

REGULATORY STRATEGIES TO ENSURE FOOD AND FEED SAFETY IN POLAND – UPDATE REVIEW

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Abstract: The principal State authorities responsible for food safety in Poland are primarily the national Chief Sanitary Inspectorate followed by the Chief Veterinary Inspectorate, who are both statutorily empowered to discharge their functions within their competencies defined by the regulations. This article presents the current status of legislation in the area of food safety together with a description of how systems governing this field are organised in Poland. It should be noted that the surveillance and monitoring of food safety covers the entire food chain. Also outlined is the way the RASFF system operates in Poland, including its track record of experience up to the present time as well as how the role of EFSA is integrated into these areas.

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INTRODUCTION

Human healthcare in Poland is a basic human right and is legally guaranteed by the Constitution of the Republic of Poland. However, when considering the actual concept of human health one should take into account all its various aspects. In the context of food and feed safety the concept of public healthcare and what this constitutes needs to be addressed. It should also be kept in mind that the traditional definition of public healthcare is too narrow and was really limited to issues of hygiene and in fighting infectious disease. It is now recognised that the scope of public healthcare encompasses a much wider area which covers all aspects of human health and is concerned with the health of the population as a whole, thus leading to an improvement and increased protection in health. The main elements of this strategy are in providing resources for preventative care which consist of vaccination, screening tests and other prophylactic measures. These are all designed to protect

the public from health risks and harm as well as promoting a wide understanding of public health, thereby allowing individuals and society to make informed decisions concerning improving the state of their health. Public Healthcare also guarantees the proper functioning of the public healthcare system itself which, by its very nature, also involves other areas of public life in both society and the economy. Furthermore it is intimately linked with disciplines such as clinical science, botany, sociology, and even engineering, and one can generally say that Public Healthcare is the resultant of two principle elements: 1) knowledge that describes, explains and allows predictions to be made for defined types of occurrences and 2) taking the necessary actions to improve the health of the population. It can also be observed from the process of integration with the EU that changes in health protection make public health a priority.

As a significant part of public healthcare the safety of food and feed should likewise be treated according to the



ways described above. This, therefore, requires appropriate knowledge from many scientific disciplines as well in performing actions based on legal principles.

EUROPEAN REGULATIONS ON FOOD SAFETY

The fundamental aim of food legislation is to ensure a high level of human protection and health which is achieved through creating the appropriate regulations. This is dependent on many factors, one of them being food safety where it is particularly important to have a wholesome quality of food produce for sale on the market. The obligation to ensure food safety encompasses the entire food chain and is in keeping with the principle 'from farm to table'. It applies to each stage of the production including the processing and distribution of food.

Consumer rights relating to food safety are established through regulations on food at both national and EU levels.

At the EU level, however, the concept of 'food safety' has not yet been defined despite it being used in EU legislation. EU laws related to food safety are contained within the regulations of the European Parliament & Council, (WE), as follows;

- No. 178/2002 of 28 January 2002 which establishes the common basis for Food Law and legal requirements [6].
- No. 852/2004 of 29 April 2004 concerning the hygiene of foodstuffs [2].
- No. 853/2004 of 29 April 2004 laying down specific hygiene rules for food of animal origin [4].
- No. 882/2004 of the European Parliament & Council of 29 April 2004 concerning official controls performed to ensure the verification of compliance with feed and food law, animal health and welfare rules [5].

Amongst the aforementioned legislation, the fundamental Act is the regulation of No. 178/2002 of 28 January 2002 [6] which establishes common principles for the regulations on food, particularly its safety. Its aim is to ensure a high level of protection for human health and consumer matters on food, especially taking into account the diversity of food relating to traditional produce, thus also ensuring the effective operation of the internal market. The regulation establishes obligations and a common basis that are grounded on sound scientific principles, efficient organisational structure and procedures which support the decision making process in ensuring the safety of food and feed. The stipulations of the 178/2002 regulation [6] are applicable to all stages of food and feed production and distribution; however, they do not apply to food produced and prepared for domestic use. A vital point to note is that the obligation of ensuring food safety lies with food business operators, whether they are food producers or market distributors. Food is considered safe when recognised to be in compliance with legal regulations. On the other hand, foodstuffs are considered dangerous when they are harmful to the health of the consumer or if they are unfit for human

consumption. When adjudging food to be hazardous other factors should be considered such as the circumstances of food consumption, together with the conditions of production, processing and distribution, as well as the information for consumers including that of labelling. It should, however, be stressed that incorrect labelling does not necessarily mean that the food product is dangerous.

