



World Scientific News

An International Scientific Journal

WSN 122 (2019) 133-144

EISSN 2392-2192

Legal regulations and administration of food safety

Piotr Lizakowski^{1,a}, Adam Krampichowski^{2,b}

¹Faculty of Command and Naval Operations,
Polish Naval Academy of the Heroes of Westerplatte, Gdynia, Poland

²Faculty of Humanities, Siedlce University of Natural Sciences and Humanities, Siedlce, Poland

^{a,b}E-mail address: piotrl@interia.pl , a.krampichowski@op.pl

ABSTRACT

The article presents Legal regulations and administration of food safety affects the whole chain of correlated participants of the food market, which are producers of agricultural raw materials and food, processors, distributors, legal regulations bodies as well as government institutions that enforce and control the law enforcement and the final link in the chain of consumers. Food security is inextricably linked to legal obligations related to their provision. The manner and form of implementation is inscribed in the political sphere of countries, depends on their political system, legal solutions, as well as geographical conditions and climate. The right to safe food is inscribed in human rights, life, human dignity and food. The foreign literature analysis was used to implement the above objectives.

Keywords: legal regulations, administration, food, safety, health, analysis

1. INTRODUCTION

Food security is affected by the entire chain of correlated participants in the food market, which are producers of agricultural raw materials and food, processors, distributors, law-making bodies, as well as government institutions that enforce and control law enforcement and constitute the last link in the chain of consumers. Food security is inextricably linked to legal obligations related to their provision. The manner and form of implementation is inscribed in

the political sphere of countries, depends on their political system, legal solutions, as well as geographical conditions and climate. The right to safe food is inscribed in human rights, life, human dignity and food. In accordance with the United Nations Universal Declaration of Human Rights, which was adopted on December 10, 1948 in Paris, "Everyone has the right to life, liberty and security of his person" and "Everyone has the right to a standard of living that provides health and well-being for his and his family, including food, clothing, housing, medical care and necessary social benefits, as well as the right to insurance against unemployment, sickness, incapacity for work, widowhood, old age or the loss of livelihoods in an otherwise independent way" [1]. The provisions of the Declaration perceive food as an important element in ensuring the right to appropriate living standards.

2. LEGISLATION - INTERNATIONAL STANDARDS

One of the first initiatives to regulate the international food market is the Codex Alimentarius, which was established in 1963. It is an international collection of all recommendations regarding food products. It contains the guidelines of the FAO / WHO Codex Alimentarius Commission and the opinions of member countries. The Code is valid in the European Union and in over 180 countries. The Code's norms ensure consumer health protection, improve international trade in food products and compliance with the principles of fair trade. Codex standards are used by inspection authorities during official controls, by the scientific community and by entrepreneurs of the agro-food industry. They are the foundation for the implementation of quality management systems in food production plants. The Code's norms are recommendations and are implemented into national law through legislation. 65 The Codex Alimentarius Commission does not verify their implementation into legislation by Member States, however many countries apply these standards as they benefit consumers, production and processing facilities and trade [9].

The right to food is also regulated by the International Covenant on Economic, Social and Cultural Rights, established in New York on December 19, 1966. In article 11, in addition to the recognition of the right to food as essential, he referred to international cooperation or an individual approach in order to improve production methods, preservation through the use of scientific and technical knowledge and the distribution of food between importing and exporting countries [11].

On November 13-17, 1996, during the World Food Summit in Rome, which was attended by 185 representatives of countries, apart from the global problem of food supply and its availability, an expanded interpretation of food security was introduced introducing a qualitative aspect relating to such food characteristics as safety, preferences nutritional and nutritional values. The common position is included in the Rome Declaration and the Action Plan. It was a new approach to the problem, because up to now the problem of hunger and lack of availability of food has been taken into account. These findings at the next World Summit in 2002 significantly influenced the evolution of the approach to security. "Voluntary guidelines to promote the gradual implementation of the right to appropriate food in connection with national food security" have been adopted, where the ninth directive on food safety and consumer protection deserves special attention.⁶⁷ Moreover, the need for product inspection systems has been identified. Throughout the chain, minimize the risk of zoonoses and develop standards for food quality and safety (Figure 1) [4].

