

SYSTEMATIZATION OF NATIONAL AND COMMUNITARY LEGISLATION ON VERTICAL AND HORIZONTAL SYSTEM REGARDING THE IMPORT, EXPORT AND INTRA-COMMUNITY TRADE WITH ANIMAL PRODUCTS

Chebeleu Ioana Camelia*, Chebeleu M.**

*University of Oradea, Faculty of Environmental Protection, 26 Gen. Magheru St., 410048 Oradea, Romania, e-mail: chebeleuioanacamelia@yahoo.com

**University of Oradea, Faculty of Environmental Protection, 26 Gen. Magheru St., 410048 Oradea, Romania, e-mail: chebelemircea@yahoo.co.uk

Abstract

Food law aims to protect consumer interests and to provide necessary information to knowingly choose foods they consume, and aimed at preventing fraudulent or deceptive practices, forgery food and any practices that may mislead the consumer. Development, evaluation and modification of food law should be carried out in an open and transparent public consultation, directly or through representative organizations, unless the urgency of resolving this action does not allow.

Key words: food law, food safety, import, export

INTRODUCTION

Problems worldwide in terms of security and food safety and not least those of animal origin, have raised many questions about their quality, thus states to take action and to work together in taking these measures which are embodied completion and provided in a series of acts.

MATERIAL AND METHOD

According to the European Union and World Health Organization- food safety is everyone's responsibility, from their origin until they reach the table. To maintain quality and food safety throughout the chain mentioned, the procedures necessary to ensure that foods are integrated and monitoring procedures to ensure carrying operations end in good condition. EU food safety policy takes into account the entire chain of food consumption by humans. It provides extensive regulations and emphasizes the responsibility of manufacturers and suppliers in terms of their participation in providing quality food supply. EU regulations are among the strictest in the world.

Food law shall pursue one or more general objectives of protecting human life and health, consumer interests, the use of air practices in food trade, taking account, where appropriate, health and welfare, plant health and the environment.

Food law aims to achieve free movement of food and feed manufactured and marketed in accordance with general principles and requirements.

The development or adaptation of food law will be taken into account existing international standards or state of being adopted, except where such standards or elements covered by these standards will not be an effective or appropriate for the objectives of this legislation or if there is scientific justification or if they can determine a level of protection different from that established at Community level as appropriate. In order to achieve the overall objective to ensuring a high level of health and life, food law is based on risk analysis except where this approach is not appropriate to the circumstances or nature of the measure.

Risk assessment is based on available scientific evidence and undertaken in an independent, objective and transparent. Risk management takes into account risk assessment and opinions Veterinary and Food Safety Agency, other factors relevant to risk management and the precautionary principle.

Food law aims to protect consumer interests and to provide necessary information to knowingly choose foods they consume, and aims to prevent:

- a) fraudulent or deceptive practices
 - b) food counterfeiting
 - c) any practices that may mislead the consumer
- development, evaluation and modification of food law should be carried out in an open and transparent public consultation, directly or through representative organizations, unless the urgency of resolving this action does not allow.

RESULTS AND DISCUSSIONS

Vertical systematization of national legislation

Law no. 608 (r2) of 10.31.2001, 04.06.2008 republished in conformity assessment unit establishes the legal framework for technical regulations, conformity assessment and market surveillance of products placed on the market and put into service in Romania. Products covered are put on the market and put into service only if they fulfill the essential requirements if compliance has been evaluated under the evaluation procedure applicable if the line marking in accordance with this law and

the applicable technical regulations. Are exempt from the provisions of this law groups of products in the category of military equipment, weapons and special equipment involving national defense and security, which, for good reasons, do not apply the principles established by this bill. To ensure security of life and human health and the environment protection, domestic animals and property, the competent authorities establish technical regulations with international and EU principles of free movement of goods in domestic and international trade. Technical regulations are approved by Government decisions and provide:

- a) product groups subject to technical regulation and product groups excluded from this
- b) the essential requirements
- d) procedures for assessing conformity
- c) the technical dossier and documents certifying compliance with the essential requirements
- d) minimum requirements for assessing the conformity assessment bodies designated to make products with essential requirements
- e) rules for the application of the marking of conformity
- f) requirements for market surveillance

Law nr.57/2002 approval of Emergency Ordinance no. 97 of 21/06/2001 to regulate the production, circulation and marketing of food - establishes uniform legal framework on the production, packaging, storage, transportation and marketing of food, the manufacturers and retailers of food, food organization of official controls and sanctions to protect food quality. Applying this normative act aims to protect consumers from unfair practices in the manufacture, storage and marketing of food and provide conditions for their correct and complete information in accordance with legal regulations on consumer protection. The regulations contained in this Ordinance shall not apply to food produced in individual households for own consumption or food products are in transit or temporarily stored as goods transiting the country, if not a danger to human health or the environment.

