

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 FOUR: DECISIONS

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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, 198 decisions were passed, with the European Commission as the main issuing institution. As country joining the European Union on the 1st of January 2007, Romania was targeted by some very important decisions, which helped the veterinary sanitary and food safety administration solve the actual and newly occurred issues. Overall, similarly to regulations and directives, regulations of the decision type are centered around the protection of the agro-alimentary line, food safety and the protection of consumer interests.

Key words: European Union, legislation, decisions, food safety, food quality, infectious diseases, veterinary services, administration, good governance, 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, 2008, 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; Kleter G.A. *et al*, 2009; Millstone E., 2009; Skogstad Grace, 2001; Stancu A., 2012).

Knowing and especially applying European and national legislation in the specific field of activity is one of the key elements of the so-called "good governance" of national veterinary services (Giorgi Liana *et al*, 2009; Hutter B.M., 2011; Millstone E., 2009; Negri Stefania, 2009; Onţanu Gh. *et al*, 2014; Schneider H., 2011).

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).

Decisions are community regulatory acts passed mostly by the European Commission and the Council of the European Union. Decisions are clearly distinguished from regulations and directives: from a legal standpoint, decisions represent the so-called "secondary law", their text being known in the legal language as "execution texts".

The mandatory character of decisions is a common point of decisions and regulations: at the same time, decisions present many other characteristics distinguishing them from both regulations and directives.

Practically, like regulations, decisions are directly applicable: however, unlike regulations, a decision can approach all member states, a group of member states, a single member state or even a single legal person (Bondoc I., 2015).

Knowledge of decisions passed at the level of the European Union is particularly important considering that most of the decisions also involve a significant financial component, either from the European Union's side or from the addressee of the decision (Bondoc I., 2015). The entity(ies) targeted by the decision is obliged to implement the provisions of the decision, an event that usually takes place immediately after official notification.

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Disregard towards the provisions of a decision by the addressee leads to sanctions in accordance with European procedures (Bondoc I., 2015).

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 decisions 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

The performed extended studies showed that during 2007 there were passed 198 decisions for the regulation of the veterinary sanitary and food safety area at European level.

Out of the 198 passed decisions, 104 decisions representing 52.52% were decisions modifying previous regulatory acts, most of those also decisions: nevertheless, cases have been recorded where the decisions served to modify other types of regulatory acts. Such is the case of some decisions modifying directives, from which one can mention: Commission Decision of 26 April 2007 amending Annex E to Council Directive 92/65/EEC to include additional health measures for the trade in live bees, and to update the health certificates models; Commission Decision of 14 August 2007 concerning the non-inclusion in Annex I, IA or IB to Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal

products on the market of certain substances to be examined under the 10-year work programme referred to in Article 16(2) thereof; Decision No 623/2007/EC of the European Parliament and of the Council of 23 May 2007 amending Directive 2002/2/EC amending Council Directive 79/373/EEC on the circulation of compound feedingstuffs.

The percentage of decisions repealing previous regulatory acts is a very small one: thus, out of the 198 decisions passed during 2007, only 4, the equivalent of 2.02%, were decisions of repeal. Decisions of repeal targeted specific elements of varying significance to the agro-alimentary line: for example, one of the decisions approached the repeal of the interdiction given to a dairy processing unit from the UK to deliver resulted products on the European Union market this refers to the Commission Decision 2007/148/EC of 2 March 2007 repealing Decision 2006/694/EC prohibiting the placing on the market of curd cheese manufactured in a dairy establishment in the United Kingdom.

Other decisions repealed previous decisions regarding the following subdomains: emergency measures regarding the non-authorised genetically modified organism Bt10 in maize products; certain protection measures against foot-and-mouth disease in the United Kingdom; public health conditions and model certificates for imports of certain meat products and treated stomachs, bladders and intestines for human consumption from third countries.

The fundamental issuing institution in 2007 was represented by the European Commission: virtually all the decisions passed in 2007 were issued by the European Commission. Practically, out of the 198 decisions passed during 2007, the Commission passed 197, the equivalent of 99.49%. A single decision, Decision No 623/2007/EC of the European Parliament and of the Council of 23 May 2007 amending Directive 2002/2/EC amending Council Directive 79/373/EEC on the circulation of compound feedingstuffs, was passed jointly by the Parliament and the Council of the European Union. It is no less true that the economic importance of this subdomain – feedingstuffs – is massive: the approximately 5 million farmers breeding livestock for food production use almost 500 million tons of feedingstuffs annually for farm livestock, with the estimated total value of resulted animal production exceeding 130 billion euros.

Results prove unequivocally that the involvement of the Parliament of the European Union as issuing institution for such regulatory acts is minimal, with the Council of the European Union playing a similarly minimal role.

For Romania as new member state of the European Union, 2007 was a significant year from the standpoint of decisions whose addressee it was. Thus, during 2007, the European Commission passed a number of fundamental decisions on meat and dairy processing in Romania, as well as on the marketing of resulted products on the community market.

Moreover, Romania was approached by a number of decisions on animal health, especially those concerning certain protection measures in relation to highly pathogenic avian influenza of the subtype H5N1 in poultry; the national programme for the control of *Salmonella* in breeding flocks of *Gallus gallus*; the plans for 2008 for the eradication of classical swine fever in feral pigs and the emergency vaccination of those pigs and of pigs in holdings against that disease and others.

CONCLUSIONS

The importance of the veterinary sanitary and food safety area and the multitude of issues that it faced during 2007 and the previous years are directly or indirectly revealed by the impressive amount of decisions passed at European level for the regulation of this area.

The nearly 200 decisions passed during 2007 constituted efficient worktools for implementing and attaining the objectives of the Common Agricultural Policy.

For 2007, decisions constituted the main form of regulation of the veterinary sanitary and food safety area.

The advantage of regulation by decisions is obvious: the immediate application of a decision after notification to the addressee(s) renders it clearly superior from an efficiency standpoint compared to other regulatory acts, to directives in particular but also to regulations that most frequently require more or less time for implementation.

Since many of the topics of the veterinary sanitary and food safety are continuously evolving, regulation by way of decisions must also adapt to this evolution.

2007 was an important year for Romania, with our country acting as the addressee of some very important decisions for the agro-alimentary line, for solving certain animal health issues or for co-financing certain activities.

The enlargement of the European Union and the amplification of the issues faced by the veterinary sanitary and food safety field will keep making the passing of this type of acts necessary, whose immediate effect consists of the immediate solution in a very brief time span not only to major

issues in animal health, but also public health issues, including those that endanger or could endanger the consumer health status.

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