

## LAWS CONCERNING FOOD INDUSTRY

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### **Abstract**

*The laws concerning food industry follow one or two general objectives in order to protect human life and health, customers' interests, the use of correct practice in food trade and taking into account, whenever necessary, the protection of animals' health and wellbeing, plants and environment protection.*

*Food laws deal with free trade of food and animal manufactured food and with food trade according to general principles and requirements.*

*When making and adopting food laws, existing international standards should be taken into consideration, except the case when these standards or elements of these standards are not going to be efficient or proper in order to achieve the objectives of the legislation, or when there is a scientific motivation, or if these standards can determine a certain level of protection different from the one adopted in the community. In order to achieve the general objective concerning the insurance of a high level of protection of human life and health, food laws are based on risks evaluation, apart the case when this approach is not suitable for the circumstances or the nature of that regulation. Risks evaluation is based on scientific information available, and is done independent, with objectivity, and transparency.*

*Risks management takes into account the results of risks evaluation and the opinions of Animals and Food Safety Agency, other relevant factors for risks management and precaution principle. In those special cases when after the evaluation of the existing information is identified the possibility of side effects over health, but there is a scientific uncertainty, can be adopted temporal measures of risk management necessary to insure a high level of health protection, until new scientific information is provided for a complete evaluation of the risk.*

*The measures will be taken according to the possible side effects and will not restrain the food trade more than necessary to insure a high level of protection for health considering technical and economic possibilities and also other relevant factors.*

*These measures are reexamined in between a reasonable period of time, that depends both on the nature of the risk for life or health and on the type of scientific information necessary to clarify scientific uncertainty and to completely evaluate the risks.*

**Key words:** *legislați- alimente- consumatori law- food- customers'*

### **MATERIAL AND METHOD**

Elaboration, evaluation and modification of the food laws has to be done as an open and transparent process of public consultation, direct or through representative organizations, except those cases when the emergency of solving it does not allow those actions.

When there are suspicions concerning the existence of a risk for animals or people, determined by a certain type of food or animal food depending on the nature, gravity and spreading area of the risk, public authorities with competence in this field will take the necessary measures to inform the population

about the nature of the risk, by identifying the food or animal food, of the possible risks, and of the measures to be taken to prevent, reduce and eliminate that risk.

### **RESULT AND DISCUSSIONS**

In order to ensure food safety some requirements will be looked up to:

- a) the food must not be traded unless it is safe
- b) the food it is considered unsafe, if it is injurious to health or inadequate to human consumption

- c) in order to determine whether the food is safe or not, it will be considered the normal conditions of using the food by the consumer at each step of the production, processing and distribution, as well as the information supplied to the consumer, including the information on the label or any other general information delivered to the consumer thus avoiding the detrimental effects to personal health, determined by a specific food item or items
- d) in order to establish the whether a specific food item is injurious to health or not, it must be considered the possible immediate and/or short term and/or long term effects of that specific food item over the health of the person who consumes it, as well as the effects over the future generations, probable noxious causes cumulated, and the sensitiveness over the health of a certain category of consumers
- e) in order to determine whether a food item is adequate or not for the human consumption, it must be examined if the food item is unacceptable for the human consumption in accordance with its destination, from the point of view of contamination, determined by external factors or not, alteration, deterioration and degradation.
- f) Provided that an unsafe food item is part of a parcel, charge or food transport from the same group or with the same description, it is supposed that the entire charge from the respective lot is unsafe, excepting the fact that after a thorough investigation it is discovered that there is no evidence which may indicate the opposite.
- g) The conformity of a food item with its specific provisions applicable to that food item would not hinder the competent authorities to take the necessary measures in order to impose restrictions over merchandising the food the market or the withdrawal of it from the market, in case there are motives which show that the food is not safe, although apparently it is.
- a) The food for animals would not be merchandised or used for those animals' diet/forage that are destined for food production unless it is safe.
- b) Considering its destination, the food for animals is considered unsafe provided that it has an injurious effect on the humans' or animals' health or causes the food derived from the animals destined for food production to become unsafe for human consumption
- c) In case of identifying the animals' food as unsatisfactory from the point of view of the requirements concerning the food safety, and the particular food item is part of a parcel, charge or food transport from the same group or with the same description, it is supposed that the entire charge from the respective lot is affected, excepting the case when after a detailed evaluation evidence show that the rest of the charge or transport does not correspond to the requirements concerning the food safety
- d) The animal food conformity with its applicable specific provisions does not hinder the competent authorities to take the necessary measures in order to impose restrictions to merchandise or in view of withdrawal from the market of the specific product, in case there are suspicions which show that the forage is not safe, although it is according to the specific provisions. The labeling, advertising and presentation of food and animal food, including the shape, aspect and wrapping, the materials used for wrapping, the actual design and presentation, and the information provided by all means must not mislead the consumer.

The food industry and animal food industry operators, at each level of production, processing and distribution done within the activity itself, must take the necessary measures that the food and the animals' food must cover the legislative requirements in the food domain and to verify whether the requirements are accomplished.