In accordance with the principles established in the aforementioned 178/2002 regulation [6], the resources allocated to food and feed threats should be based on a hazard analysis, aside from those instances where they would be inappropriate due to certain circumstances or the very nature of these resources. The hazard analysis should also be used to avoid unjustified obstacles in the free transfer of foodstuffs. In cases where the aim of Food Law is to reduce, eliminate or avoid the risk to health, then three related factors in risk analysis are adopted: 1) risk assessment, 2) risk management, 3) risk communication – thus ensuring a systematic methodology for defining and directing effective and appropriate action in order to protect human health. On certain occasions it is conceded that the scientific assessment of risk cannot be the only source of evidence on which a decision on risk management is based, and that other relevant factors should be considered in ways that are legally justifiable and affect society, the economy, are linked with tradition, ethics, and the environment, together with the possibilities of these factors being controlled.

In the light of the previous texts the following definitions are introduced:

- **hazard** – a biological, chemical or physical factor in food or feed, or also the state that food or feed is in which may have a negative impact on health;
- **risk** – the danger of negative effects occurring to health and the severity of their follow-on effects;
- **risk analysis** – a process consisting of three related elements: 1) risk assessment, 2) risk management, 3) risk communication.
- **risk assessment** – a scientifically-based process consisting of four stages: 1) hazard identification, 2) hazard characterisation, 3) exposure assessment, 4) risk characterisation.
- **risk management** – a process based on finding an alternative policy, with the agreement of stakeholders, taking into account the risk assessment and other legally justified factors, and if need be in then choosing appropriate preventative or control measures.

• **risk communication** – an interactive exchange of information and opinion during the risk analysis concerning hazards and risk, risk factors, and risk perception between risk assessment, risk management, consumers, food and feed business operators, scientific opinion, and other interested parties, giving due consideration to the conclusions of the risk assessment process and reasons behind decisions made by the risk management process.

To ensure food safety, sound scientific principles must be adopted to be in accordance with food legislation. The



