF database. It gives public access to summary informations about the most recently notifications as well as search for information on any notification issued in the past.⁸⁷

82 Ibid.

83 Ibid.

84 European Commission: *Good practices in food waste prevention and reduction*. <http://ec.europa.eu/food/safety/food_waste/good_practices/food_redistribution_en>.

85 European Commission: RASFF – Food and Feed Safety Alerts <https://ec.europa.eu/food/safety/rasff_en>.

86 Ibid.

87 Ibid.

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In 2014 the Commission launched the RASFF as a site for consumers, it is an internet tool for latest information on food recall notices. It includes the warnings issued by food safety authorities and food companies. The portal is helping consumers to identify food that has been warned in the system allowing them to make more informed choices. In Hungary the National Food Chain Safety Authority always publish these kind of informations in their website.⁸⁸

19.9 SUMMARY

In this article we sought to give a brief overview of the food industry, related areas and the main legislative acts and institutions governing food policy. In the course of our research we have concluded that the field entitled 'Food Industry' covers many items from the farming, till the growing, planting, feeding and protecting animals, plants and human health.

My opinion is that Food Policy and the related questions will coming into view strongly as people's health and health issues became more and more important for the next generations. Thanks to the social media people became very 'health sensitive', not just because food could change the way they looks like, but because living a healthy and long life became "trendy" nowadays.

In my point of view the EU created a full legislation, covering almost every field and trying to answer the newly emerged questions as quick as this huge machine could answer, but this work probably never ends, because new trends, new information will emerge time to time and the Union has to protect their citizens as well as informing and supporting them about food policy, safety.

88 European Commission: *RASFF – Food and Feed Safety Alerts*. <https://ec.europa.eu/food/safety/rasff_en>.