

Towards EU Sustainable Dietary Guidelines to promote health and sustainable diets

Quality schemes in the modern approach of EU Food Law: A new comprehensive food labelling and a renewed role of geographical indications

Key words: Sustainable diets, EU Food Law, Geographical Indications, Food Labels, Consumer Choices and Protection

1. Introduction

On 20/02/2019 – the European and Economic Social Committee adopted the document titled ‘Promoting healthy and sustainable diets in the EU’.¹

In spite of being an opinion which demands further legal binding documents, it provides indication on the way the EU should approach sustainable diets by addressing many benefits of this new approach to food that will impact not only EU consumers.

The topic is relatively new as a comprehensive discussion over food diets has never been of primary importance but mostly tackled as a cross-cutting issue.

In order to better understand the reasons behind this late shift, it is necessary to go back to examine the historical origins of EU Food and the analysis will concentrate on the nexus food-culture and legislative implementations which should be majorly investigated by the dominant EU doctrine.

The EU legislator has been concerned during times about several threats and tried to reconcile diverse values: from preventing epidemics, to sustaining consumer protection, to the current trend of fostering sustainability. EU legislation over food has assumed multiple aspects adapting to new circumstances that have been highly influenced by politics but also by a need to respond to modern developments like consumer’s demands and a new globalised market. This article while showing the historical evolution of EU Food Law, intends to analyse some potential elements to be considered in the years to come which could impact on people’s life and diets. A particular focus will be dedicated by the role that will play the new labelling system and quality schemes among which the renewed role of agro-food geographical indications through the recent EU Parliament Resolution to adopt the Geneva Act.²

¹ EESC Opinion NAT/755-EESC-2018-04568 available at <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/promoting-healthy-and-sustainable-diets-eu-own-initiative-opinion>.

² European Parliament legislative resolution of 16 April 2019 on the draft Council decision on the accession of the European Union to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (06929/2019 – C8-0133/2019 – 2018/0214(NLE))

2. Methodology

Most data were collected through an in depth analysis of past EU Food Laws, and current food trends. Legal EU documents were examined in the light of showing the progress made towards a more sustainable food system which takes into account not only consumer's health and trade standards but also values like environmental and social responsibility which should drive consumer's choices.

The literature used includes respectful opinion over specific topics in EU food law, labelling system and geographical indications.

The presentation will examine the historical development of Food Law in the EU to highlight how regulative mechanisms have been influenced by the necessity of protecting different values during times and how sustainability also in diets becomes a theme of modern times and a necessity of a globalised society.

3. Results.

Quality schemes: food labels and geographical indications

i) Food labels

The Dietary Guidelines which should be adopted by the EU in the next couple of years should be based on international standards but also on a specific EU approach regarding the role that consumer should play in responsibly participating in dietary regimes. A specific role will be played by the EU Food Label, which will be based on rules of transparency, providing all information that will discourage the consumption of 'unnecessarily cheap raw materials unhealthy and unsustainable (e.g. trans fats, palm oil and excess sugars).' - EESC Opinion.

The labelling system will also include all information, which are currently not compulsory such as environmental standards and social aspects.

ii) Geographical indications

The protection of geographical indications is a clear example of this new trend. By addressing quality and not only production, the EU provides an answer not only to that necessary diversification of rural economies - that is fundamental to sustain even the most marginalized rural areas – but it meets a new demand from EU consumer market.

Consumers and farmers become closely connected and majorly influenced by each others actions. This aspect is also promoting a renewed symbolic value attached to food.

Food can become a cultural patrimony as many authors have proven the fundamental identity character that links people with the agro-food products of their territory.

Furthermore, diverse historical and ethnographical perspectives have studied the identity connection of some food items. Some food roots and traditions are developed across centuries, which turned some agro food in integrated totem of local diet. Some of them have been accorded a special protection by the existing European legal mechanism of geographical indication. This 'special' food items contribute to the identification and connotation of products: linkages with the territory but also with cultural knowledge and traditions of people inhabiting the territory of production of the food item, independently from being or not being the producers. Geographical indications are a case study for a better comprehension of cultural and traditional values attached to some agro-food items and the current trend of EU Food policy.

