

European Union Health Law and Food Law Essay

History of EU's use of Food Law

The establishment of food law is connected to the multiple cases of food poisoning in the 1990s. As a response to that, European Commission developed a White Paper on the Food Safety the provisions of which were enacted in Food Standards Act of 1999. The latter states the main provisions of the establishment of the Food Standards Agency, including its purpose, aim, and powers. In 2002, European Parliament and European Council designed and approved regulation No. 178/2002 also known as General Food Law Regulation. This basic document creates a legal framework in relation to food for the EU and national governments. Later, in 2004 the EU Regulation 882/2004 on official controls for feed and food law was adopted. It oversees and regulates the compliance of companies with the food law. After that, the EU focused on passing laws that targeted specifically animal feed, food agents, chemical safety, and other details.

The overtime change in the EU food regulation gradually moved from general provisions and establishment of frameworks, policies, and controlling agencies to regulating the production, consumption, and import of certain products to the Union. For instance, as it was mentioned above, the EU started from a whitepaper and Food Standards Act. In 2009, EU Commission developed a list of rules for inspecting animals and products of animal origin regulating the sphere of import and consumption of meat products.

EU's Food Law is not a Part of Health Law

- EU health law targets primarily people's health in terms of usage, production and import of quality medications and health services.

For instance, part 3 of the Treaty on the Functioning of the European Union mentions only protection of mental and physical health and how various agencies and legal mechanisms will establish it. No specific reference is made to food.

- In court case C-24/00 – *Commission v France* the court ruled that France was unable to fulfil the requirements of the EU as per establishing the regulations on food supplements.

The essence of this argument is that even if a chemical substance inflicts health damage or at least rises health concerns, it must be listed in documents pertaining to food supplements regulation, and not as dangerous chemicals within the framework of health policies.

- Recent lift of the ban on Redbull was debated from positions of health law and food law at the same time.

According to Toxicity Commission and health authority's taurine and caffeine was claimed to be present in dangerous amounts, which undermines health and wellbeing of individuals. The case of death of a teenage boy who had 4 beverages and engaged in sports activity caused France to ban it. Yet, in accordance with food regulations, both supplements are allowed and considered safe. This situation indicates if not opposition then a miscommunication and lack of common ground between health laws and regulations in EU, and member countries, and US's food regulations.

- The enforcement of the food law does not correspond with or adhere to health law specifically.

According to Lex Alimentaria Food Law Office, all food laws despite their aim to protect, among other things, health and wellbeing of citizens, do not reference or refer to legal documents concerning health. Even if a person becomes poisoned with food, health laws are not applicable, and food laws will be. This issue once again underlines the strange lack of agreement or, rather, two different branches of law that seem to have common goals.

- The main goal of health law is to protect health and wellbeing of EU citizens against adverse effect of medications, establish norms for quality of care, etc. but no reference to food safety.

According to Greer et al., the scope of health law is rather limited. It covers only topics related to health care provision, pharmacology, procedural safety, movement of medical goods and services, etc. No indication of food or food related diseases has been found. It can partly be explained by the specific hierarchy of the EU laws, however, it is still evident, that the same hierarchy applies to food law.

- In comparison to US laws and regulations, where food and health law is interconnected, in EU there is a clear distinction

In the U.S. there is an agency that controls the use, production, and sale of foods, medications, and supplements exists. In EU it is two separate agencies in the face of European Food Safety Authority and European Medicines Agency. The former controls most of the questions related to food safety and movement of goods that need safety checks. The latter controls the import and export of medications.

- In comparison to the European Union, the United States' Food and Drug Administration is directly under control of Department of Health and Human Services.

The strong affiliation of U.S. health and food agencies with governmental health organization is contrasted by the opposite situation in the EU. There, they exist as separate structures. They are linked to general EU authority in the face of European council and Commission that are not affiliated neither with health, nor with food.