

# THE NATIONAL AUTHORITY FOR ANIMAL HEALTH AND FOOD SAFETY, THE MAIN BODY INVOLVED IN FOOD SAFETY IN ROMANIA\*

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## Abstract

*This paper is intended to present the role, functions and responsibilities of the National Authority for Animal Health and Food Safety as the main body involved in food safety in Romania. It will be also exposed the Regulation 178/2002 of the European Parliament and the Council, the general food "law" in Europe, and Law 150/2004, which transposed into Romanian legislation Regulation 178/2002.*

**Keywords:** Food safety, main body involved in food safety, general food law, regulation 178/2002, law 150/2004

## I. Introduction

The National Authority for Animal Health and Food Safety is the main body involved in food safety in Romania.

After Romania's EU integration, Romanian authorities wanted to align the legislation regarding food safety to the European standards. Therefore, the European legislation has been transposed into national law.

For food safety for consumers, the European Union has developed a series of standards regarding food, animal safety and health and plant health. These standards are applied both for food produced within the EU and for imported food. The present study analyzes the role, functions and responsibilities of National Authority for Animal Health and Food Safety as the main body involved in food safety in Romania.

The study also presents the general law on food safety at European level, but also at Romanian level. We will try to shortly present the main principles regarding food safety in Europe and in Romania.

## Work content

### II. The National Authority for Animal Health and Food Safety, Role, Functions, Responsibilities

#### II.1. Role of the Authority

In order to apply the European policies regarding food safety, the National Authority for Animal Health and Food Safety was founded in Romania, as being the main body responsible for applying the European rules.

According to Law 150/2004 regarding food safety and feed safety<sup>1</sup>, the "National Authority for Animal Health and Food Safety, ... is the authority in charge of regulations in the field of food safety and animal health which coordinates all activities in this field, from the production of the

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\* **Acknowledgments.** This work was cofinanced from the European Social Fund through Sectoral Operational Programme Human Resources Development 2007-2013, project number POSDRU/ CPP107/DMI 1.5/S/77082, "Doctoral Scholarships for eco-economy and bio-economic complex training to ensure the food and feed safety and security of anthropogenic ecosystems".

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<sup>1</sup> Published in Official Gazette of Romania no. 462/24.05.2004/29.11.2006 and republished in the Official Gazette of Romania no. 959/29.11.2006.

primary materials to the end consumer. The Authority represents the link to the European Authority for Food Safety and runs on structural, functional and decisional autonomy<sup>2</sup>.

The National Authority for Animal Health and Food Safety (hereafter referred to as Authority) was founded by Government Ordinance 42/2004<sup>3</sup> through the reorganization of the Romanian Agency for Food Safety and of the National Agency for Animal Health from within the Ministry of Agriculture, Forestry, Water Resources and Sustainable Development<sup>4</sup>

The organization and the activity of the Authority were regulated by Government Decision 130/2006<sup>4</sup>, which was abolished through the enactment of the Government Decision 1415/2009<sup>5</sup>.

Therefore, at present, the organization and the activity of the Authority are regulated by Government Decision 1415/2009.

## II.2. Functions

According to the above-mentioned normative act, the Authority has following functions<sup>6</sup>: regulatory function, controlling function, strategic function, administrative function and representative function.

The regulatory function assures the accomplishment of the juridical framework and the elaboration of the specific regulations from within the field of animal health and the field of food safety, according to the adopted strategy and in compliance with the national and the European law.

The controlling function is carried out by ensuring of supervision and control of the implementation of and conformation to the regulations in its field of activity.

The strategy in its field of activity, the evaluation, the analysis, the management and the risk communication in its field of activity, as well as national and European research projects regarding its field of activity are elaborated through the strategic function, in accordance with the government policy and the international trends.

The fourth function accomplished by the Authority refers to the administration of the subordinated structures, which assures the coordination and the management of the services for which the state, within the field of animal health and food safety, is responsible.

The last function assigned to the Authority is a representative one, which, in its field of activity, assures the representation on behalf of the state or the Romanian Government in- and outside the country.

## II.3. Responsibilities

According to article 3 paragraph (1) lit. B, Law 150/2004, republished, the Authority has following responsibilities in the field of food safety:

1. elaborates and implements the strategy and the legislation regarding food safety;
2. elaborates regulations for food safety, approved by ordinance of the president of the Authority, and, as the case may be, together with the competent authorities, approved by common ordinances;
3. promotes and coordinates the elaboration of unitary methodologies for risk assessment within the field of food safety;
4. carries out the risk assessment and lays out the measures that have to be enforced in case a major problem occurs which may harm the health of the people;
5. coordinates the elaboration of the codes of practice and other such activities;

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2 Art. 2 from Law 150/2004, republished.

