

EUROPEAN REGULATION IN THE VETERINARY SANITARY AND FOOD SAFETY AREA, A COMPONENT OF THE EUROPEAN POLICIES ON THE SAFETY OF FOOD PRODUCTS AND THE PROTECTION OF CONSUMER INTERESTS: A 2007 RETROSPECTIVE. PART ONE: THE ROLE OF EUROPEAN INSTITUTIONS IN LAYING DOWN AND PASSING LAWS SPECIFIC TO THE VETERINARY SANITARY AND FOOD SAFETY AREA

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Abstract

The EU legislation applicable to the veterinary sanitary and food safety area constitutes an important component of the legislation underlying the Common Agricultural Policy, not only with respect to its objectives, but also the anticipated reform for the upcoming period. The four fundamental principles acting as the foundation for the establishment and existence of the European Union – the free movement of persons, the free movement of services, the free movement of goods and the free movement of capital – are faithfully reflected in the legislative content.

Since the agro-alimentary sector represents one of the propelling forces of the growth and development of the European Union, the regulations specific to this sector are perceivably equal, regardless of the field that they are regulating. The present paper aims to perform a brief radiography of the main European institutions and the role that they play in laying down and passing the legislation specific to the veterinary sanitary and food safety area, mostly that with judicial effects which is based on the Treaty on the Functioning of the European Union.

The implementation of the veterinary sanitary and food safety legislation represents a "*sine qua non*" obligation of the member states, otherwise sanctioning procedures and mechanisms of the European Union are activated, up to the activation of the infringement procedure. The accession of Romania to the European Union in 2007 posed an important challenge, one of the post-accession requirements being represented by passing and/or transposing the suitable legislation.

Key words: European Union, law, food safety, consumer rights, food chain, European Commission, European Parliament, European Council

According to the principles of the Treaty on the Functioning of the European Union, the main institutions with roles in laying down and passing the European legislation, including that specific to the veterinary sanitary and food safety area, are represented by: the European Commission, the Council of the European Union and the Parliament of the European Union. Each of these political institutions has a certain structure and organization and certain competences stemming from the provisions of the Treaty on the Functioning of the European Union (Peers S., 2014). The European Union legislation in the veterinary sanitary and food safety area is tightly linked to the geopolitical evolution of the community. The ten founding treaties passed in the history of the European Union, starting with the Treaty establishing the European Economic Community of March 1957 and ending with the Treaty of Lisbon, signed in the year 2007, in the wake of the accession of

Romania and Bulgaria to the European Union, have brought with them more or less substantial modifications of the prerogatives and competences of the three fundamental political institutions (Peers S., 2014; Bondoc I., 2015).

The agro-alimentary line is a complex one, subjected to numerous challenges lately, as a consequence of globalization, expansion of emerging markets or other influence factors (Borrell B. *et al*, 2000; Henson S. *et al*, 2010; Houghton J.R. *et al*, 2008; Pei X. *et al*, 2011). Even though the agriculture is not the main engine behind the growth of the European Union, it represents nevertheless a field with many legislative regulations concerning the production itself, processing/transformation, as well as the marketing of various food products, including those originating from the so-called third countries (Desta M.G., 2008; Fabio M., 2010; Trienekens J. *et al*, 2008). The importance of the agro-alimentary

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field is revealed by the laying down and passing of a policy specific to this field, known under the name of Common Agricultural Policy (Donald P.F. *et al*, 2002; Grant W., 1997; Gray J., 2000; Lowe P. *et al*, 2002; Lynggaard K., 2007). The Common Agricultural Policy has a series of precise objectives, both economic and social, objectives basically pursuing the protection of producer and consumer interests. The efficiency of the tools used within the Common Agricultural Policy within the 1980-2003 period was not always the desired one: this is the reason why they have been subjected to various modifications over time (Grant W., 2010).

Within the agro-alimentary line, the veterinary sanitary and food safety area is one of the most well regulated areas (Bondoc I., 2015). The marketing of food products at the level of the European Union relies to a considerable extent on the so-called "horizontal legislation", especially that with respect to food products of animal origin, but also of non-animal origin (Cheftel J.C., 2005). Food quality and safety, as well as risk management in relation to food products represent fundamental concerns of the European institutions and structures. Recently, the large scale expansion of the production and marketing of the so-called food supplements has considerably increased the contribution of the veterinary sanitary and food safety legislation to ensuring consumer welfare and health (Gulati O.P. *et al*, 2006). The legislation applicable to the veterinary sanitary and food safety field is complex and continuously evolving.