The competent authorities must ensure the law applicability in the food domain. These control and verify the abidance of the legislation in the food domain by the food industry operators and within the food

In order to guarantee the food safety for animals some requirements will be looked up to:

industry for animals at every level of the production, processing and distribution.

In this respect, the competent authorities must maintain an official control system and other necessary activities considering the situation, including public communication activities in view of the security and risks of the food and animal forage, of surveillance of the food security and other monitoring activities that may cover all the levels of production, processing and distribution.

The measures and penalties applicable in case of infringing the provisions of the legislation concerning the food and animal food are established according to the law. The measures and penalties must be efficient, proportional and discouraging.

The tracing out of the animal food, of the animals destined for food production and of any other substances destined or planned to be incorporated in the food or animal food, must be established in at every level of production, processing and distribution.

The agents and the workers from the food industry and those from the pet food industry must be able to identify the origin and the source which produced a food product or a pet food product, an animal to be used in food production or any other substance to be used or to be put into a food or pet food.

Having these in mind, agents and workers must have systems and procedures which can allow them to work or present the information whenever asked by legal authority.

Agents and workers from the food industry and those from the pet food industry must have systems and procedures to identify activities that are good for their products. This kind of information will be available to lawful authority, when required.

The food or the pet food which are on market or are to be on the market must be labeled or individualized in a proper way so that it can show the way of production, through papers or other information, as specified in the law.

When an agent from the food industry believes or has reasons to believe that a food product he has imported, produced created or distributed is not in accordance with the safety food demands, he would withdraw at once the food from the market, if the food is not under the direct control of the first agent

and in the same time he would inform at once the lawful authority. When the product has reached the buyer, the last should be informed on the spot why the product has been withdrawn from the market, and if necessary, the agent will ask the food when some other measures are not enough to assure a high protection level of health.

Any type of agent from the food industry who carries on wholesale or en-detail trade which has not to do with packing, labeling, safety or integrity of the food, would withdraw at once those products which are not safe and would give information linked to their way of production, taking part into the necessary actions of the producers, distributors and/or lawful authority.

Any food industry agent would inform at once the lawful authority when he believes or has reasons to believe that a food product he has sold can be harmful for people. The agent would inform the lawful authority regarding the measures he has taken for preventing some risks for the buyer and he will not hinder or discourage any person to work together with the authority, in legal or juridical terms if those actions could prevent reduce or eliminate some food risks.

The agents from the food industry should collaborate with lawful authority when there are actions for preventing or reducing the risks due to food.

When an agent from the pet food industry believes or has reasons to believe that the pet food he imported, produced, created or distributed is not in accordance with the safety pet food demands, he would withdraw the food from the market and would inform the lawful authority.

Under these circumstances or those seen in art.15 letter C, the pet

food must be destroyed, if there is not another legal decision.

The agent would inform at once and efficient the buyers regarding the withdrawn of the pet food market, and if necessary, he would collect the sold products when other measures are not enough to protect the buyers.

Any type of agent from the pet food industry who carries on

En/gross or en/ detailed trade which has not to do with packing, labeling, safety or integrity of the pet food, would withdraw

from the market the products which are not safe and would give information linked to the way of production, taking part into the necessary actions of the producers, distributors and/or lawful authority.

Any agent from the pet food industry would inform at once the lawful authority, when he believes or has reasons to believe that a pet food product on the market can be unsafe for pets/ animals.

The agent would inform the lawful authority regarding the measures he has taken for preventing some risks and he will not hinder or discourage any person to work together with the authority in legal or juridical terms, if those actions could prevent, reduce or eliminate some pet food risks.

The agents from the pet food industry would collaborate with lawful authority when there are actions for preventing or reducing the risks due to pet food.

The responsibility of the safety food and pet food is on the agents and workers from the food industry and those from the

Pet food industry.

The Veterinary Agency and Safety food Agency will elaborate the necessary documents regarding the system of the information, the management of crisis and emergency.

## CONCLUSIONS

1. Imported food and animal food have to be in accordance with food laws or with rules agreed both by Romania and by exporting country.
2. Exported or re-exported food and animal food have to be in accordance with food laws except those cases when authorities or laws of importing country order otherwise.
3. In other cases, except the cases when food is dangerous for health or animal food is not safe, these can be exported or re-exported if only competent authorities in importing country agreed, after being informed about the reasons and situation because food and animal food can not be traded.
4. In case of an agreement between Romania and other country food and

animal food exported from Romania have to be in accordance with food laws stipulated in the agreement.

5. In food trade the competent authorities have the following obligations:
  - a) participating in order to elaborate technical rules for food and animal food and sanitation rules.
  - b) ensuring coordinating activities concerning the application of specific rules for food and animal food, adopted by governmental and non-governmental organizations.
  - c) contributing if necessary at the signing of agreements concerning the recognition of specific measures about food and animal food
  - d) paying attention to specific problems of development, financing and trade to insure that international regulations do not interfere with the exports.
  - e) promoting the concordance between international regulations and food laws so the high level of protection will not be diminished.
6. Food laws aim to protect customers' interests and to provide them the necessary information in order to choose according to their will the types of foods they want; the laws aim to prevent:
  - a) fraud and cheating practice;
  - b) food falsification;
  - c) any practice that can mislead the customer.

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