3 Published in Official Gazette of Romania no. 94/31.01.2004..

4 Published in Official Gazette of Romania no. 90/31.01.2006.

5 Published in Official Gazette of Romania no. 834/03.12.2009.

6 According to art. 2 from the Gover Decision 1415/2009, modified and ammended.

6. coordinates methodologically the supervision and the control regarding food safety, from the production of the primary material to the end consumer;
7. ensures the coordination of the elaboration and implementation of the government policies regarding food safety and animal health;
8. coordinates the identification of the specialists in order for them to take part in activities for the Codex Alimentarius, as well as in activities of national and international bodies and organizations in the specific field of activity;
9. coordinates the identification of the specialists in order for them to take part in activities of national and international bodies and organizations in the field of standardization, food safety and quality;
10. coordinates the control activity in the field of food safety and quality, after the scheme used in the European Union;
11. coordinates methodologically the controlling, testing and examination of food, from the production of the primary material to the end consumer;
12. creates and uses own data bases, collecting, classifying, correlating, permanently updating, archiving and disseminating the information regarding monitoring of records, approvals and authorizations related to food safety awarded by public authorities that have responsibilities in this field, monitoring the results of the supervision and control activities regarding food safety, as well as of the juridical framework in the field, the statistic data and the data regarding the research and development process;
13. coordinates education and training of staff involved in food safety;
14. gives scientific advice and technical assistance in the specific area of activity;
15. is the national contact point and coordinator of the national Rapid Alert System for Food and Feed – SRAAF;
16. organizes a permanent contact point based on tel verde, an emergency number from where any natural or legal person may obtain objective information and where these persons may present objections regarding food safety;
17. provides supervision and control regarding the compliance with the general conditions from the alimentary field through the implementation of specific measures which should lead to reducing the incidence and the elimination of transmittable diseases, from animals to humans;
18. supervises and monitors economic operators working in the food industry, in terms of food safety;
19. participates together with other competent institutions in the standardization, grading and classification process of food products;
20. represents the contact point and keeps permanently in touch with the national and international authorities in charge of food safety;
21. develops and promotes laws in the field of animal health and food safety and takes part in promoting the regulations regarding quality of food;
22. develops together with other competent institutions national food safety programs;
23. promotes and coordinates the education and training of staff involved in food safety by conducting postgraduate courses in its field of activity at universities that are accredited by the Ministry of Education, Research and Innovation for this purpose, based on a protocol or partnership agreement concluded with higher education establishments that are accredited in the field of food safety;
24. develops and approves agreements, partnerships, protocols and intergovernmental agreements with similar central authorities from other countries regarding the cooperation in the field of food safety, in compliance with the European and national law;
25. organizes, coordinates, manages and controls the activity of intra-Community trade, import, export, transit and border inspection in the field of food safety;

26. develops rules of organization and operation and appoints the duties and responsibilities of the subordinated units in the field of food safety;
27. participates in the development of national and international strategies to combat terrorism and bioterrorism;
28. cooperates and is responsible along with the central government authorities for the organization and implementation of the necessary measures for food safety;
29. develops and updates contingency plans for food safety;
30. notifies the international organizations WHO, EFSA, DG SANCO, FAO that are responsible for food safety;
31. cooperates on international level with all organizations involved in food safety and in other related areas to keep Romania within the European and international circuit of specific policies;
32. checks the territorial and national application of the food safety regulations;
33. provides official control of operators which are producing, processing, transporting and distributing food;
34. organizes specific audit activities in order to carry out and implement the provisions of the European regulations;
35. coordinates the elaboration of the Integrated National Control Plan for Romania - PNUCI and of the Annual Report on PNUCI;
36. performs any other duties regarding food safety and regulations on food and on biotechnology set by national and European legislation.

### III. The General Food Law

Given that food safety has become a major topic in the last decade, the capability of producing safe food requires a multidisciplinary approach, involving key areas which include also legal matters. In order to ensure food safety, all stages of the food chain, as a continuous process, are taken into account, starting from and including primary production and ending with selling or distribution of food directly to consumers, because each element might potentially have an impact on food safety itself.

The EU-Law on food is based on the principle that food operators bear the responsibility for all stages of production, processing and distribution from within the framework of activities controlled by them. They have also the obligation to ensure that the food products meet the requirements of the food safety legislation.

#### III.1. Regulation (EC) no. 178/2002 of the European Parliament and of the Council

At European level, the general legal framework is represented by the Regulation (EC) no. 178/2002<sup>7</sup> 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, modified as follows: Regulation (EC) no. 1642/2003 of the European Parliament and of the Council of 22 July 2003<sup>8</sup>, Regulation (EC) no. 575/2006 of the European Commission of 07 April 2006<sup>9</sup>, Regulation (EC) no. 202/2008 of the European Commission of 4 March 2008<sup>10</sup>.

The above-mentioned regulation lays down the general principles governing food and feed in general and food and feed safety in particular, at Community and national level<sup>11</sup>, and the general objectives, risk assessment, the precautionary principle and the protection of the consumers' interests

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<sup>7</sup> Published in the Official Journal of the European Union L 31/1, 01.02.2002.

<sup>8</sup> Published in the Official Journal of the European Union L 245/29.09.2003.

