

EUROPEAN REGULATION IN THE VETERINARY SANITARY AND FOOD SAFETY AREA, COMPONENT OF EUROPEAN POLICIES ON THE SAFETY OF FOOD PRODUCTS AND THE PROTECTION OF CONSUMER INTERESTS: A 2007 RETROSPECTIVE.

PART THREE: DIRECTIVES

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Abstract

The European regulation of the veterinary sanitary and food safety area is carried out differently, depending on various factors. The main European regulatory acts regulating the veterinary sanitary and food safety area are Regulations, Directives and Decisions. During the year 2007, the year of accession to the UE for Romania, 25 directives were passed, with the European Commission as the main issuing institution. For Romania as a member state of the European Union, the most prominent role in transposing the 25 directives was played by the competent national authority: the National Veterinary Sanitary and Food Safety Authority.

The subdomains regulated by directives were different, consisting of those considered to be classical, as well as contemporary ones: pesticide residues; food ingredients; highly contagious infectious diseases; food production and marketing; materials coming into contact with food products of animal origin etc.

All regulations of the directive type are centered around the protection of the agro-alimentary line, food safety and the protection of consumer interests.

Key words: European Union, legislation, directives, legislative transposition, food safety, food quality, infectious diseases, pesticides, consumer protection

The main community regulatory acts applicable to the veterinary sanitary and food safety area consist of Regulations, Directives and Decisions (Bondoc I., 2015; Gonciarov Magda, 2011; 2014; Pandelaş C.F., 2016; Stratulat Ghe., 1995). These regulatory acts can be classified according to various criteria. Within the legislation-oriented research, one of the most important classification criteria is the one of the regulated domain/subdomain (Arvanitoyannis I. *et al.*, 2005; Millstone E., 2009; Skogstad Grace, 2001).

Directives are the second major group of community regulatory acts applying to the veterinary sanitary and food safety area (Koolmees P.A., 2000; Magnuson Bernadene *et al.*, 2013; Manea L. *et al.*, 2015; Vos Ellen, 2000; Zylberman P., 2004). Directives are distinguished from regulations by a fundamental element: they are not directly applicable in member states.

Practically, the enforcement of a directive in a member state is preceded by its transposition in the national law. The transposition period of a directive varies: usually, the higher the effort

required from the side of member states for the transposition of the directive, the longer the transposition period will be. The obligation of member states of transposing the provisions of a directive in the national law is stated clearly, unequivocally within the directive.

Directives represent an important regulatory modality from the perspective of the principle of sovereignty of member states. Every directive stipulates one or more goals that must be achieved, but it leaves the choice of form and concrete means for achieving the goal(s) to qualified national authority(ies).

In the case of Romania, the qualified national authority directly involved in the transposition of directives is the National Veterinary Sanitary and Food Safety Authority.

The implementation and enforcement of a directive in a member state implies sometimes the involvement of more authorities of the state in cause. Such is the case of directives with significant economic and/or social impact, whose transposition requires a tight cooperation between multiple state authorities, each one of them with

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clearly delineated responsibilities (Grigore Aurica *et al*, 2009). The transposition of directives in the national law has economic and even judicial effects: the sanitary and phytosanitary standards imposed by the legislation also influence to a great extent the marketing of food products in member states (Chevassus-Lozza Emmanuelle *et al*, 2008; Henson S. *et al*, 2009; Lindner L.F., 2008; Van der Meulen B., 2010).

The first European regulatory acts applicable to the veterinary sanitary and food safety area were passed immediately after the establishment of the European Economic Community: this refers mostly to some directives and decisions passed during 1964-1966, regulating animal health requirements in the marketing of live animals and food products (Bondoc I., 1999; 2014; 2015).

The year 2000 marked an important moment in the evolution of the veterinary sanitary and food safety legislation: it is the year when the European Commission, based on extended research, published a proposal and recommendation package regarding the update and consolidation of 17 of the existing directives in the area of food hygiene (Arvanitoyannis I. *et al*, 2005;).

MATERIALS AND METHODS

For the present paper, numerous study materials were used, of which one can mention: the Treaty for 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; 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 of 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 that apply to the veterinary sanitary and food safety area can be made according to various criteria, the main criterion approached in the present paper being represented by the nature of the regulatory act. Practically, in the present paper we aimed to make a presentation of the directives passed during the year 2007, accompanied by a brief evaluation of their effects on the veterinary sanitary and food safety area and/or other related domains.

RESULTS AND DISCUSSION

Performed studies show that 25 directives were passed during the year 2007 for the regulation of the veterinary sanitary and food safety area at a European level.

Out of 25 passed directives, 23 directives representing 92% were directives modifying previous directives and only 2 directives representing 8% were new directives (one of these directives was a "special directive", as defined by the specific legislation).

The performed studies allowed the two new directives to stand out. The directives are the following: Commission Directive 2007/42/EC of 29 June 2007 relating to materials and articles made of regenerated cellulose film intended to come into contact with foodstuffs and Council Directive 2007/43/EC of 28 June 2007 laying down minimum rules for the protection of chickens kept for meat production.

Despite the situation that reflects a low number of new directives, one of the two directives passed during 2007 (Council Directive 2007/43/EC of 28 June 2007 laying down minimum rules for the protection of chickens kept for meat production) is very important for the agro-alimentary line in the European Union, since it refers to minimum rules for the protection of chickens destined for meat production. As it is known, the subdomain of the protection and welfare of animals kept for food production is a priority of the European Commission, best proven by the annual FVO missions, which have hitherto included the respective subdomain.

The importance of this directive from an economic and social standpoint is also reflected by the transposition period, which, unlike those of other directives, is 3 years (June 2007-June 2010).

As for the 23 modifying directives, these were applied mainly to directives passed during 1990-1992, most of them regulatory acts applying to the public health area. From the numerous subdomains regulated by the directives passed during 2007 one can mention: pesticide use and monitoring for maximum residue limits in products of animal and non-animal origin; production and marketing of various types of partially or wholly dehydrated preserved milk destined for human consumption; food ingredients, especially those that in certain situations may trigger adverse reactions in consumers; protection and combat measures that must be taken following the occurrence of highly contagious infectious diseases etc.

The fundamental issuing institution is the European Commission, with 23 directives out of 25. The issuing institution of the other two directives is represented by the Council of the European Union.

The involvement of the Parliament of the European Union as issuing institution is minimal here: of the 25 directives passed during 2007, the year of Romania's adhesion to the European Union, none were issued by the Parliament of the European Union.

CONCLUSIONS

Directives represent an important way of regulating the veterinary sanitary and food safety area.

Their knowledge is made even more important by the fact that member states are obliged to transpose them in the national law.

Disregarding the transposition term can lead to sanctions for the member state(s), up to the activation of the infringement procedure and/or monetary penalty enforcement.

Since many of the directives passed during 2007 were directives modifying previous directives, their knowledge has multiple significations and consequences: on other hand, it is required that they be known, but knowing the national regulatory acts that they are modifying is particularly important (a directivelor pe care le modifică). These elements prove the complex character of the European legislation and underline the increased responsibility of institutions with prerogatives in transposing European legislation caracterul complex al legislației europene și evidențiază responsabilitatea sporită a instituțiilor cu atribuții în transpunerea legislației europene.

2007 was the year of the passing of one of the most important directives for the poultry meat line in Europe: este vorba despre Council Directive 2007/43/EC of 28 June 2007 laying down minimum rules for the protection of chickens kept for meat production, a directive whose transposition period ended in June 2010.

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