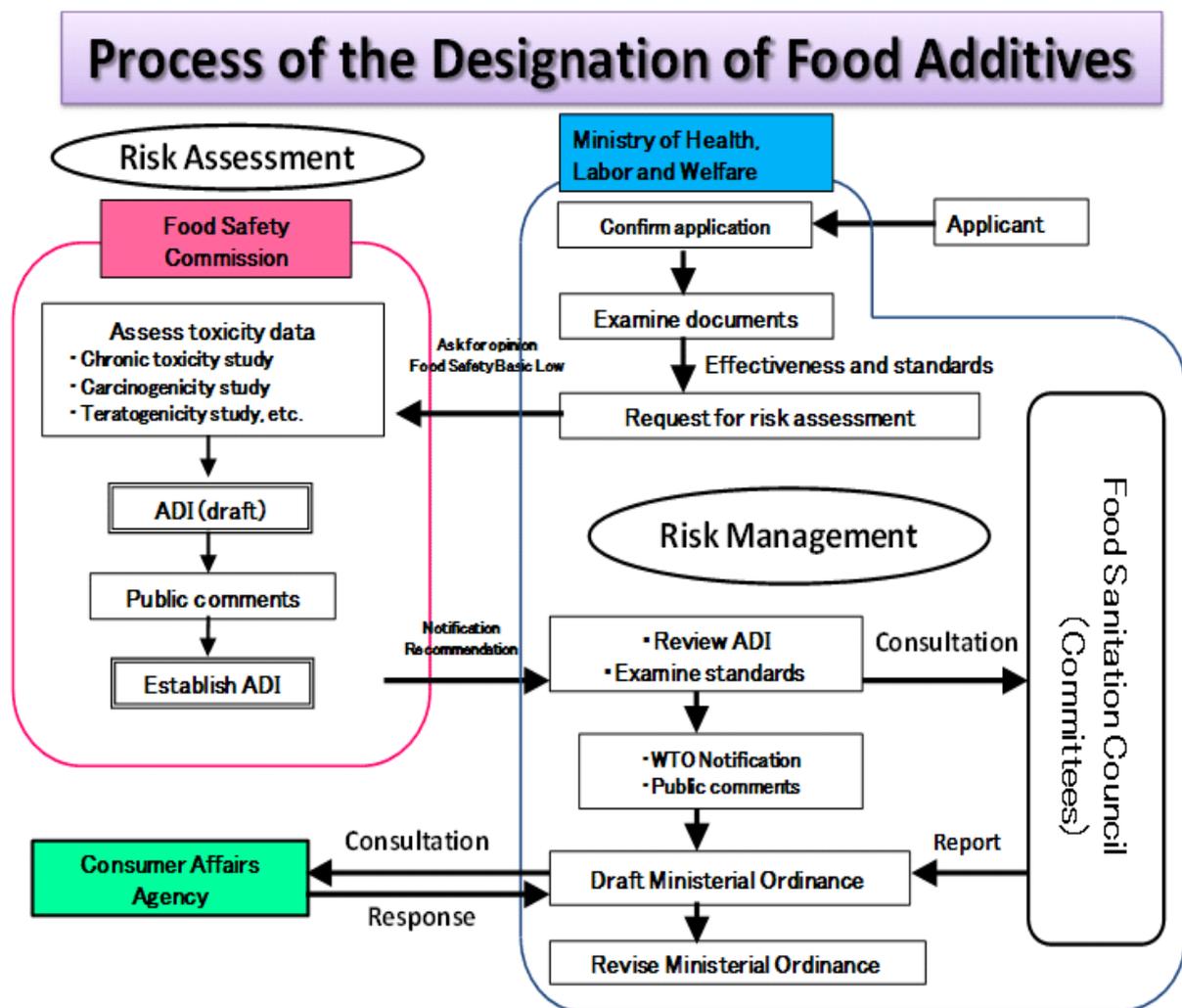


Figure 1. Ministry of Health, Labour and Welfare: Food Additives

3. EUROPEAN UNION STANDARDS

The Treaty establishing the European Community contains, inter alia, the general grounds of the right to food. These relate more to consumer protection, but it is the EC Treaty that gives competence to the European Community, which the principle of entrusted competences can take action. Now, after many negative experiences related to the violation of food safety, the European Union does not harmonize Community food law by directives, but unifies them through regulations. The EU rules relating to food safety, hygiene and official control have introduced a new situation in the area of application of regulations and quality systems. As a result, the legal acts created by the Union, directly incorporated into the legal order of the Member States, create a uniform standard of safety of food and feed products.

In 1997, the European Commission issued a Green Paper that contained the foundations of food law and proposals for improvements in this area. It was the beginning of the White Paper of the European Commission, which called for ensuring a high level of food and feed

safety throughout the production chain and providing consumers with reliable information on products. It promoted a new policy based on a high standard of food safety that guarantees consumer health, assuming a "from farm to fork" approach covering all member states, the European Union's internal market and its borders. It referred to the principle of risk and caution analysis and to exchange information on risk within the community and communicate it to consumers.

Based on the guidelines in the White Paper, a closely related package of rules covering the entire food chain was created, primarily Regulation No 178/2002 of the European Parliament and Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and establishing procedures in the field of food safety [4]. This act defines the basic concepts such as food, food law, control, placing on the market. It introduces the principles of food law and appoints an organ that is to play a key role in maintaining an appropriate level of food safety. The regulation has the character of a legal framework for the entire food law system and constitutes the organizational and legal basis of the EU administration [5].