<sup>9</sup> Published in the Official Journal of the European Union L 100/08.04.2006.

<sup>10</sup> Published in the Official Journal of the European Union L 60/05.03.2008.

<sup>11</sup> The general principles of the food legislation are regulated in Section I, articles 5-8.

respectively. Regulation 178/2002, as subsequently amended, establishes procedures for problems that have direct or indirect impact on food and feed safety.

The regulation also establishes definitions, principles and obligations covering all stages of the food chain. As to the general obligations regarding food trade, food and feed imported into the Community for placing on the market, as well as food and feed exported from the Community for placing on the market of a third country are subject to regulations.

As for food and feed imported into the Community for placing on the Community market, these must meet the relevant requirements of food law or the conditions recognized by the Community to be at least equivalent thereto or, where there is a specific agreement between the Community and the exporting country, the requirements contained therein.

Food and feed exported or re-exported from the Community for placing on the market of a third country shall comply with the relevant requirements of food law, unless otherwise requested by the authorities of the importing country or established by the laws, regulations, standards, codes of practice and other legal and administrative procedures as may be in force in the importing country

The regulation also stipulates that in other circumstances, except in the case where foods are injurious to health or feeds are unsafe, food and feed can only be exported or re-exported if the competent authorities of the country of destination have expressly agreed, after having been fully informed of the reasons for which and the circumstances in which the food or feed concerned could not be placed on the market in the Community.

Where the provisions of a bilateral agreement concluded between the Community or one of its Member States and a third country are applicable, food and feed exported from the Community or that Member State to that third country shall comply with the said provisions.

### **III.2. Law 150/2004**

Regulation 178/2002 was transposed in Romania by Law no. 150/2004 on food and feed safety<sup>12</sup>, with later amendments and addenda.

According to the above-mentioned Law<sup>13</sup>, certain requirements must be met for achieving food security: food should not be marketed unless it is safe, food is considered unsafe if it is harmful to health or unfit for human consumption. In determining whether any food is unsafe, regard shall be had to the normal conditions of use of the food by the consumer and at each stage of production, processing and distribution, and to the information provided to the consumer, including information on the label, or other information generally available to the consumer concerning the avoidance of specific adverse health effects from a particular food or category of foods.

In determining whether any food is injurious to health, regard shall be had to the probable immediate and/or short-term and/or long-term effects of that food on the health of a person consuming it, but also on subsequent generations, to the probable cumulative toxic effects and to the particular health sensitivities of a specific category of consumers, if that kind of food is intended for that category of consumers. In determining whether any food is unfit for human consumption, regard shall be had to whether the food is unacceptable for human consumption according to its intended use, for reasons of contamination, whether by extraneous matter or otherwise, or through putrefaction, deterioration or decay.

Where a food which is unsafe is part of a batch, lot or consignment of food of the same class or description, it shall be presumed that all the food in that batch, lot or consignment is also unsafe, unless following a detailed assessment there is no evidence that the rest of the batch, lot or consignment is unsafe. The conformity of a food with specific provisions applicable to food safety are considered not to represent a risk related to the aspects to which that law refers to.

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<sup>12</sup> Republished in Official Gazette of Romania no. 959/29.11.2006.

<sup>13</sup> Art. 15 from Law 150/2004 regarding food and feed safety.

The conformity of a food with specific provisions applicable to that food shall not bar the competent authorities in the field of food safety from taking appropriate measures to impose restrictions on it being placed on the market or to require its withdrawal from the market where there are reasons to suspect that, despite such conformity, the food is unsafe.

As we can see, the law 150/2004 tries to transpose the Regulation 178/2002. It is very important that Romanian authorities hardly try to apply European legislation into national legislation. Of course, we need time and resources to reach the European level in food safety, but Romania started in a good way.

### **Conclusions**

By this article, we have tried to present the role, the functions and main responsibilities of the National Authority for Animal Health and Food Safety as the main body involved in food safety in Romania. We have also presented the general food law for Europe and for Romania.

Of course, this is only a small part of the aspects regarding food safety, but we will try to present other major problems as contaminants in food, the legislation on official control, the legislation regarding pesticides in food, legislation regarding radioactive contamination etc.

### **References**

- Regulation (EC) no. 178/2002
- Regulation (EC) no. 1642/2003 of the European Parliament and of the Council of 22 July 2003
- Regulation (EC) no. 575/2006 of the European Commission of 07 April 2006
- Regulation (EC) no. 202/2008 of the European Commission of 4 March 2008
- Law 150/2004
- Government Decision 1415/2009
- Official Journal of the European Union L 31/1, 01.02.2002
- Official Journal of the European Union L 245/29.09.2003
- Official Journal of the European Union L 100/08.04.2006
- Official Journal of the European Union L 60/05.03.2008
- Official Gazette of Romania no. 959/29.11.2006
- Official Gazette of Romania no. 94/31.01.2004
- Official Gazette of Romania no. 90/31.01.2006
- Official Gazette of Romania no. 834/03.12.2009