Adding to the classical risks related to the commerce with live animals and food products of animal origin are other new ones, harder to detect and monitor, which imposed considerable diversification of the legislation with its implied risks, especially for states that have recently joined the European Union, but also for some third countries, especially the developing ones (Chaber Anne-Lise *et al*, 2010; Donati C., 2015; Love D.C. *et al*, 2011; Mur *et al*, 2012; MacMaolain C., 2011; Montanari F., 2015).

The accession of Romania to the European Union starting with the 1st of January 2007 presented and still presents a great challenge from a legislative standpoint. While in the pre-accession period Romania negotiated the accession conditions with the European Union and tried to implement the European legislation gradually, starting with the 1st of January 2007, our country was obliged to assimilate and apply the legislation of the European Union, not only what had been passed during 1957-2007 but also the laws passed after accession.

Knowing the veterinary safety legislation is of great importance for entities with activity in the

food products and animal feed sectors since its violation may lead to civil sanctions or even the notification of criminal investigation organisms (Bondoc I., 2015).

Thus, in the present paper we aimed to perform for the first time in the area of veterinary sanitary and food safety legislation in Romania a detailed analysis of the evolution of the veterinary sanitary and food safety legislation in the first year of adhesion, the year 2007.

MATERIALS AND METHODS

A host of study materials have been used for the work that went into the present paper, of which the following can be mentioned: the Treaty establishing the European Economic Community of March 1957; the Treaty on the Functioning of the European Union (actual form); the Official Journal of the European Union; the official websites of the main institutions of the European Union; books and scientific papers from the veterinary sanitary and food safety literature and the judicial field.

The methods used for attaining the paper objectives have consisted mostly in the careful study and evaluation of documents. The activities required for attaining the paper objectives have been numerous, from identifying, sorting and classifying the work materials to the empirical statistical approach to the results.

The classification of regulatory acts applying to the veterinary sanitary and food safety area can be made according to several criteria, with the main criterion approached in the present study consisting of the issuing institution.

RESULTS AND DISCUSSION

The integration of Romania in the European Union has proven itself a great challenge for its administration, including the veterinary sanitary and food safety administration.

Right from the first year of adhesion, the veterinary sanitary and food safety area was one of the most intensely regulated areas from a legislative standpoint: the 309 regulatory acts passed at a community level add up to an average of approximately one regulatory act per day.

The role played by the three fundamental political institutions of the European Union in passing specific legislation is rather different and unequal from one to another. The European Commission occupies the central place: with 299 regulatory acts out of the passed 309, it represents the main issuing institution (*table 1*). The amount of regulatory acts passed by the Commission is overwhelming: 96.76% of the total number of regulatory acts have been passed by the Commission.

The second place is occupied by the Council: the Council of the European Union is the issuing institution for 10 out of the 309 regulatory acts; out of the 10 regulatory acts, 8 have been passed exclusively by the Council (2.58%), and 2 (0.64%) have been passed by the Council jointly with the Parliament of the European Union. The amount of 3.22% is apparently minor, but it must

be mentioned that the regulatory acts passed by the Council are regulatory acts of great importance for the subdomains that they are regulating.

The Parliament of the European Union as issuing institution has passed only 2 regulatory acts out of the 309, representing 0.64%.

Tabelul 1

**Veterinary sanitary and food safety legislation passed in 2007:
synthetic presentation**

Issuing institution	Types of regulatory acts			Total
	Regulations	Directives	Decisions	
European Commission	79	23	197	299
Council of the European Union	6	2	-	8
Parliament of the European Union	-	-	-	-
Parliament of the European Union + Council of the European Union	1	-	1	2
Total	86	25	198	309

CONCLUSIONS

The importance of the veterinary sanitary and food safety area is revealed by the very large amount of European acts passed during the year 2007 in order to regulate this area. With a total number of 309 passed regulatory acts, the veterinary sanitary and food safety area is subjected to a significant legislative pressure.

The degree of involvement of the fundamental political institutions of the European Union in passing specific legislation varied greatly. Despite the classical role of „executive body” of the European Commission, the European Commission has issued 96.76% of the total amount of regulatory acts.

The role played by the other two main political institutions of the European Union in 2007 regarding the regulation of the veterinary sanitary and food safety area was a minor one, evaluated strictly from a statistical standpoint.

In spite of this situation, it must be mentioned that regulatory acts passed by the Council of the European Union and the Parliament of the European Union are documents of high importance that serve to regulate vast subdomains in the community space.

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