

On the official controls of food in times of health emergency

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1. Premise

Food law means the laws, regulations and administrative provisions governing food in general, and food safety in particular, whether at EU or national level; it covers any stage of production, processing and distribution of food, and also of feed produced for, or fed to, food-producing animals¹.

This elaborate is based essentially on three important provisions: Reg. (EC) n. 178/2002 (“general food law”), Reg. (EU) n. 625/2017, to which the recent Regulation n. 466/2020.

Regulation (EU) 2017/625 of the European Parliament and of the European Council concerns the *official controls* and *other official activities*, performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products. The objective of this Regulation is to ensure a harmonised approach with regard to official controls and other official activities performed in view of ensuring the application of Union agri-food chain legislation, cannot be sufficiently achieved by the Member States but rather, by reason of its effect, complexity, trans-border and international character, can be better achieved at Union level. The Union may adopt measures, in accordance with the *principle of subsidiarity* (Art. 5 of the Treaty on European Union)².

The Commission implementing Regulation (EU) 2020/466 of 30 March 2020, instead, was published to fix *temporary measures to contain risks to human, animal and plant health and animal welfare during certain serious disruptions of Member States’ control systems due to coronavirus disease (COVID-19)*.

As it is known, Regulation (EU) 2017/625 lays down rules for, *inter alia*, the performance of official controls and of other official activities by the competent authorities of Member States. It also empowers the Commission to adopt, by means of an implementing act, appropriate temporary measures necessary to contain risks to, *inter alia*, human, animal and plant health and animal welfare, if it has evidence of a serious disruption in a Member State’s control system. In this regard, as it is held in doctrine, the new Regulation on controls of 2017 «is thus placed within a wider design, which connects the discipline of agriculture and food (and more generally agricultural) within a general attention to everything that in various ways is connected to the *life cycle*, although not immediately connected to the cycle of production and distribution of food, reinforcing at disciplinary level the systemic consideration of a *European Food Law*, which is called the *European Agri-Food Law*»³.

¹ For further information on the subject, please refer to L. Costato - F. Albisinni, *European and global food law*, Milano, 2016, *passim*.

² See J. Maier, *Subsidiarity and proportionality acc. Article 5 TEU Deficits of the application - solutions “Returning” competences to Member States and regions*, on https://ec.europa.eu/commission/sites/beta-political/files/taskf_4m_subsi_art5_teu_principles_maier_18mai18_0.pdf.

³ In these terms F. Albisinni, *Certificazione dei prodotti agroalimentari e globalizzazione, tra concorrenza e tutela*, on www.rivistadellaregolazioneideimercati.it.

Before proceeding to the examination of certain provisions of the texts on control, it would be necessary to put a important premise: the aforementioned three measures constitute the main point of the regulatory system, and therefore a comparative reading and a cross-analysis is useful.

A method of reading food rules is based on intertextual criterion: that is to identify the relationship between the elements inside different legislative texts.

Experience has shown that food law has acquired decisive importance over time for the health of consumers, the protection of their interests, including information and the proper functioning of the market. Respect for food rules, in fact, is a determining factor in the fairness of commercial transactions and the formation of a fair price for products. The fair and adequate price of food is the result of the safety costs used by the operator at the production or trade stages⁴.

2. Principles and rules of general food law

Regulation (EC) n. 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 setting out procedures in matters of food safety»⁵.

This Regulation provides the basis for the assurance of a high level of protection of human health and consumers' interest in relation to food, taking into account in particular the diversity in the supply of food including traditional products, whilst ensuring the effective functioning of the internal market.

Article 8 concerns Protection of consumers' interests: *Food law shall aim at the protection of the interests of consumers and shall provide a basis for consumers to make informed choices in relation to the foods they consume. It shall aim at the prevention of: (a) fraudulent or deceptive practices; (b) the adulteration of food; and (c) any other practices which may mislead the consumer.*

These areas are of considerable interest because they are also criteria for the detection of serious criminal behaviour. This is why an “intertextual reference” must be performed according to a fundamental norm contained in Reg. (EU) n. 625/17 on the new official controls. Art. 139 talks about *Penalties*:

1. Member States shall lay down the rules on penalties applicable to infringements of this Regulation and take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, by 14 December 2019, notify those provisions to the Commission and shall notify it without delay of any subsequent amendment affecting them.

