

H.P. van Egmond

*RIKILT Institute of Food Safety, Wageningen UR, Wageningen, the Netherlands*

## BOOK REVIEW

### EU Food Law Handbook

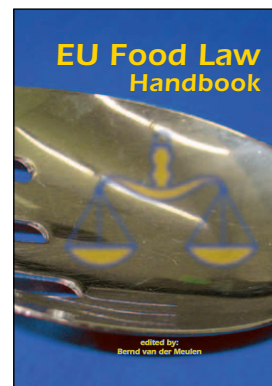
**Edited by: Bernd van der Meulen**

Price: € 75 (excl. VAT)

Hardcover: 692 pages

Publisher: Wageningen Academic Publishers, Wageningen, the Netherlands

ISBN: 978-90-8686-246-7



The book 'EU food law handbook' can be regarded as a successor of the book 'European food law handbook', which appeared in 2008, 4 years after the publication of 'Food safety law in the European Union: an introduction'. The book begins with a foreword of Dr David Byrne, EU Commissioner for Health and Consumer Protection (1999-2004) and a preface of Prof. Bernd van der Meulen, who was also the (co-)author of the two books that came out in 2004 and 2008.

After some food scares in the EU in the 1990s, including the ones about bovine spongiform encephalopathy (BSE) and dioxins, it became evident that the EU framework for food safety was inadequate and a new Directorate-General responsible for health and consumer protection (DG SANCO) was established in 1999. A White Paper on Food Safety appeared, resulting in the 'General Food Law' in 2002, in which the duty of care for food safety rests on food business operators. The European Food Safety Authority (EFSA) was created, an independent body and key player in risk assessment, providing the scientific underpinning of EU food and feed law. The books from 2004 and 2008 provide detailed information about the many developments and approaches to EU food law, that led to regaining and retaining the confidence of the European consumer. De current book is an update to the book from 2008, as much food and feed law has been established in the EU in the following period. In addition, the concept of the book was changed. Contrary to the previous books mentioned, the 2014 piece of work is the result of many multi-authored contributions from 10 different countries, including South-Africa. With 24 chapters spread over 3 sections (each of

about 200 pages), the book contributes with a wealth of detailed information, backed up by many hundreds of references for further reading.

After a brief introduction the first section 'Prerequisites' is meant to set the scene and to provide the background information to be able to understand the analysis of law (which follows in the second section). These 'Prerequisites' are particularly useful for those who do not have a background in law. The breakdown into many chapters and sub-chapters make the section very surveyable, and the reader who is especially interested in particular topics, institutions and meanings of certain terms and instruments will rapidly find his way. Substantial attention is given to the introduction of law and to the international scene, before the authors dive into the 'EU dimension'. There they describe the foundations of the EU, unravel the sometimes complex structures, and explain the tasks, responsibilities, complementarities and coherence of the many organisations in the EU, which are directly or indirectly involved with EU food law. The meaning of Treaties (primary law) and the differences between Regulations, Directives and Decisions (secondary law) are explained and the various institutions of the EU and their responsibilities are listed in detail. For non-insiders this is a very welcome lesson.

Rightly, ample attention is given to the significance of EFSA and its mission. EFSA's tasks and responsibilities have been laid down in article 22(2) of the General Food Law: 'The Authority shall provide scientific advice and scientific and technical support for the [Union's] legislation and policies in all fields which have a direct or indirect impact on food

and feed safety. It shall provide independent information on all matters within these fields and communicate risks.' A recent organisational chart of EFSA has been included. In the last two chapters of the first section the authors provide hindsight on the embedding of food law into substantive EU law since the creation of the European Economic Community in 1958 and the further developments until the release of the White Paper on Food Safety in 2000. During the days of the common market set as a goal in 1958, European food law was mainly directed at facilitating an internal market for food products, but the BSE crisis and some other foods scares in the 1990s showed the shortcomings of the existing system in the handling of food safety crises. This led to a change in focus to assuring high levels of food safety in the Community and to restoring consumer confidence in public authorities, industry and science. An ambitious legislative programme was initiated, leading to an effective and trustworthy management of food safety issues in the EU.

The second section 'Systematic analysis of food law' describes the innovated body of European food law. This section forms the core of the book, with a lot of detail (e.g. general provisions, institutional aspects and incident management) about the General Food Law (adopted in 2002), a fundament to a general part of food law rather than a code encompassing all food legislation. The reader is made aware that its scope of application is holistic ('from farm to fork') and only primary production for private domestic use is exempted, and that scientific underpinning of food legislation is important. In the words of the General Food Law, 'food law shall be based on risk analysis except where this is not appropriate to the circumstances or the nature of the measure.' The three interconnected components: risk assessment, risk management and risk communication form the process of risk analysis, and the meaning and impact of each of these components are explained. Then authorisation requirements are outlined: the provisions setting the rules and procedures for food improvement agents (additives, processing aids, food enzymes, food flavourings), food supplements (e.g. vitamins, minerals), novel foods, genetically modified foods (a special category of novel foods, which is given ample attention) and functional foods.