Law no. 150 (R1) of 5.14.2004 on the safety of food and feed is the basis for ensuring a high level of protection of public health and consumer interests in terms of food, given the diversity of food sources, ensuring operation effective national market. It establishes common principles and responsibilities, the means to ensure a sound scientific basis, effective organizational requirements and procedures to support the most appropriate decision-making on food safety and animal feed. Such general principles are established rules for food and feed in general and their safety, especially on issues and procedures that have a direct or indirect impact on food safety and animal feed. Food and feed imported for placing on the market in

Romania, must comply with the requirements of food law or with the set of agreements concluded between Romania and the exporting country. Food and feed exported or re-marketing to a third country must comply with the relevant requirements of food law, unless otherwise provided by the competent authority of the importing country or established by legislation, regulations, standards, codes of practice and other legal and administrative procedures in force in the importing country.

Horizontal systematization of community legislation

COMMISSION DECISION of 19 November 1992 on the basis of data on EU import conditions provided by the Shift project -Community database as its data is based on the Community's import of live animals and animal products from third countries. Community database must be relational. The user must be able to enjoy a quick and easy access to information necessary for the control. Community database includes information referred to in Article 4 (1) of Decision 92/438/EEC. In addition, it includes specific import rules apply to a Member State or part of the Member State and some farms. Commission the responsibility to develop systems for making use of the database community.

The development includes:

- community development database structure
 - the definition and realization of technical functions necessary for its use
- COMMISSION DECISION of 13 December 2002 2002/987/CE list of establishments in the Falkland Islands designated for the importation of fresh meat into the Community - having regard to the Treaty establishing the European Community Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries as amended by Regulation (EC) no. 1452/2001 and in particular Article 4 (1) and Article 18 (1) as:
- establishments in third countries can not be allowed to export fresh meat into the Community only if they meet the general and special conditions laid down in Directive 72/462/EEC
 - following a mission of the Community, it was found that the animal health situation in the Falkland Islands is good and comparable to that of Member States, particularly in terms of meat-borne diseases and conduct checks on fresh meat production is satisfactory. For the purposes of Article 4 (3) of Directive 72/462/EEC, the Falkland Islands have submitted detailed information about the unit should be allowed to export fresh meat to the Community. A Community inspection has determined that this unit offers sufficient guarantees of hygiene and can therefore be accepted on a first list

established in accordance with Article 4 (1) of Directive 72/462/EEC, the units can be authorized imports of fresh meat. Imports of fresh meat coming from the unit included in the list annexed to this Decision remain subject to the provisions taken on another occasion, the general provisions of the Treaty and in particular the other provisions of Community veterinary health protection. The measures provided for in this Decision are in accordance with the Standing Committee on the Food Chain and Animal Health. Unit included the Falkland Islands is designated by the decision to export fresh meat to the Community. Imports from this unit shall remain subject to the Community veterinary provisions, especially those related to health protection.

COMMISSION DECISION of 3 June 2005 laying down animal and public health conditions and model certificates for imports of meat products for human consumption from third countries - Decision lays down animal and public health for the import into the Community lots of meat products, and lists of third countries or parts of third countries from which imports of such products, the model public and animal health certificates and rules on the treatment provided for these products. Member States shall ensure that consignments of meat products imported into the Community are made of meat or meat products from the following species or animals:

- Poultry of the following species: poultry, turkeys, guinea fowl, geese and ducks
 - Domestic animals of the following species: bovine animals, including *Bubalus bubalis*, *Bison bison*, swine, sheep, goats and equidae
 - Farmed game and domestic rabbits referred to in Article 2 (3) of Council Directive 91/495/EEC
 - Wild game referred to in Article 2 (1) (a) of Council Directive 92/45/EEC
- Subject to the conditions on the origin and treatment of meat products, Member States authorize imports of meat products from the following third countries or parts of third countries:
- Third countries listed in Part 2 of Annex II or third countries listed in Part 1 of Annex of this Decision
 - Third countries listed in Parts 2 and 3 of Annex II or third countries listed in Part 1 of Annex of this Decision