In 2004, the so-called Hygienic package, or four Regulations that regulate the issues of food hygiene. These are Regulation No. 852/2004/72 on the hygiene of foodstuffs, Regulation No. 853/2004/73 laying down specific hygiene rules for food of animal origin, Regulation No. 854/2004/74 laying down specific rules for the organization of official controls on products of animal origin intended for human consumption and Regulation 882/2004/75 on official controls carried out to check compliance with feed and food law and animal health and animal welfare rules. These are legal acts important to ensure food safety in the so-called "field to table" food chain, contain harmonized and harmonized standards for all European Union countries, set the direction of Community activities, as well as cooperation in the supervision and control of all stages of the food chain [6-8].

Regulation 1169/2011/7 of the European Parliament and of the European Council No. 1169/2011/77 on the provision of food information to consumers reflects a new approach legislators on the subject of food safety. He emphasizes the importance of information on the safe and proper nutrition of the consumer. The regulation links the need to ensure a high level of food and health safety with the consumer's right to reliable information. Full and true information about the composition of the food will enable the consumer to make an informed choice. The provisions of the above act introduced significant changes in food labeling, so practically the vast majority of entities producing food products had to adapt the labels to the new requirements of all member countries [9].

The European Union has introduced many other legal acts regulating in detail other aspects related to ensuring food safety, however the above-mentioned Regulations can be considered as crucial in this field. The people of the European Union are assured of one of the strictest food safety regulations in the world that strive to guarantee consumers a safe, high-quality and well-informed food [10, 11].

4. NATIONAL STANDARDS

The Constitution of the Republic of Poland⁷⁸ of 1997 containing, inter alia, the principles of social market economy and economic freedom forms the basis for the implementation of the right to food by guaranteeing the right to health protection.

Article cit. "Public authorities protect consumers, users and tenants against activities that threaten their health, privacy and safety as well as against dishonest market practices [12] (Figure 2).