In a following chapter the legislation is discussed related to the chemical compounds that may find their way into the final food product unintentionally: the contaminants, separated into avoidable (e.g. additives and food contact materials) and unavoidable (environmental and bio-contaminants, such as natural toxins). Unfortunately, the authors have dropped a few stitches in this chapter, Chapter 11. E.g. the statement that the EFSA Panel on Contaminants in the Food Chain (CONTAM) primarily relies on scientific information (on occurrence) that is in the public domain is not correct. Instead, for exposure assessment use is primarily made of data collected by EFSA's

Evidence Management Unit, complemented by open data sources only if needed. In addition the information about the Annex to Regulation 1881/2006 is not fully accurate (e.g. limits do not exist for T-2 and HT-2 toxins, while those for citrinin, melamine and erucic acid should have been mentioned). In a related diagram only the mycotoxins patulin and aflatoxin are mentioned, while many more mycotoxins are regulated. EU legislation does not exist for methyl mercury (it does for mercury). Several references in this diagram would benefit from corrections and updates, in particular those for the sampling methods. The statement 'The legislation on pesticide residues is a good example of the EU approach to the presence of undesired substances in food' is inaccurate: the pesticide approach is simply not applicable to e.g. unavoidable contaminants. Finally in the subsection on pesticide maximum residue levels, some confusion arises when the term 'limit of determination' is used in the text and the term 'limit of detection' in the corresponding footnote, while obviously this all should be 'limit of quantification'.

After discussing the chemical compounds a chapter follows about the biological hazards (e.g. microorganisms and disease-causing agents, that are not microorganisms). After this, the scope of the second section in the book focuses on the processes to prevent and deal with food safety problems from a food business operator's perspective (hygiene, HACCP, traceability and recall) and how businesses have to communicate to the consumers in terms of labelling of the food with information which accurately characterises the product, to offer consumers informed choices and to protect them from misleading practices. The section is rounded off with chapters about the powers of enforcement and incidence management from the perspective of national food authorities in the Member States and the European Commission, and about the position of the consumer, respectively. The authors emphasise that the consumer does not seem to be an addressee of EU food law, a situation succinctly characterised in the book by the words: 'For you, about you, over you, without you!' EU consumers are not held responsible for their contributions to food (un)safety and are not endowed with legal powers under food law. Their legal rights have to be found outside the scope of food law.

The book's third and last section 'Selected topics' contains a selection of topics subjected to further analysis. Attention is given to special foods, importing food, food contact materials, EU nutrition policy, EU feed law, intellectual property rights, through to private food laws. While each of the topics certainly merits attention, the rationale for the selection of these chapters is not fully clear and the cohesion in this section is less obvious. Some chapters (e.g. 'Food contact materials') could also have been dealt with in the previous section. On the other hand, the various chapters are accessible, have many sub-chapters and can be read as stand-alone articles. One of the bigger chapters

deals with nutrition policy in the EU, a relative recent field of European policy making. Good insight is provided into the gradual changes in the minds of policy makers, who got confronted with unhealthy lifestyles of EU citizens and inappropriate diets, that contributed to the sharp increase of certain chronic diseases, such as obesity, cardiovascular diseases and particular forms of cancer. Despite an impressive list of key initiatives on EU nutrition policy and measures (e.g. offering informed choices by nutrition labelling and limiting the advertisement of certain product groups), it seems that more stringent arrangements are needed to influence consumer behaviour. The author of this chapter, Martin Holle, concludes that the next likely step by European policy makers will be to increasingly target the supply side of the food market with measures that improve the nutritional composition of the food products that are on offer. He emphasises that the challenge here is to find a right balance between effectiveness and the restriction of freedom of choice.

In a brief conclusion section, the editor of the book reiterates that food law cannot be understood in isolation of the general aspects of EU law, although food law has become an academic specialisation in its own right in several countries. From 2000 onwards, an impressive body of food (safety) law has come to fruition in the EU, with its large agri-food sector and trade. It now is one of the most regulated areas in the EU, with more than 15,000 intertwined pieces of legislation and other published official documents. These remarkable developments in the EU which have not come to an end yet fully justify the publication of this comprehensive, detailed and accessible 'EU food law handbook'. The treatise aims to be a handbook relevant for practitioners and academics both with and without a background in law. While a few inaccuracies can be spotted, the book certainly achieves that goal and at a price of € 75 it is very good value for money.