COMMISSION DECISION of 28 February 2006 amending Annex II to Council Decision 79/542/EEC as regards imports from Brazil, Serbia and Montenegro animal products for human consumption - that Part 1 of Annexes I and II Council Decision 79/542/EEC of 21 December 1979 drawing up a list of third countries or parts of third countries and laying down animal health, health conditions and veterinary certification for imports into the Community of certain live animals and fresh meat from them establishes a list of third countries and parts of third countries from

which Member States are authorized to import certain live animals and fresh meat from them. Commission Decision 2005/432/EC of 3 June 2005 laying down animal and public health conditions and model certificates for imports of meat products for human consumption from third countries and repealing Decisions 97/41 / EC, 97/221/EC and 97/222/EC establishing the list of third countries and parts of third countries from which imports of meat products. This decision also provides models for public and animal health certificates and rules on treatments required for the products. Following outbreaks of FMD in Brazil, Decision 79/542/EEC amended by Commission Decision 2005/753/CE I Annex II to Decision 79/542/EEC amended, and imports of boneless beef from bovine species from Mato Grosso do Sul states, Paraná and São Paulo were suspended. For reasons of clarity, consistency and transparency regarding regionalization provided by Decision 79/542/EEC for fresh meat and Decision 2005/432/EC for meat products had to change some descriptions of regionalised territories and certain temporary restrictions applicable to Brazil. Also, Serbia and Montenegro are separate customs territories which are republics forming a union state and therefore they had to appear separately on the list of third countries and parts of third countries from which imports of meat products. Commission Decision of 17 January 2008 amending Annex II to Council Decision 79/542/EEC as regards imports of fresh beef from Brazil - that the Commission carried out missions in Brazil since 2003 have been identified weaknesses in the EU requirements for imports of beef. Brazil has addressed some of these deficiencies, but the Commission missions have put out yet serious examples of non-compliance in terms of farm registration, animal identification and movement control of animals. In addition, Brazil has not complied with previous commitments to take appropriate corrective measures. Further imports safety regime can not be authorized unless they strengthen control and supervision of the farm where animals selected for export from the Community and Brazil established a provisional list of approved farms, which can be provided to ensure that they fully comply with the requirements applicable to imports into the Community of fresh boneless beef and matured, which are controlled and inspected, and where the Commission has complete audit and inspection reports. The Commission services carry out inspections in third countries in the activities organized by the Food and Veterinary Office to check whether the import requirements of EU farms on the list. Provisional list of holdings may be revised depending on the results of these inspections, the Commission has been informed thereof. List of holdings authorized to be made available for information through integrated computerized veterinary system Traces of the Commission. In the list of third countries authorized to export fresh meat into the Community from Part 1 of Annex II to Decision

79/542/EEC, it is necessary to provide that only fresh beef boned and matured from animals slaughtered after entry into force of this Decision may be imported into the Community, as authorized holdings meet the new requirements can only be guaranteed for this type of meat. The list of third countries from Part 1 of Annex II and the model certificate "Bov" in Part 2 of Annex II to Decision 79/542/EEC should be amended. To avoid any disruption of trade, lots of beef boned and matured fresh, certified and shipped before the entry into force of this decision should be allowed to import into the Community for a period. List of approved holdings provided by the competent authority is reviewed regularly and is updated by it. The Commission shall ensure that this list of approved holdings is made available for information purposes through its integrated computerized veterinary system (TRACES). Consignments of fresh de-boned beef and matured for which veterinary certificates were issued before 31 January 2008 pursuant to Decision 79/542/EEC prior to amendments made by this decision and were en route to the Community at this time can be imported into the Community until March 15, 2008

CONCLUSIONS

General food law is the basis for ensuring a high level of protection of public health and consumer interests in terms of food, given the diversity of food sources, ensuring the effective functioning of the national market.

Provisions of food law is applied in all stages of production, processing and distribution of food and feed, designed or managed for the production of food animals.

To achieve food security must meet the following requirements:

- foods should not be marketed unless it is considered unsafe foods are safe if they are harmful to health or unfit for human consumption to determine if a food is unsafe to take in account the normal conditions of use of food by the consumer at each stage. Production, processing and distribution, and consumer information, including information on the label or other general information for consumers, for the avoidance of specific adverse health effects caused by a food or a food category to determine If a food is harmful to health should be considered not only the probable immediate and short-term or long term health of that person food they consume, but also the effects on future generations, cumulative toxic effects possible and with great sensitivity health on a specific category of consumers when food is for that category of consumers to determine if a food is unfit for human consumption should be considered if the food is unacceptable for human consumption in accordance with its intended use, the reasons of contamination caused by external factors or not, the

alteration, damage or deterioration when a food insecure part of the lot, batch or consignment of food in the same class or with the same description, it is assumed that all foods of that lot, batch or consignment is also unsafe, unless, following a detailed assessment there is no evidence to indicate that the rest of the lot, batch or consignment is unsafe foods that meet specific legislative provisions governing food safety is considered that there is a risk in matters covered by that law, whether a food with specific provisions applicable to that food will not prevent the Authority, together with other competent authorities on food safety, when appropriate, take appropriate measures to impose restrictions on its marketing or have withdrawn from the market, where there is reason to suspect that, despite such conformity, the food is unsafe. Without prejudice to specific provisions of food legislation, labeling, advertising and presentation of food and feed including shape, appearance or packaging materials used for packaging, presentation and context in which they are willing, and information disseminated by any way should not mislead the consumer.

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