2. Member States shall ensure that financial penalties for violations of this Regulation and of the rules referred to in Article 1, perpetrated through fraudulent or deceptive practices, reflect, in accordance with national law, at least either the economic advantage for the operator or, as appropriate, a percentage of the operator's turnover.

⁴ *Food security* and *food safety* are different concepts. With the first word, it is indicated the condition of having access to an adequate food (from the quantitative and qualitative point of view), with the second referring to the healthiness of the food, therefore to the hygienic-sanitary safety. www.fao.org.

⁵ In this regard, see L. Costato, *Il Regolamento 178/2002 e la protezione dei consumatori di alimenti*, in *Nuovo dir. agr.*, n. 1, 2002, p. 61 ss.

Art. 2 of Reg. EC n. 178/2002 defines food (or ‘foodstuff’) *any substance or product, whether processed, partially processed or unprocessed, intended to be, or reasonably expected to be ingested by humans. ‘Food’ includes drink, chewing gum and any substance, including water, intentionally incorporated into the food during its manufacture, preparation or treatment.*

In addition to food, there is also the notion of *food business*. The latter includes the series of activities that take place in the food chain: *any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to any stage of production, processing and distribution of food.*

On the other hand, ‘food business operator’ is responsible from the point of view of internal and external trade; the definition refers to *the natural or legal persons responsible for ensuring that the requirements of food law are met within the food business under their control*. On point, it is important to recall the article 17 (Reg. EC n. 178/2002), entitled “Responsibilities”. The norm establishes that *“Food and feed business operators at all stages of production, processing and distribution within the businesses under their control shall ensure that foods or feeds satisfy the requirements of food law which are relevant to their activities and shall verify that such requirements are met”*.

Therefore, the notion concerns not only the sanctioning profile, but also the identification of tasks and responsibilities of the operator with respect to the stage; this means that the profile of the public investigation will also be facilitated, in case of violations of food law. Article 17 imposes on food business operators an obligation according «to which they must actively participate in implementing food law requirements by verifying that such requirements are met. This general requirement is closely linked to other mandatory requirements laid down by specific legislation (i.e. HACCP implementation in the field of food hygiene)»⁶.

Another concept - engraved in a definition - which is fundamental from the point of view of non-conformities is that of risk, to which binds that of hazard.

Risk means a function of the probability of an adverse health effect and the severity of that effect, consequential to a hazard. Hazard: a biological, chemical or physical agent in, or condition of, food or feed with the potential to cause an adverse health effect.

Also Regulation n. 625 shall identify notions of risk and hazard, widening the previously mentioned notions, in a more open logic to environmental issues.

In point 23 of art. 3, *hazard means any agent or condition with the potential to have an adverse effect on human, animal or plant health, animal welfare or the environment*; in point 24, in addition, *risk means a function of the probability of an adverse effect on human, animal or plant health, animal welfare or the environment and of the severity of that effect, consequential to a hazard*.

Therefore, it is essential a comparison between the basic text of 2002 and the new concepts emerging from Reg. (EU) n. 625/2017, in a more modern and advanced evaluation perspective. This is because the recent control Regulation considers the risk not only in terms of human nutrition, but also in terms of human health and environmental protection.

In this situation, it should be reported that the European legislator built the *food safety* system in the absence of an express definition, which is missing precisely because it would have been

⁶ It is necessary to read the following document: *Guidance on the implementation of articles 11, 12, 14, 17, 18, 19 and 20 of Regulation (ec) n° 178/2002 on general food law*, on https://ec.europa.eu/food/sites/food/files/safety/docs/gfl_req_guidance_rev_8_en.pdf.

partial and restrictive. Art. 14 of Reg. 178 introduced the notion of *Food safety requirements*. It provides that *food shall not be placed on the market if it is unsafe. Food shall be deemed to be unsafe if it is considered to be: (a) injurious to health; (b) unfit for human consumption.*

In determining whether any food is unsafe, regard shall be had: *(a) to the normal conditions of use of the food by the consumer and at each stage of production, processing and distribution (structural profile of the product); (b) 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 (profile of the informative risk, and this rule should be placed as anticipation of the system dictated by Reg. (EU) n. 1169/11 on the information to the consumer).*

Accurate traceability measures have been planned since 2002 to ensure efficient self-control systems. Traceability as a set of procedures primarily designed to facilitate official control and identify non-compliances. For example withdrawal from the market of unsafe, anonymous or unjustified products or batches⁷.

