



# Food Safety Law in the European Union

by Bernd van der Meulen & Menno van der Velde

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There can be no apology for repeating that the subject of food safety is going to become more important in the short to medium term than it is already. That is why books such as this one, by Bernd van der Meulen and Menno van der Velde, professors at Wageningen University in the Netherlands, are so important.

*Food Safety Law in the European Union* takes the subject from its early beginnings to the present framework regulation 178/2002 – commonly known as the General Food Law (GFL) – and early amendments to it.

## The General Food Law

The principal catalyst for the GFL was the BSE-crisis of the middle to late 1990s. Until then the law was mainly concerned with creating an internal market for food products within the EU. The early harmonisation directives and the case law which refined them are covered, in order to give the necessary historical background essential to the proper understanding of any subject.

The 1999 White Paper *Action Plan on Food Safety* set out a legislative programme focussing on “the assurance of a high level of protection of human health and consumers’ interests”, to quote the GFL. That is the position in which we now find ourselves and the book examines each component part of that position in some depth.

The analysis of the GFL gives separate attention to the risk analysis requirements (encompassing risk assessment, risk management and risk communication); the precautionary principle as it applies in the food context (the same principle which applies in, for example, environmental law); and the application of the principle of transparency, that is, the consultation and information of the public.

A separate chapter goes on to examine the establishment, functions and operation of the European Food Safety Authority – which was

established by the GFL – with its interlocking network of some 31 scientific, management and public information teams.

## Systems of approval

You might be forgiven for thinking that the chapter entitled *The composition of food* was a diversion into Euro-safe recipes. But no; it is the beginning of a detailed analysis of the different approval systems applicable to food additives, novel foods and GMOs. Food additives might well be a subject unto itself, with several different directives begetting schemes of regulation for sweeteners, colourings and what, for want of a better description, are called ‘miscellaneous additives’.

The whole process of allocation of E numbers is described in detail, and the book scotches for once and for all the myth put about in the mid-1970s – and which still influences some consumers – that E numbers are inherently bad for you. The testing procedures through which any additive must go before being allocated an E number are specifically designed to ensure safety.

It is to the credit of the authors that they explain not only the detail of the law itself but also the philosophy behind it. It is when one gets to that level that the superficially haphazard structure of the regulations starts to make sense.

Later chapters deal with the rules regarding food handling and food labelling, and the inspection procedures and sanctions in place in the event of breaches.

The reader’s understanding of the subject is helped by the clear and logical progression from the very basic principles of European law, through the integration into it of the law relating to food safety, to a thorough and detailed analysis of that law and its application.

## Graphic-assisted text

Presentation is assisted by some excellent charts and diagrams to illustrate the interrelationship between the various elements involved. I particularly liked the article-by-article breakdown of the first 21 articles of the GFL, which gives a clear picture of the structure of the law, and the diagrammatic representation of the structure of food law, showing plainly exactly what

goes where and which element is related to which. Extracts from legal texts are presented in indexed ‘Law Text Boxes’.

The whole project is rounded off with a page of useful weblinks and one-and-a-half of suggestions for further reading, plus the full text of the GFL and amendments to it.

## Use of language

Whilst there is a great deal to recommend this book, there are a couple of weak spots. If it had stuck strictly within the confines of its subject, the book would be half its length.

The first half is taken up with a ‘ground-up’ explanation of the legal structures of the EU, beginning with Robert Schuman’s Declaration of May 1950 proposing the European Coal and Steel Community – an intended arrangement between France and Germany – as a step towards world peace.

I said before that historical background is essential to the proper understanding of any subject, and the authors in their conclusion say “[f]ood law can not be understood in isolation of (sic) the general aspects of EU law”. There is no objection to laying the foundations in this way, but nothing in the title or the blurb, or indeed in the publicity materials, indicates that this will happen to such an extent. Some purchasers who already have that knowledge might feel aggrieved at paying for it again.

And then there is the question of language. I’ve met Bernd van der Meulen on a couple of occasions and I know he speaks excellent English. I am prepared to accept the same to be true of his co-author, but there are some occasions where it is clear that English is not their first language. Nothing disastrous (although sometimes amusing), but the reader occasionally has to be patient with an unusual nuance or a confusion as to which preposition is correct.

Altogether, though, neither of those points should discourage anyone wanting a good, solid introduction to a subject that we all must address and will have to do so more as time goes by. As the law-makers are fond of saying, food law applies ‘from farm to fork’.

Geoff Whittaker