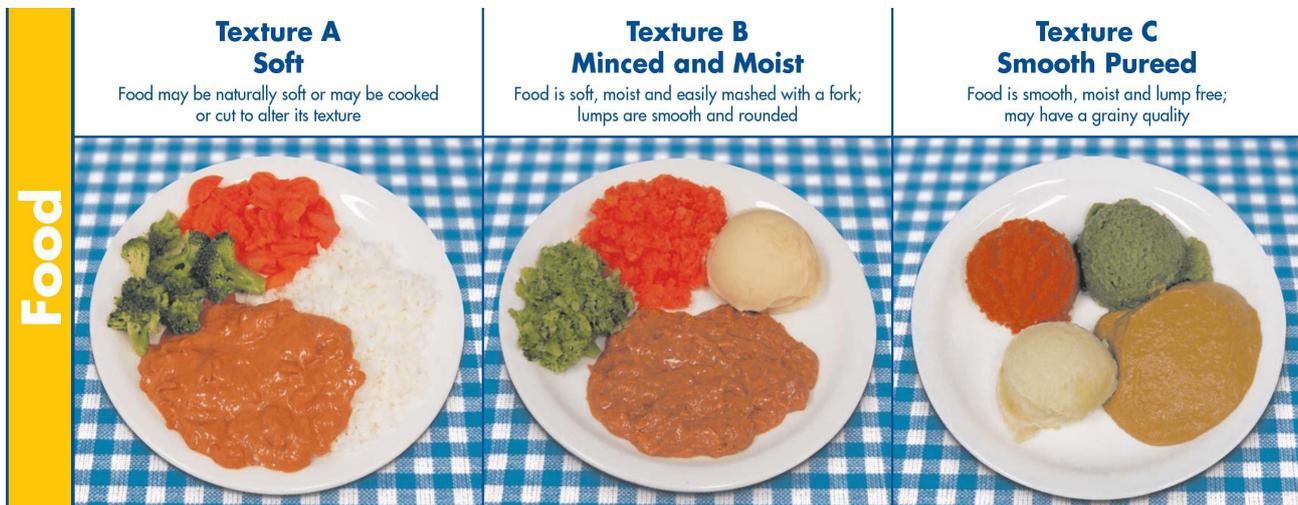


Figure 2. National Standards: Food, Clothing and Other Items

The scope of this protection is specified in the act "imposes on public authorities an obligation to provide consumers with food protection, including health protection and economic protection. In accordance with the Constitution of the Republic of Poland, Poland observes and respects the binding provisions of international law, hence legal acts have been introduced to adapt national regulations to Community standards, as well as regulating areas not covered by Community regulations [13].

The basic Polish food law is the Act of August 25, 2006 on Food Safety and Nutrition. It defines food safety requirements that are not regulated in EU regulations and compliance with hygiene rules. The Act contains provisions concerning, among other things, labeling of food, additives and flavors used for food, pollution, irradiation as a method of fixing, requirements for food placed on the market for the first time, hygiene requirements for food producers and rules for registration and approval of manufactured food products. The Act also contains definitions related to food safety and food itself, or references to definitions provided in other EU regulations. Defines the supervisory authorities and the performance of official controls in the field of compliance with food law [14].

The source of food law in Poland are laws indicating the authorities responsible for food safety, the Act on the State Sanitary Inspection, the Trade Inspection Act, the Act on commercial quality of agri-food and the Act on veterinary inspection. On the basis of the above provisions, food producers are subject to direct control at all stages of production by authorized institutions. Pursuant to the Act, the organs of the State Sanitary Inspection monitor compliance with sanitary conditions in the production of food and its transport and turnover, and supervise the health quality of food, additional substances and other ingredients.

The Act on Veterinary Inspection introduces the supervision of this institution over slaughterhouses, meat processing and animal products.

The Act on the commercial quality of agri-food products regulates the supervision of Trade Quality Inspection of Agricultural and Food Products on the quality of nutritional products.

The Ordinance of the Minister of Health of November 22, 2010 regarding the permitted additional substances is an act related to food safety. It contains a list of permitted additives and flavors that can be used in food. It regulates the conditions of their application in detail, specifies the type foodstuffs to which they may be used and their maximum levels. Regulation of the Minister of Agriculture and Rural Development of 23 December 2014 on the labeling of particular types of food specifies the information provided on the packaging of food products, is an extension of the requirements set out in the EU Regulation No. 1169/201186 relating to foodstuffs without packaging or packed in place sales. It also contains information on how to determine the net quantity for certain food products such as ice cream, mayonnaise, dense sauces, condensed milk, liquid seasonings and others. Regulation of the Minister of Agriculture and Rural Development of 13 April 2004 on the detailed scope and method of marking certain groups [15].