As for food traceability, however, in Reg. (EC) n. 178/02 there are two reference areas on traceability: one that offers the horizontal notion: art. 3, point 15), includes the basic notion: ‘traceability’ means *the ability to trace and follow a food, feed, food-producing animal or substance intended to be, or expected to be incorporated into a food or feed, through all stages of production, processing and distribution.*

Another that explains the functional profile: art. 18 contains the *Traceability*⁸, functionale profile in the development of activities and relationships between operators:

1. The traceability of food, feed, food-producing animals, and any other substance intended to be, or expected to be, incorporated into a food or feed shall be established at all stages of production, processing and distribution.

2. Food and feed business operators shall be able to identify any person from whom they have been supplied with a food, a feed, a food-producing animal, or any substance intended to be, or expected to be, incorporated into a food or feed. To this end, such operators shall have in place systems and procedures which allow for this information to be made available to the competent authorities on demand.

3. Food and feed business operators shall have in place systems and procedures to identify the other businesses to which their products have been supplied. This information shall be made available to the competent authorities on demand.

4. Food or feed which is placed on the market or is likely to be placed on the market in the Community shall be adequately labelled or identified to facilitate its traceability, through

⁷ It was stressed that the legislation also provides for «the obligation to identify the supplier of the raw materials used by the food industry (necessary to achieve the traceability of the food, depending on any intervention of the authorities where it is found that a product is dangerous to health». See I. Canfora, *Sicurezza alimentare e nuovi assetti delle responsabilità di filiera*, in *Riv. Diritto alimentare*, n. 4, 2019, p. 14.

⁸ The importance of traceability is also evident in this fundamental document (FAO-WHO, 22.4.2020): *COVID-19 and Food Safety: Guidance for competent authorities responsible for national food safety control systems*, on https://apps.who.int/iris/bitstream/handle/10665/331842/WHO-2019-nCoV-Food_Safety_authorities-2020.1-eng.pdf. Page 3 highlights the following: «food safety cannot be compromised, and key information must be provided so that consumers can make informed choices. Some flexibility on labelling compliance can be considered once there is no risk to the consumer and critical information such as allergen declaration, durability (shelf life), traceability and any special storage conditions or conditions of use can be addressed or mitigated by overlabelling with this critical information».

relevant documentation or information in accordance with the relevant requirements of more specific provisions.

In the light of these definitions, it can be stated that traceability is a different system from food labelling and presentation, although the close connection.

For the purpose of applying the requirements of this Article 14 (point 4, *labelling*), in respect of specific sectors, is important to mention another Regulation (EU) n. 1169/2011. This Regulation provides the basis for the assurance of a high level of consumer protection in relation to food information, taking into account the differences in the perception of consumers and their information needs whilst ensuring the smooth functioning of the internal market. The provision of food information shall pursue a high level of protection of consumers' health and interests by providing a basis for final consumers to make informed choices and to make safe use of food, with particular regard to health, economic, environmental, social and ethical considerations⁹.

3. The principles of official food control

What has just been presented is the essential regulatory framework in which the fundamental discipline on supervision activities, deeply reformed in recent years, must also be placed in a perspective of greater arminization at European level.

As already mentioned, Regulation (EU) 2017/625 of 15 March 2017 concerns *official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products*.

This Regulation lays down rules for the performance of *official controls*¹⁰ and “other official activities” by the competent authorities of the Member States.

‘Official controls’ means activities performed by the competent authorities, or by the delegated bodies or the natural persons to which certain official control tasks have been delegated in accordance with this Regulation, in order to verify: (a) *compliance by the operators with this Regulation and with the rules referred to in Article 1 (2) (european food law)*; and (b) *that animals or goods meet the requirements laid down in the rules referred to in Article 1(2), including for the issuance of an official certificate or official attestation*.

‘Other official activities’ means *activities, other than official controls, which are performed by the competent authorities, or by the delegated bodies or the natural persons to which certain other official activities have been delegated in accordance with this Regulation, and with the rules referred to in Article 1, including activities aimed at verifying the presence of animal diseases or pests of plants, preventing or containing the spread of such animal diseases or pests*

⁹ Indication of the following particulars shall be mandatory: any ingredient or processing aid listed in Annex II or derived from a substance or product listed in Annex II (those referred to in the Annex are fourteen, Cereals containing gluten, Crustaceans and products thereof; Eggs and products thereof; Fish and products thereof, Peanuts, Milk and products thereof (including lactose), products causing allergies or intolerances used in the manufacture or preparation of a food and still present in the finished product, even if in an altered form.

