


## TOPIC:Recent and Future Food Safety Legislation with Focus on Contaminants

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### BIOGRAPHY

**Frans Verstraete** graduated in 1985 as agricultural engineer at the University of Ghent (Belgium). After his studies he held positions at the University of Ghent and thereafter at the Belgian Ministry of Agriculture and he was for a period technical adviser of the Belgian Minister of Agriculture. He is working for the European Commission since 1997. In the European Commission he has had various functions but since 2000 he is working at the Directorate General Health and Consumers in the Chemicals, contaminants and pesticides unit. He is responsible for the elaboration, development and management of the EU-legislation concerning contaminants in feed and food.

## ABSTRACT

### Recent and future EU legislation related to food safety, with focus on contaminants

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#### **General principles and objectives**

The EU legislation on contaminants in food fulfils two essential objectives: the protection of public health and removal of internal barriers to trade within the EU.

Following the principles and objectives of the General Food Law<sup>1[1]</sup>, food safety legislation shall pursue a high level of human health protection. To achieve this objective legislation shall be based upon risk analysis. Risk assessment shall be based on the available scientific evidence and undertaken in an independent, objective and transparent manner. Risk management shall take into account the results of risk assessment, other factors legitimate to the matter under consideration and the precautionary principle where appropriate.

When international standards exist or their completion is imminent, they shall be taken into consideration in the development of any standard at EU level

#### **Legislation on contaminants**

Council Regulation (EEC) No 315/93 of 8 February 1993 laying down community procedures for contaminants in food<sup>1[2]</sup> is the work for the Community action on contaminants.

This work Regulation provides that food containing a contaminant in an amount which is unacceptable from the public health viewpoint shall not be placed on the market (food can only be placed on the market when it is safe).

Furthermore it is foreseen that

- contaminant levels shall be kept as low as can reasonably be achieved by following good practices at all stages of the production chain
- in order to protect public health, maximum levels for specific contaminants shall be established where necessary;
- the consultation of a scientific body (EFSA) for all provisions which may have an effect upon public health is mandatory.

Based on this work Regulation, maximum levels for the following specific contaminants have been established by Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs<sup>1[3]</sup> :

#### **Challenges for EU legislation on contaminants in food**

To reduce the presence of contamination in the food supply, "prevention is better than cure". Therefore there it is important to encourage preventive actions. Prevention requires knowledge and acquiring knowledge requires research.

The establishment of maximum levels is not contrary to prevention as maximum levels, established at a reasonably achievable level, stimulate food business operators to apply preventive actions all along the food chain in order to avoid the contamination of the food chain. Furthermore regulatory standards provide a benchmark against the effectiveness of the successful implementation of prevention programmes and provide a tool for control authorities to control the correct application of prevention measures by each actor in the chain.

Legislation on contaminants needs continuously be updated to ensure a continuous high level of human protection and to address the challenges with which the risk managers are faced such as

- emerging contaminants: Brominated flame retardants, (per)fluorinated compounds *Alternaria* toxins ...
- contamination incidents with "new" contaminants: melamine, mineral oil, ...
- new risk assessments: non dioxin like PCBs, arsenic, ...
- updated risk assessments: cadmium, PAH, mercury, ochratoxin A, lead, ...
- developments in risk assessment approaches:
  - \* risk-benefit assessment : nitrates in vegetables
  - \* Margin of Exposure (MOE): genotoxic carcinogens such as aflatoxins, PAH, ...
- changing production conditions /climate change: Fusarium-toxins, ...
- international developments within the Codex Alimentarius: aflatoxins, ...

The presentation will focus on these challenges the risk managers/regulators are faced with, how this leads to changes to EU-legislation, in full respect of the principles and objectives laid down in the General Food Law and the work Regulation and on the very important role of science and research in these developments.

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<sup>1[1]</sup> Regulation (EC) 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1)

<sup>1[2]</sup> OJ L37, 13.2.1993, p. 1

<sup>1[3]</sup> OJ L 364, 20.12.2006, p. 5

Keywords: legislation, contaminants