The ordinance of the Minister of Economy of July 20, 2009 on specific requirements regarding the labeling of pre-packaged goods is about the height of numbers and letters in the nominal quantity designation and other requirements for packaging goods⁸⁸. It determines the minimum font size of the product's nominal quantity depending on its content in the packaging, and also gives the names and units of measurement used on the labels of pre-packaged goods. In addition to the above-mentioned criteria, the Regulation also lists other requirements that should be met by prepackaged goods, i.e. information such as: product name, company packaging or ordering packaging, importing or importing [16].

The norms of national law must be consistent with European Community law. According to the Constitution, international law, and mainly EU law, takes precedence over Polish legal acts. Food law, both international, Community and Polish, regardless of their source, is one coherent system of legal provisions. It regulates the area of food safety and quality and includes requirements for entrepreneurs throughout the food chain in order to guarantee healthy and safe food for consumer [17, 18].

5. FOOD SAFETY ADMINISTRATION

The FAO / WHO Codex Alimentarius Commission is the most important international organization that deals with food safety, consumer health protection and ensuring good and fair commercial practices in the food trade. It was established in 1963 from two institutions - the Food and Agriculture Organization of the United Nations and the World Health Organization. Members of the Commission are the European Union and 181 countries, in addition, other interested countries as well as international, governmental and non-governmental organizations can participate in its work as observers. This institution brings together scientists, experts, government representatives and international industrial and consumer organizations [19, 20] (Figure 3).

The overriding objective of the Commission is to initiate draft standards, create guidelines for international standards and standards in the field of food safety, approval of already developed, regional and global standards and their publication in the Codex Alimentarius, and promotion of cooperation between governmental and non-governmental organizations. The

Commission coordinates the activities of its subsidiary bodies, which include the General Committees, Industry Committees and Regional Coordination Committees. The latter are grouped appropriately for Europe, the Middle East, Asia, Africa, North America and the South-West Pacific, Latin America and the Caribbean [21, 22].



Figure 3. Ministry of Agriculture and Rural Development: institutional reform of food safety.

The International Organization for Standardization or ISO is a non-governmental institution associating national standardization organizations. It was established in 1946 by combining two different organizations - the International Federation of National Standardization Associations (ISA) and the United Nations Coordination Committee for Standards (UNSCC). ISA was a global standardization organization, while UNSCC was a representation of former colonial and European countries (Figure 4), [23, 24].

The main body in ISO is the General Secretariat, which coordinates the work of the organization. Its members meet on debates three times a year. In addition, several hundred Committees operate in ISO [25, 26].

Technical, who work on new standards, for which the Main Committee makes decisions on the basis of voting (Figure 5).

The priority of ISO's activity is to create new standards and their unification on a global scale and to manage the implemented projects. Its activity covers almost all areas of social life and the economy, as regards food products it develops standards for controls and methods of testing⁹³. The standards regarding quality issues and quality control of production include, among others: the ISO 22000 food safety management standard, quality management standard and ISO 9000 quality assurance, the ISO 9001 quality management system standard.

The FAO⁹⁴ World Food Security Committee was established in 1974 and is an intergovernmental body that exchanges views on global food security. Its activities are based

on annual plenary meetings, where issues regarding views on food safety around the world are discussed. They are diverse and concern both ad hoc food incidents as well as long-term phenomena and crisis situations, as well as related to various initiatives implemented by the FAO (Figure 6) [27, 28].