¹⁰ Article 1 *Subject matter and scope* 1. This Regulation lays down rules for: (a) *the performance of official controls and other official activities by the competent authorities of the Member States*; (b) *the financing of official controls*; (c) *the administrative assistance and cooperation between Member States in view of the correct application of the rules referred to in paragraph 2*; (d) *the performance of controls by the Commission in Member States and in third countries*; (e) *the adoption of conditions to be fulfilled with respect to animals and goods entering the Union from a third country*; (f) *the establishment of a computerised information system to manage information and data in relation to official controls*.

of plants, eradicating those animal diseases or pests of plants, granting authorisations or approvals, and issuing official certificates or official attestations.

This Regulation should apply to the official controls performed for the verification of compliance with the rules, whether established at Union level or by the Member States, to apply Union legislation, in the areas of:

(a) food and food safety, integrity and wholesomeness at any stage of production, processing and distribution of food, including rules aimed at ensuring fair practices in trade and protecting consumer interests and information, and the manufacture and use of materials and articles intended to come into contact with food;

(b) deliberate release into the environment of Genetically Modified Organisms (GMOs) for the purpose of food and feed production;

(c) feed and feed safety at any stage of production, processing and distribution of feed and the use of feed, including rules aimed at ensuring fair practices in trade and protecting consumer health, interests and information;

(d) animal health requirements;

(e) prevention and minimisation of risks to human and animal health arising from animal by-products and derived products;

(f) welfare requirements for animals;

(g) protective measures against pests of plants;

(h) requirements for the placing on the market and use of plant protection products and the sustainable use of pesticides, with the exception of pesticides application equipment;

(i) organic production and labelling of organic products;

(j) use and labelling of protected designations of origin, protected geographical indications and traditional specialities guaranteed.

We could, therefore, define this measure as the "Regulation of the whole", because it really affects the entire agricultural and food supply chain, in order not to diversify control activities by the competent authorities.

According to art. 9 (*General rules on official controls*), competent authorities shall perform official controls on all operators regularly, on a risk basis and with appropriate frequency. And besides, regularly, with appropriate frequencies determined on a risk basis, to identify possible intentional violations of the European food law, perpetrated through fraudulent or deceptive practices, and taking into account information regarding such violations shared through the mechanisms of administrative assistance.

The principle of *transparency* is fundamental to the system of official controls (art. 11), in a regulatory scenario in which that principle was also based on the risk assessment. Thus, in fact, it follows from Regulation (EU) 2019/1381 of the European Parliament and of the European Council of 20 June 2019 *on the transparency and sustainability of the EU risk assessment in the food chain*.

Following the method of comparison between texts, the transparency imposed in the system of official controls induces competent authorities to perform official controls with a high level of transparency; they shall, at least once a year, make available to the public, including through publication on the internet, relevant information concerning the organisation and the performance of official controls. They shall also ensure the regular and timely publication of information on the following the type, number and outcome of official controls; the type and

number of cases of non-compliance detected; the type and number of cases where measures were taken by the competent authorities in accordance with Article 138 (*Actions in the event of established non-compliance*); and the type and number of cases where the penalties referred to in Article 139 were imposed (*Penalties*).

Based on this criterion, there are general obligations concerning the competent authorities (art. 5). Control authorities shall have procedures and/or arrangements in place to ensure the effectiveness and appropriateness of official controls and other official activities; also, they have procedures and/or arrangements in place to ensure the impartiality, quality and consistency of official controls and other official activities at all levels. Are still planned procedures and/or arrangements in place to ensure that staff performing official controls and other official activities are free from any conflict of interest.

The authorities, in addition, have access to, an adequate laboratory capacity for analysis, testing and diagnosis or to, a sufficient number of suitably qualified and experienced staff so that official controls and other official activities can be performed efficiently and effectively.

Therefore, they have appropriate and properly maintained facilities and equipment to ensure that staff can perform official controls and other official activities efficiently and effectively. Finally, have the legal powers to perform official controls and other official activities and to take the action provided for in this Regulation and in the rules of European food law. This does not exclude that they will also have procedures in place in order to ensure that staff have access to the premises of, and documents kept by, operators so as to be able to accomplish their tasks properly. Just as the legislation entrusts authorities to prepare (and to comply) contingency plans in place, and be prepared to operate such plans in the event of an emergency, where appropriate, in accordance with the rules of food law.

