

СЕКЦІЯ 3. ПРОБЛЕМИ БЕЗПЕКИ ТА ЯКОСТІ ХАРЧОВОЇ ПРОДУКЦІЇ**ANALYSIS THE GENERAL GUIDELINES OF FOOD LEGISLATION
GERMANY AND UKRAINE**

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The increasing globalization of food trade and the harmonization the requirements of food standards and food safety measures have led to significant changes in the international and national regulatory frameworks for food. The food legislation primarily serves to protect people from dangers that can arise from food. This means that the pursuit of a high level of protection of human life and health is one of the fundamental objectives of food law.

For this purpose, the EU's “hygiene package” came into force for all member states from 2006. It regulates the basic and special regulations for the production of food as well as official controls. These regulations and directives replaced or changed national legislation. For this reason German food legislation means EU food legislation.

There are two main types of EU legal for the food legislation. It is called regulations (EC) and directives.

Regulations (EC) are legal acts that apply automatically and uniformly to all EU countries as soon as they enter into force, without needing to be transposed into national law. They are binding in their entirety on all EU countries.

Directives require EU countries to achieve a certain result, but leave them free to choose how to do so. EU countries must adopt measures to incorporate them into national law (transpose) in order to achieve the objectives set by the directive. National authorities must communicate these measures to the European Commission.

Transposition into national law must take place by the deadline set when the directive is adopted (generally within 2 years). When a country does not transpose a directive, the Commission may initiate infringement proceedings [2].

The German food law is called LFGB “Lebensmittel- und Futtermittelgesetzbuch” and complies with all requirements of the EU regulations. The new LFGB covers all production and processing stages along the food value chain and applies not only to food and consumer goods but also to animal feed and cosmetics (Bundesministerium der Justiz und für Verbraucherschutz). With every new EU directive this law has to adapt.

The basic of this construction is the EC (regulation) No 178/2002. The basic, general food law is formulated in the regulation. This meant major changes for national legislation, as the laws on food law had to be adapted. This regulation also regulated the establishment and functions of the European Food Safety Authority. This EU authority works with national authorities to ensure food safety [3].

Furthermore, EU legislation is based on two important pillars. The entrepreneurial responsibility and state food control.

The regulation EC No 852/2004 applies to all food businesses, regardless of the product group. It includes general hygiene requirements that food companies must comply with at all stages of the food chain. Here for example, among other things, the application of the HACCP concept is required in every food company.

Company producing food of animal origin must also observe and implement the regulation EC No 853/2004. Among other things, there are regulations on animal health, animal transport, as well as the production, processing and storage of meat, fish, milk and eggs and other animal products.

The regulations EC No 854/2004 and 882/2004 regulate how the authorities in the individual member states have to carry out the controls. It regulates, for example, that the company can only be approved after an on-site assessment and which qualification the inspectors need.

Since 2006 numerous of regulations and directives are added. The EU Commission continuously proposes new proposals to improve the laws. The individual member states, represented by Parliament and the European Council (Minister of charge), then vote on the proposals or amend them.

The Association Agreement and the launch of a free trade area between Ukraine and the EU have significantly influenced the development of Ukrainian food legislation.

The state bodies of Ukraine have two priority tasks: adaptation of domestic legislation in the area of food safety and quality to EU standards and its harmonization with the documents of international organizations competent in this cooperation [5].

Law of Ukraine № 771 «On Basic Principles and Requirements for Food Safety and Quality» is the basis for regulating the process of ensuring the quality and safety of food and food raw materials [6].

The provisions of this Law provide for the implementation in Ukraine of the European concept of product safety and quality management, which is based on farm-to-table approaches and contains speed requirements in accordance with Regulation (EC) № 178/2002, and application of permanent procedures based on the principles of the HACCP system.

The Law prohibits the manufacture, import, sale, using in wholesale or retail trade, catering of substandard, dangerous to health and life of people and counterfeits, determines the procedure for approval of food additives permitted for use in food, requirements for the prevention of using dangerous food raw materials, related materials and technologies of their production (processing, processing) [6]. Law of Ukraine № 2042 «On state control performed to ensure verification of compliance with the law on food, feed, animal by-products, animal health and welfare» establishes legal and organizational measures in the field of food safety and quality.

Requirements for any information about food, including labeling, are contained in the Law of Ukraine № 2639 "On Information for Consumers About Food" the main principle of which is not to mislead the consumer. The law contains a mandatory list of information for labeling, an obligation to provide information on

allergens and GMO content, and takes into account all information that may be relevant to consumer health.

Order of the Ministry of Agrarian Policy and Food of Ukraine № 590 from October 1, 2012 «On approval of the Requirements for the development, implementation and application of permanent procedures based on the principles of the Food Safety Management System (HACCP)» contains comprehensive requirements for the implementation of market operators prerequisite programs, step-by-step instructions for the development of the HACCP system in the enterprise, provides a simplified approach to the application of the system for certain market operators.

In Ukraine, considerable attention is paid to the issue of food quality and safety, and measures are taken to adapt national legislation in this area to EU legislation. However, there are some differences and contradictions which need to be resolved in the near future in order to meet European requirements. The example of Germany and thus the EU makes it clear that a large common internal market can be created by harmonizing the laws of the individual member states.

So, it is really necessary to provide the system of monitoring food legislation in order to identify gaps and overlaps in responsibilities, and to assign ultimate authority for carrying out food quality control and food safety activity.

References:

1. Bundesministerium der Justiz und für Verbraucherschutz. (n.d.). Gesetze im Internet. Retrieved 11 14, 2020, from <http://www.gesetze-im-internet.de/lfgb/>
2. European Commission. (2020, 11 15). Types of EU law. Retrieved from Types of EU legal acts: https://ec.europa.eu/info/law/law-making-process/types-eu-law_en
3. European Union. (2002). Regulation (EC) No 178/2002 of the European Parliament and of the Council.
4. European Union. (2004). REGULATION (EC) No 852/2004 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL.
5. Брулевич В. В. Безпечність харчових продуктів за законодавством України та Європейського Союзу / В. В. Брулевич // Судова апеляція. – 2016. – № 2. – С. 75-83.
6. Дубова Н. Ф. Аналіз законодавства України з питань безпеки та якості харчових продуктів (огляд літератури) / Н. Ф. Дубова // Гігієна населених місць. – 2014. – № 64. – С. 241-249