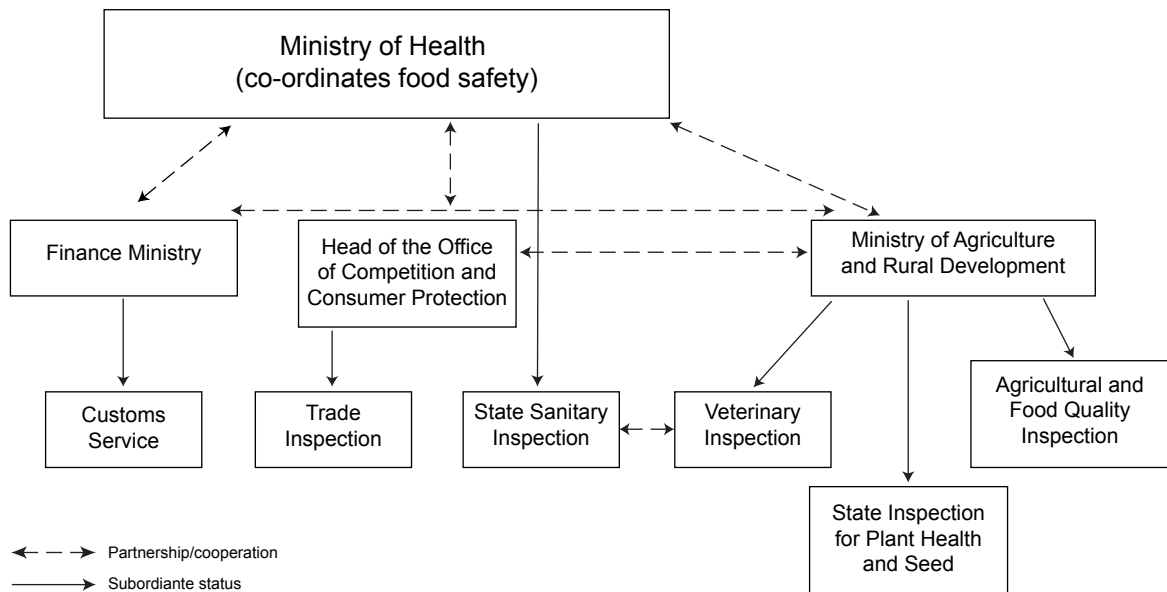


Figure 1. Organisational structure of the system for food safety.

scientifically-based process of risk assessment must be performed in an impartial, objective and transparent manner; it must also be based on the best available knowledge.

Regulation No. 178/2002 [6] establishes in European law three related components of risk analysis, namely: 1) risk assessment, 2) risk management and 3) risk communication. These constitute an appropriate basis for the principles of food legislation founded on recognised indicators. Not all food legislation, however, is based on scientific evidence; certain parts such as informing consumers or preventing misleading practices, do not require the support of science.

The fundamental piece of Polish legislation regulating food safety is the Act of 25 August 2006 concerning the safety of food and feed [4]. This act now introduces a definition of the universally used but still undefined concept of 'food safety'. Here food safety is understood as a set of conditions that must be fulfilled, and in particular this relates to the following: substances used as supplements and fragrances, amounts of impurities, pesticide residues, conditions of food irradiation treatment and organoleptic characteristics, and actions which must be taken at every stage of the production and market distribution process in order to ensure human health and life. This act also defines the requirements and procedures necessary to ensure food and feed safety in an unregulated area of EU legislation, such as in the safe consumption of edible fungi, (mushrooms), or the preserves thereof, or in the requirements of table drinking water. In addition, it implements the regulations contained in the EU directives. Furthermore, the act introduces rules of competence where, among other things, it designates government bodies for food surveillance and establishes a coordinated system for food safety.

SYSTEM OF FOOD SAFETY IN POLAND

The system for supervising food safety covers the entire food chain and the supervisory Ministries responsible for ensuring that the rules are followed are: Ministry of Health for production of food that is of non-animal origin and non-animal and animal origin products available on the market and the Ministry of Agriculture and Rural Development for production of food that is of animal origin. The most important government authorities controlling food safety are the Chief Sanitary Inspectorate (GIS – *Główny Inspektorat Sanitarny*) and the Chief Veterinary Inspectorate. Both inspectorates operate on the basis of regulations governing the concept of competence – The State Sanitary Inspection Act of 14 March 1985 concerning the aforementioned [2] and Veterinary Inspection Act of 29 January 2004 concerning the latter [5]. Furthermore, within the system of food safety are included: Customs Service, subordinate to the Ministry of Finance (in the scope of border control of foodstuffs), the Trade Inspection is subordinated to the President of the Office of Competition and Consumer Protection. This latter ministry has also subordinated to it the Main Inspectorate for Plant Health and Seed Inspection, together with the Agricultural and Food Quality Inspectorate. A full picture is presented in Figure 1.

The aforementioned bodies are responsible for the official control over food. The obligation to define the official system for food control and the way uniform procedures are carried out are described in the previously mentioned WE regulation No. 882/2004 [5]. The most important aims of the official control over food being;

- ensuring that all food produce conforms to legal requirements;



- ensuring consumer safety;
- removal of unlawful products or preventing their market placement;
- detecting malpractices in food production including incorrect labelling;
- issuing permits for the start up of new food business operators and for market placement of products;
- penalising those businesses/industry(s) that do not comply with the legal requirements.