4. Food controls and health emergency COVID-19

The ongoing crisis related to coronavirus disease represents an exceptional and unprecedented challenge for the capacity of Member States to fully conduct official controls and other official activities in accordance with EU legislation.

A first fundamental document is that of the EFSA entitled *Coronavirus: no evidence that food is a source or transmission route*¹¹; the Authority excluded direct and possible implications for specific risks, also recalling other positions of the WHO: "Regarding food safety, the World Health Organization has issued precautionary recommendations including advice on following good hygiene practices during food handling and preparation, such as washing hands, cooking meat thoroughly and avoiding potential cross-contamination between cooked and uncooked foods¹².

A second important EU approach was to *Guidelines for border management measures to protect health and ensure the availability of goods and essential services* (16.3.2020).

They provide that Member States should preserve the free circulation of all goods. In particular, they should guarantee the supply chain of essential products such as medicines, medical equipment, essential and perishable food products and livestock. No restriction should be imposed on the circulation of goods in the Single Market, especially (but not limited to) essential, health-related and perishable goods, notably foodstuffs, unless duly justified. Member

¹¹ On <https://www.efsa.europa.eu/en/news/coronavirus-no-evidence-food-source-or-transmission-route>.

¹² See <https://www.who.int/emergencies/diseases/novel-coronavirus-2019>.

States should designate priority lanes for freight transport (e.g. via ‘green lanes’) and consider waiving existing weekend bans.

Despite the emergency crisis in place, no additional certifications should be imposed on goods legally circulating within the EU single market. It should be noted that, according to the European Food Safety Authority, there is no evidence that food is a source or a transmission source of Covid-1.

They should also be recalled the “Indicazioni *ad interim* sull’igiene degli alimenti durante l’epidemia da virus SARS-CoV-2” (“Temporary indications on food hygiene during the viral epidemic”) of ISS (Italian National Institute of Health, 19.4.2020)¹³

In the current state of emergency, however, was issued the Reg. (EU) n. 466/2020, that it shall apply until 1 June 2020.

In accordance with Regulation (EU) 2017/625, Member States are obliged to set up a control system, composed of competent authorities designated to perform official controls and other official activities. A detail of this regulation (see art. 5) provides that the competent Authorities must have a sufficient number of adequately qualified and experienced personnel so that official controls and other official activities can be carried out efficiently and effectively.

This Regulation lays down temporary measures necessary to contain widespread risks to human, animal and plant health and animal welfare, in order to address serious disruptions in the functioning of Member States’ control systems in view of the crisis linked to COVID-19.

Member States that wish to apply the temporary measures laid down in this Regulation shall inform the Commission and the other Member States thereof, as well as of measures taken to remedy their difficulties in carrying out official controls and other official activities in accordance with Regulation (EU) 2017/625. In addition, official controls and other official activities may exceptionally be performed by one or more natural persons specifically authorised by the competent authority on the basis of their qualifications, training and practical experience, who are in contact with the competent authority by any available means of communication, and who are required to follow the instructions of the competent authority for the performance of such official controls and other official activities. Such persons shall act impartially, and they shall be free from any conflict of interest as regards the official controls and other official activities performed by them.

It should be clarified that Official controls and other official activities on official certificates and official attestations may exceptionally be performed by way of an official control performed on an electronic copy of the original of such certificates or attestations, or on an electronic format of the certificate or attestation produced and submitted in TRACES¹⁴, provided the person responsible for presenting the official certificate or official attestation presents to the competent authority a statement affirming that the original of the official certificate or official attestation will be submitted as soon as technically feasible. When

¹³ On https://www.iss.it/documents/20126/0/Rapporto+ISS+COVID-19+n.+17_2020+alimenti.pdf/658c326d-e09b-07b1-5684-481184e9582b?t=1587646909408, p. 4 (free translation): without prejudice to the absence of evidence with respect to the food transmission of the virus and the WHO assessment that the possibility of contracting COVID-19 through food or food packaging is highly unlikely, during the SARS epidemic Cov-2, the protection of food hygiene requires limiting, as far as possible, the risk introduced by the presence of potentially infected persons in environments intended for the production and marketing of food.

¹⁴ TRACES is the European Commission’s multilingual online management tool for all sanitary requirements on intra-EU trade and importation of animals, semen and embryo, food, feed and plants. On https://ec.europa.eu/food/animals/traces_en.

performing such official controls and other official activities, the competent authority shall take into account the risk of non-compliance of animals and goods concerned and operators' past record as regards the outcome of official controls performed on them and their compliance with the rules referred to in Article 1(2) of Regulation (EU) 2017/625.