4. Discussion

Shifting perspectives: EU Food Law from only safety to accountability and sustainability

Going back to the roots of a common universal history, food was probably one of the first items to be regulated and what to eat or not to eat was disciplined in very early times. As Catonis recalls in his *De Rustica*, some rules established to discipline food adulteration,³ and this signifies that the theme has always deemed as relevant and crucial.

A new concept of what can be a modern system of food laws was born in the twentieth century in the EU but also in the US with the necessity of responding to high costs generated in the health system by the scandals in the meat packing and food processing industries.⁴

Although a different history accompanies the evolution of the United States food laws, today more than yesterday there are commonalities that unite EU-US countries in particular in a new expanded concept of modern food laws and a collective responsibility.

The harmonisation of EU food law is due to a complex historical evolution on how EU authorities have interpreted food crises, preventive health measures, and industries interests.

Past epidemics came mostly from the supply chain in the meat industry and there was a need of major controls of the borders of the EU and within the EU members itself. Since its creation, EEC found the matter of food and agriculture being of a supranational competence.

³ M. Catonis in his *De Re Rustica Capitula CIV-CXXV*, 111 provides an example for determining watered wine. Some references on animal health and consumer welfare were also present, see Catonis *Capitula LXX-LXXIII*.

⁴ Sinclair U., *The Jungle* (New York: Doubleday, 1906. in which the author describes the abuses in the meatpacking plants in Chicago.

It is worth underlying that the roots of EU trade policy on food and EU food law coincides: they both lay under Art. 36 of the EEC Treaty where member countries are allowed to restrict imports in order to protect the life of their human, animal, and plant populations.⁵

The creation of an integrated internal EU market without barriers for food products was the main concern underlying the EU legislator's first attempts to cover the subject area with the most organized system without neglecting the needs of the EU consumers to be protected against counterfeiting of frauds and food adulteration.⁶

Originally meant to regulate an internal market for food products,⁷ after the 1990s' E.coli outbreak in the United States and the BSE scandal of the late 1990s in the United Kingdom, the EU authorities became more concerned with consumer protection and the sanitary aspect of it.⁸

5. Conclusion

Historical development in the way EU approached the thematic of food regulation are approached with the intent of capturing the shift from a mere safety orientation to comprehend new approaches as consumer satisfaction on quality production, sustainable value chains, and more universal international trade standards. All these directions have directly impacted on people diets during times.

The analysis shows the simplicity of an early system born out of emergency crises to a more complex bundle of regulations where food safety is interlinked with consumer protection, with a significant role played by the labelling and quality schemes laws.

Through the years many EU regulations have helped to better point in the direction where the EU legislator meant to go: new effective laws able to comply with the introduction of new important values that bet on quality production over quantity which means primarily respect of values like environmental and suitable practises, safeguarding territories and local diets. The introduction of participatory approaches based on transparency of information over food content has been demonstrated to be effective.

⁵ See Skogstad G., *The WTO and Food Safety Regulatory Policy Innovation in the European Union*. JCMS: Journal of Common Market Studies, 2002 at 297.

⁶ Council Resolution of 28 May 1969 on the adaptation to technical progress of the Directives for the elimination of technical barriers to trade which result from disparities between the provisions laid down by Law, Regulation or Administrative Action in Member States.

⁷ See Van der Meulen, B., and M. van der Velde. (2008). *European Food Law Handbook*. Wageningen: Wageningen Academic Publishers. See also Alemanno, A. (2006). 'Food Safety and the Single European Market', in C. Ansell and D. Vogel (eds.), *What's the Beef? The Contested Governance of European Food Safety*. Cambridge, MA.: MIT Press, 237–58.

⁸ White Paper *Action Plan on Food Safety*, 1999 ;

The direction is taken towards a more comprehensive 'collective' system where each stakeholders play an important role: the farmer, the consumer, the distributor, quality schemes associations.

To consumers is given the possibility to be informed through a new mechanism offered by the recent EU labelling policy, which is not describing only the origin of the product but also some important new components that can affect positively or negatively consumers' health but also on consumer's sustainable choices.

Sustainable food choices are expressed in EU food quality schemes and include environmental and social responsibility for a conscious consumer choice.

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