RASFF SYSTEM IN POLAND

An important feature of the policy for safeguarding the health of the EU population is the 'Rapid Alert System for Food and Feed' (RASFF). The legal basis that defines RASFF is the European Parliament & Council Act of 28 January 2002, No. 178/2002, which sets the general principles and legal requirements for food [6]. Also included is the establishment of the European Food Standards Agency (EFSA) and the creation of procedures concerned with food safety. The aim of the system is to provide a rapid reaction whenever dangerous products appear on the market that have originated from EU member states or any other countries. The operation of this system is based on the rapid collection of data on food or feed products that are hazardous to human health and then rapid transmission of the data to the authorities dealing with food control. It is recognised, however, that because of the recent crises concerning feed, such as Bovine Spongiform Encephalopathy (BSE), the inclusion of feed has now been made into the RASFF system. Within this system is the assessment of the seriousness or grade of the hazard regarding consumer health resulting from the appearance of a harmful foodstuff or feed on the market. The system is also expected to inform about rapid actions needed to make remedial resources available. The foremost aim of the RASFF is to ensure consumer safety, and the implementation of this system was one of the conditions for Poland's accession to the EU.

Information on food and feed products that are initially considered hazardous are collected by district councils, border control and provincial (voivodeship) food control authorities, and transmitted to the appropriate Contact Points. Here the information is assessed by a panel of experts concerning the potential risk of any given product and a proposal is made for remedial action. A team of experts from Scientific Research Institutes, (i.e. Institute of Food & Nutrition, National Institute of Public Health, National Institute of Hygiene, National Veterinary Institute), perform a risk analysis and submit a formal proposal, via the National Contact Point (NCP), to the National Inspectorate of Sanitation, (GIS), about what appropriate remedial measures are required – all within 24 hours from notification. On the basis of the expert opinion, GIS then carries out actions to ensure that the hazard is eliminated. In cases where a given product has been assessed to be threatening to life and health then it is immediately withdrawn from

the market. Actions are always taken that are appropriate and which elucidate the remedial measures undertaken. In certain predefined circumstances details may also be sent to the European Commission (EC).

Information is also sent in the reverse direction i.e. from the EC to the NCP and then onto the lower echelons. In this way the system guarantees the flow of information between all interested parties.

The organisational structure of the system is shown in Diagram 2. The RASFF network is managed by GIS and this came into force on 1 January 2003. The NCP operates 24 hours a day.

GIS manages the RASFF network system consisting of the following:

- managing the National Contact Point (NCP);
- responsibility for the operation of the NCP;
- informs the EC on confirmed cases hazardous food or feed.

The GIS competent authority has, in addition, a functioning single RASFF contact point (SCP) which monitors and assesses hazards from food and feed of animal origin and their effects on human health. The information is then relayed to the NCP.

From the day of accession to the EU, the persons responsible for transmitting information on food and feed hazards through the RASFF system have internet access to the EC website of Communication & Information Resource Centre Administrator (CIRCA) – a collaborative workspace with partners of the European Institutions [1]. This site contains all the information concerning how the system functions, particularly notifications sent by network members. Access to this site is strictly limited to authorised users possessing individual password codes.

The assurance of safety covers the entire food chain – from the primal product, through its distribution and to the table of the consumer. It is therefore a priority to ensure that an effective and efficient system food control exists and is managed by state authorities, as well as assuring public opinion of a regular supply of credible information.

The system operating in Poland was officially connected to the European RASFF system on 1 May 2004. It serves by rapidly providing information on incidents related to food or feed that have a hazardous effect on human life or health by direct or indirect means. The correct action can thus be undertaken by the appropriate authorities concerned with food control.

GIS has prepared procedures on how the RASFF system operates in Poland and this has been sent to all participants. They comply with the guidelines of the EC and therefore the whole system can function according to a uniform procedure where tasks are defined for each sectional level of inspection.