• **Nutrition Standards**

- Foundation of school meals
- Established by USDA and specified in regulation
- “Nutrient Standards” currently reflect required nutrients in calculated quantities for age-grade groups

• **Meal Requirements** implement the Nutrition Standards

- Established by USDA and specified in regulation

• Meal Requirements consist of standards for two types of menu planning approaches

- Menu planning approach is selected by the school food authority and menus are developed at the local level

• Meal “as offered” to the student must meet the *as offered* standard for the menu planning approach

- Meal selected by student — “as served” — must meet the *as served* standard for the menu planning approach

• Components of child’s meal checked by cashier

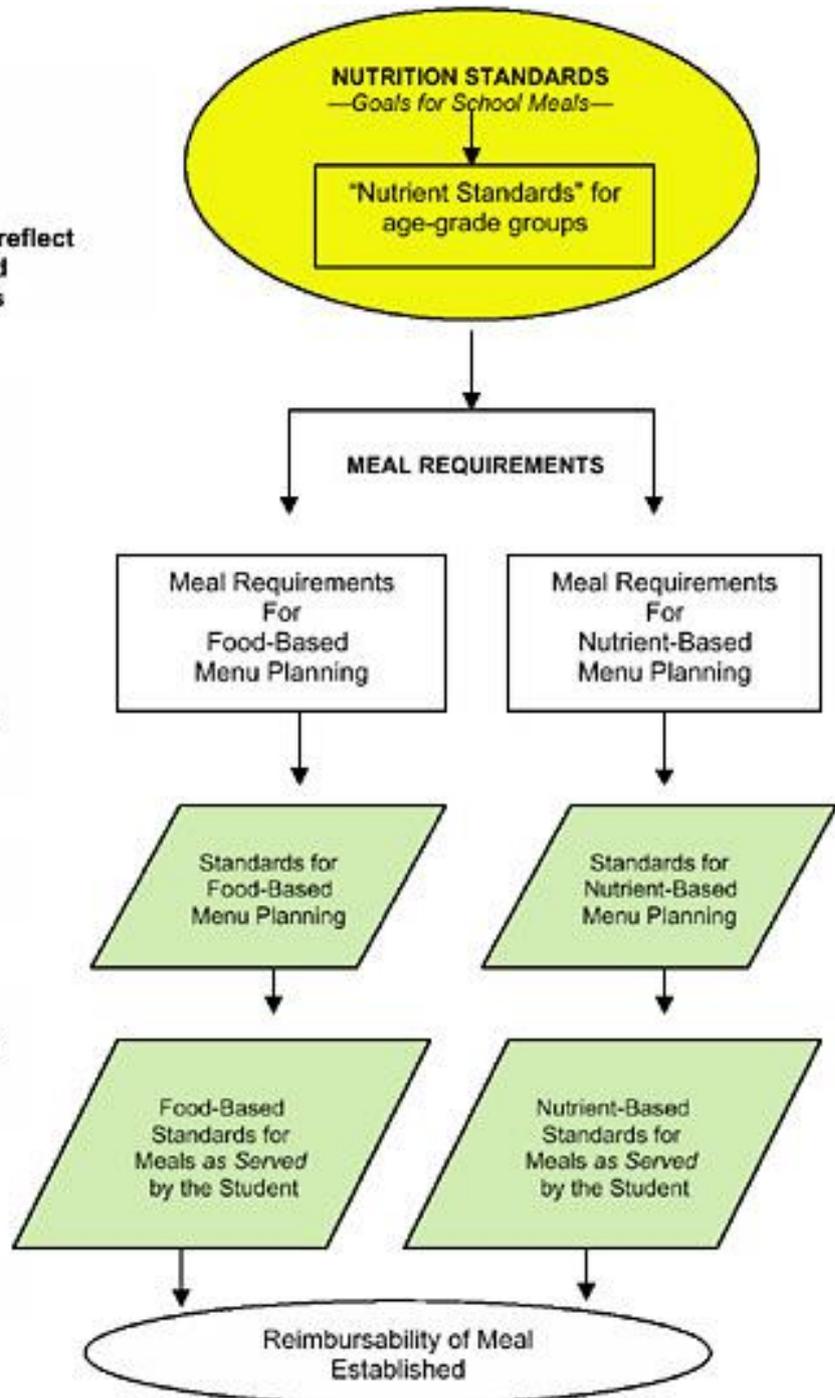


Figure 4. Nutrition standards in European countries.