The very serious health situation has led the Commission to lay down specific and urgent rules on these points too. And in fact, official controls (and other official activities) may exceptionally be performed: (a) in the case of analyses, testing or diagnoses to be performed by official laboratories, by any laboratory designated for this purpose by the competent authority on a temporary basis; (b) in the case of physical meetings with operators and their staff in the context of official control methods and techniques referred to in Article 14 of Regulation (EU) 2017/625, via available means of distance communication.

5. Conclusion

In short, European food law is a set of rules designed to safeguard the right to health of consumers and to ensure that they are properly and properly fed, and to protect their interests. Equally important is the role of protection offered by legislation about regular commercial dynamics and fair commercial practices, for the objective of a smooth and good functioning of the market.

Food law is oriented towards the Regulation of a food market based on fair competition; not excluded attention to a price of products that is also an expression of the safety costs, which operators use for the conformity and quality of products. This profile is of particular importance in times of health emergencies, where unfair trade practices may be more relevant in the social and economic context.

Therefore, control activities must also be particularly rigorous, for example to prevent or suppress harmful behaviour for the consumer (for example, sale of expired products or poor hygiene in food preparation).

Therefore, the role of official control is fundamental, as reformed by Reg. EU n. 625/2017, which has a wide scope, not only related to food, but also to agricultural products. And this, to standardize the vigilance and make it equal for all sectors of the supply chain.

As has rightly been said, the Regulation (EU) 2017/625 «introduced many new rules, with reference to the object of Regulation, to the operators involved, to the borders of application, taking into account the global dimension of the agri-food market and chain. It seems therefore proper to define this as the Regulation of “complexity” and of “globalisation”». The attention given to all the «cycle of life, including the environment and even animals and vegetable not located within the food chain»¹⁵.

In this sense, it is advisable to read the *European food law* in an intertextual and then intratextual perspective. This is so that we can better understand the principles and rules on which it is built. This is a right that is nourished every day by innovations, which must follow technological innovations and put a reassuring perimeter. Food, therefore, must be considered as a determining factor in social life, not comparable to other material goods available to the individual: this is why its discipline has a particular relevance even when it is an indispensable support for equal access to food.

¹⁵ These important considerations are: F. Albisinni, *Il Regolamento (EU) 2017/625: controlli ufficiali, ciclo della vita, impresa, e globalizzazione*, Riv. Diritto alimentare, n. 1, 2018, p. 36.

In short, it is necessary to give the right to food a role of reference also for what concerns the access to safe food and, for the effects, a function of support to food security. The same concept of food law as contained in art. 3 of Reg. n. 178/2002, with a retrospective that can accompany the textual data, focused on the set of rules; such position would allow a deepening of the unexpressed concept of nutrition, as determining factor the “life cycle” of the person, to be put before the analysis or at least to accompany the examination of the rules on the product itself¹⁶. In conclusion, the incidence of the emergency on the agri-food system should be observed with great caution and other caution. Recent experience suggests a balanced approach to public health issues; the situation, in fact, is constantly changing, especially in terms of studies and scientific research also in the field of agriculture and food. This figure cannot be ignored or underestimated by lawyers and legal practitioners.

Food law, however, can act as a safeguard for the protection of consumers, having very precise rules and having a system of strict official controls as a whole and based on cooperation between the competent authorities of the Member States. It is essential, however, a greater awareness on the part of operators, which can be realized only the strengthening of the systems of self-control internal to companies and strict compliance with *European food law*¹⁷.

¹⁶ On https://ec.europa.eu/food/safety/general_food_law_en. «The General Food Law Regulation is the foundation of food and feed law (...). Moreover, it creates the main procedures and tools for the management of emergencies and crises as well as the Rapid Alert System for Food and Feed (RASFF). The General Food Law Regulation ensures a high level of protection of human life and consumers' interests in relation to food, while ensuring the effective functioning of the internal market».

¹⁷ See Regulation (EC) n. 853/2004 of the European Parliament and of the Council on the *hygiene of foodstuffs*. Art. 3 (*General obligation*) provides that food business operators «shall ensure that all stages of production, processing and distribution of food under their control satisfy the relevant hygiene requirements laid down in this Regulation». And yet Art. 5 provides that food business operators shall put in place, implement and maintain a permanent procedure or procedures based on the HACCP principles.