Up to October 2007, 253 notifications were sent and of these 176 were to the national network, (120 were information notifications and 56 were alert notifications) and 77 were to the EC, (6 were information notifications and



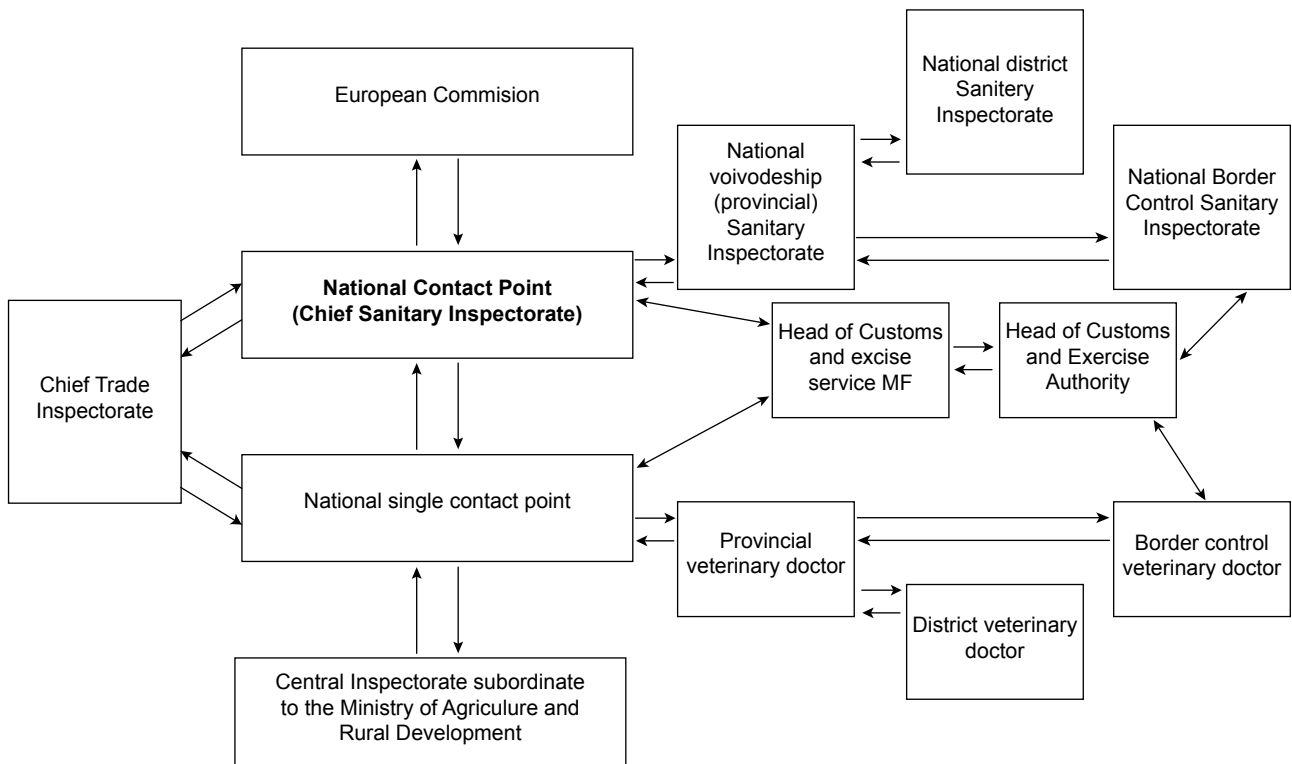


Figure 2. Organisational structure of the RASFF system in Poland.

65 were alert notifications). Of the 176 sent to the national network, 83 were sent to the EC (74 being information notifications and 9 were alert notifications).

In 2006, the NCP received 286 notifications about hazardous food products and in 2005 there were 229, in 2004 there were 179 and in 2003 there were 118. This included:

- 193 notifications relating to inconsistencies found by the authorities during the control process in 2006, (in 2005 - 102, in 2004 - 137 and in 2003 - 94 such notifications).
- 93 notifications from the EC relating to products originating from Poland, (in 2005 - 87, in 2004 - 42 and 2003 - 13 such notifications).

For all of these cases the appropriate actions were taken. Most of the time the producers themselves decide to withdraw food products that do not fulfil the requirements, and the GIS authorities monitor this process.

The RASFF system ensures that a uniform level of food safety is achieved throughout the whole EU and also assures a high level of protection for consumer health and life, and that any hazards arising are immediately dealt with.