Figure 5. Proper preparation of sows for childbirth allows to reduce infant mortality not only in the first hours and days of life, but throughout the rearing period.



Figure 6. The widespread use of antibiotic therapy in diseases of the mammary gland results in the increasing resistance of pathogenic microorganisms, and thus forces you to look for alternative solutions.

The permanent issues discussed in the forum are primarily the situation of global food security and the improvement of its condition, food aid, changes in agricultural markets, the elimination of hunger. The Committee coordinates food security at a global level, as well as

regional and national convergence policies, supports and advises, promotes best practices for food safety. It develops guides and guidelines for the implementation of national food safety programs. CFS reacts to emerging problems affecting food safety and prevents emergency situations [29].

6. CONCLUSIONS

Food safety is fundamental to human existence. At present, the possibilities of increasing the level of this security are still being improved, but at the same time new, previously unknown threats appear. In order to provide consumers with healthy and safe food, both international and national legislative activities are required, which allows the implementation of appropriate measures to meet the requirements set for food products that form the basis for standardization and control.

International trade in food makes it necessary to establish uniform criteria related to ensuring food safety in order to protect human health and life. Previous conservation activities were aimed at increasing the efficiency of trade, however, over time, they turned towards providing quality and safe food. The growing globalization of the economy, in addition to positive features, also affects the increase of the number of threats. They are created by contaminated, falsified products that have a negative impact on the health of consumers. Allergens contained in foods that are badly labeled or do not have any information about their presence pose a risk even if they are life-threatening. Genetically modified foods also raise hopes and fears caused by the lack of support from the experience of generations and long-term scientific research that would dispel doubts about the health effects resulting from the consumption of this type of food.

The basic requirement of modern civilization is the need to ensure food safety. The basis for the implementation of this need are integrated actions to provide legal protection, i.e. legal standards specifying relevant food requirements and methods for their control and enforcement. Legislation must be harmonized and effective in order to fulfill its overriding objective of ensuring human health and life as well as protection against harmful factors threatening the safety of food products. For this purpose, institutions and offices have been established that control the activities of entities producing or introducing food to the market. They verify the compliance of activities with the applicable requirements, remove deficiencies and introduce improvements.

References

- [1] Gunningham, Neil, and Joseph Rees. Industry self-regulation: an institutional perspective. *Law & Policy* 19.4 (1997) 363-414
- [2] Jia, Chenhao, and David Jukes. The national food safety control system of China—a systematic review. *Food Control* 32.1 (2013) 236-245
- [3] Yao-zhong, W. A. N. G., A Study on Horizontal and Vertical Configuration of Food Safety Administration. *China Industrial Economy* 12 (2005) 008

- [4] Griffith, Christopher J., Barbara Mullan, and Patricia E. Price. Food safety: implications for food, medical and behavioural scientists. *British Food Journal* 97.8 (1995) 23-28
- [5] Burlingame, Barbara, and Maya Pineiro. The essential balance: Risks and benefits in food safety and quality. *Journal of Food Composition and Analysis* 20.3-4 (2007) 139-146
- [6] Shim, Soon-Mi, et al. Consumers' knowledge and safety perceptions of food additives: Evaluation on the effectiveness of transmitting information on preservatives. *Food Control* 22.7 (2011) 1054-1060
- [7] Broughton, Edward I., and Damian G. Walker. Policies and practices for aquaculture food safety in China. *Food Policy* 35.5 (2010) 471-478
- [8] Kwak, No-Seong, and David John Jukes. Functional foods. Part 1: the development of a regulatory concept. *Food Control* 12.2 (2001) 99-107
- [9] Liu, Peng. Tracing and periodizing China's food safety regulation: A study on China's food safety regime change. *Regulation & Governance* 4.2 (2010) 244-260
- [10] Wessels, Stephen, et al. The lactic acid bacteria, the food chain, and their regulation. *Trends in food science & technology* 15.10 (2004) 498-505
- [11] Torrance, George W. Measurement of health state utilities for economic appraisal: a review. *Journal of health economics* 5.1 (1986) 1-30
- [12] Henson, Spencer, and Neal H. Hooker. Private sector management of food safety: public regulation and the role of private controls. *The International Food and Agribusiness Management Review* 4.1 (2001) 7-17
- [13] Okojie, P. W., and E. C. Isah. Sanitary conditions of food vending sites and food handling practices of street food vendors in Benin City, Nigeria: implication for food hygiene and safety. *Journal of Environmental and Public Health* Volume 2014, Article ID 701316, 6 pages. <http://dx.doi.org/10.1155/2014/701316>
- [14] Kessler, David A., et al. Regulation of somatic-cell therapy and gene therapy by the Food and Drug Administration. *New England Journal of Medicine* 329.16 (1993) 1169-1173
- [15] Claeys, Eric R. The Food and Drug Administration and the Command-and-Control Model of Regulation. *Louis ULJ* 49 (2004) 105
- [16] Caswell, Julie A., and Daniel I. Padberg. Toward a more comprehensive theory of food labels. *American Journal of Agricultural Economics* 74.2 (1992) 460-468
- [17] Forsman, Zeynep Kivilcim. Community regulation of genetically modified organisms: A difficult relationship between law and science. *European Law Journal* 10.5 (2004) 580-594
- [18] Fisher, Elizabeth. Drowning by numbers: standard setting in risk regulation and the pursuit of accountable public administration. *Oxford Journal of Legal Studies* 20.1 (2000) 109-130

- [19] Meltzer, Richard S. Food and Drug Administration ultrasound device regulation: the output display standard, the “mechanical index,” and ultrasound safety. *Journal of the American Society of Echocardiography* 9.2 (1996) 216-220
- [20] DeLind, Laura B., and Philip H. Howard. Safe at any scale? Food scares, food regulation, and scaled alternatives. *Agriculture and Human Values* 25.3 (2008) 301-317
- [21] Yan, Lan. Reflection and Reconstruction about Criminal Laws and Regulations System of Food Safety System. *Public Administration & Law* 3 (2010) 024
- [22] Kai, Zhong, et al. Current situation, problems, challenges and countermeasures of food safety risk communication in China. *Chinese Journal of Food Hygiene* 6 (2012) 019
- [23] Redmond, Elizabeth C., and Christopher J. Griffith. Consumer perceptions of food safety risk, control and responsibility. *Appetite* 43.3 (2004) 309-313
- [24] Henson, Spencer, and Bruce Traill. The demand for food safety: Market imperfections and the role of government. *Food Policy* 18.2 (1993) 152-162
- [25] Dosman, Donna M., Wiktor L. Adamowicz, and Steve E. Hrudehy. Socioeconomic determinants of health-and food safety-related risk perceptions. *Risk analysis* 21.2 (2001) 307-318
- [26] Komaki, Judi, Kenneth D. Barwick, and Lawrence R. Scott. A behavioral approach to occupational safety: pinpointing and reinforcing safe performance in a food manufacturing plant. *Journal of applied Psychology* 63.4 (1978) 434
- [27] McCluskey, Jill J., et al. Bovine spongiform encephalopathy in Japan: consumers' food safety perceptions and willingness to pay for tested beef. *Australian Journal of Agricultural and Resource Economics* 49.2 (2005) 197-209
- [28] Daly, Charles, and Ruth Davis. The biotechnology of lactic acid bacteria with emphasis on applications in food safety and human health. *Agricultural and Food Science* 7.2 (1998) 251-265
- [29] Yarrow, Linda, Valentina M. Remig, and Mary Meck Higgins. Food safety educational intervention positively influences college students' food safety attitudes, beliefs, knowledge, and self-reported practices. *Journal of environmental health* 71.6 (2009) 30-35