Although the numbers of notifications were not large at the beginning when the RASFF system was introduced, it can now be said that the tendency is for the numbers to increase. This is especially the case for information notifications, indicating that the authorities are functioning correctly, both in the rapidity of response and its appropriateness, thereby preventing the appearance of food or feed on

the market which could lead to direct or indirect hazards to human health or life. Because of this, the increased numbers of notifications are not the result of a deterioration in the quality of food in Poland but the result of improving efficiency and flexibility of the system due to an increasing awareness of hazardous products of persons engaged in the transmission of information, as well as increased capabilities of government analytical laboratories in food control. The actions undertaken by the authorities are now directed towards taking preventative measures rather than corrective ones (Fig. 2).

EFSA FOCAL POINT IN POLAND

On the strength of regulation No. 178/2008 [6], the EFSA organisation came into being. Its chief task is in ensuring scientific support for the EU legislature and policy makers in all areas which have a direct or indirect bearing on the safety of food and feed. EFSA is also responsible for providing scientific opinion on other issues related to health, proper conditions for animal husbandry and plant health. Furthermore, EFSA provides opinions on products other than food and feed, but which are linked with genetically modified organisms as defined in the Directive of the European Parliament & Council of 2001/18/WE of 12 March 2001 concerning the intentional release of genetically modified organisms into the environment, and rescinds the Council Directive of 90/220/EWG [3].

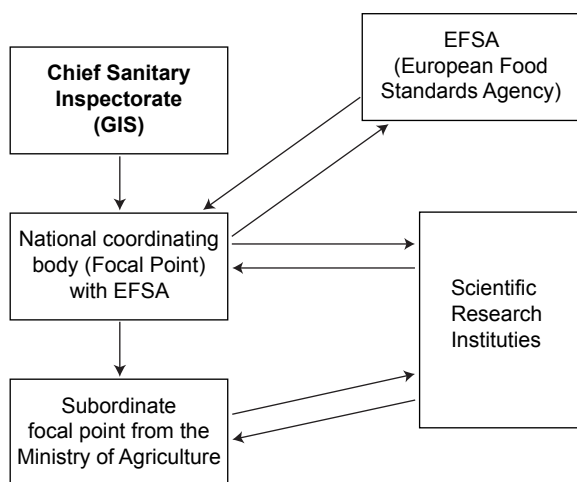


Figure 3. Organizational structure representing the Polish partnership for cooperation with EFSA.

A significant issue is for EFSA to discharge its duties in the role of an independent advisor. This is to assure a high level of scientific and technical expertise when opinions are given, information is disseminated, procedures and methods of action are transparent and that the tasks entrusted are reliably carried out. The rules in the regulations also state that a close cooperation of EFSA be established with the appropriate authorities in member countries who perform similar functions of cooperation between authorities, the EC and member countries, with the aim of providing joint support for risk assessment, risk management and exchanging risk communication.

Both the aforementioned role of EFSA and the strategy adopted in December 2006 of collaboration and the establishment of a network between member states and EFSA [9] have led to the creation of Focal Points in each country of the EU. Their tasks, among others, include the collection and transmission of available scientific data, risk assessment information on food safety from each member state and organising training on risk analysis.

In accordance with the Food and Feed Safety Act [4], the Ministry of Health is the authority in Poland which coordinates all matters concerning food and feed safety (Article 89), as well as collaborating with EFSA (Article 90). The latter function is subordinated to GIS where the Ministry of Health has thereby appointed that the EFSA

National Focal Point is incorporated into the structure of GIS. Due to its very nature, the subordinate focal point for feed safety is, however, located under the Ministry of Agriculture (Fig. 3).

CONCLUSION

This review therefore shows that Food Safety in Poland is regulated by many legal acts, both national and those of the EU. There is also much involvement from various institutes whose duties are mainly supervisory; however, increasingly it is the scientific research institutes that now play larger roles. This is reflected in the joint EU approach where every decision made on Food should be founded on reliable scientific analysis.

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