

Legislation relating to food production and distribution

European Union legal standards

they are drawn up and approved by the EU Council, sometimes jointly with the European Parliament, or separately by the EU Commission.

- **Regulation'** - regulation

is the hardest type of legal norm, essentially having the same status as laws. They apply throughout the EU, states must adopt them in the same form as approved. No state can modify them, add exceptions etc. They stand above our Czech norms. If Czech law contradicts the regulation or differs in any way, we must follow the regulation.

- **Directive'** - directive

is not as harsh as regulation. The directive does not tell the state exactly what to do and how to do it, it just points the way. Each state can determine how to meet the requirements of that directive. So the Czech parliament can pass a law, decree or other standard.

Example: the EU has stipulated that the sale of baked goods should be hygienic throughout the European Union by 2008. France has only issued a decree 'to make bakers wash their hands'. The Czech Republic has ordered all manufacturers to pack their baked goods in bags. This decree aroused considerable opposition (the need to individually wrap doughnuts, rolls, etc.) and other regulations dealt with what to do about it, while the original aim was only basic hygiene in the sale of bakery products.

- **Decision'** - decision

applies to the intended recipient. If a country fails to comply with a regulation or directive, the EU decides it must comply and imposes a fine.

- **Opinion** - opinion and **recommendation** - recommendation

are not very binding, but rather a kind of good advice to individual countries.

Legal norms of the Czech Republic

- **Laws'** - approved by the Parliament of the Czech Republic, they contain general theses and intentions.
- **Decrees'** - issued by the minister of the relevant ministry, they contain the specific implementation of the measures given by the law.

Selected legal norms of the Czech Republic in relation to food production and distribution

- Act No. 258/2000 Coll. **On the Protection of Public Health** and on the Amendment of Certain Related Acts, as amended
- Act No. 110/1997 Coll., *on food and tobacco products* as amended
- Decree No. 490/2000 Coll. **on the scope of knowledge and other conditions for acquiring professional competence in certain fields of public health protection**
- Decree No. 137/2004 **on hygienic requirements for catering services and on the principles of personal and operational hygiene in epidemiologically serious activities** as amended
- Decree No. 54/2004 Coll., **on foodstuffs intended for special nutrition and the manner of their use** as amended
- **Commodity requirements'** - implementing decrees of Act 110/1997 on foodstuffs are issued by the Ministry of Agriculture of the Czech Republic as amended. These decrees specify groups of foodstuffs - commodities and set quality requirements - they replace quality standards. For example, Decree No 397/2016 on requirements for milk and milk products, frozen creams and edible fats and oils

NOTE: Hygienic requirements for catering services and the principles of personal and operational hygiene set out in Decree No. 137/2004 are practically elaborated in the manual Principles of Good Manufacturing and Hygienic Practice in Catering Services ^[1] ^[2].

The EU is gradually moving from directives to regulations, i.e. from rules that only set out the objective to be achieved, leaving it up to the Member States to fulfil the stated objective in their national legislation, to directly applicable rules, in particular regulations, which are no longer transposed into national legislation and only adapt national legislation to the directly applicable rule. This leads to the amendment or repeal of a number of Czech standards which replace directly applicable EU rules. **Legal standards must be applied as they stand**, i.e. with amendments incorporated.

Database of legal norms of the Czech Republic

- Ministry of the Interior of the Czech Republic (<https://aplikace.mvcr.cz/sbirka-zakonu/>) - Collection of Laws
- Laws for the People (<https://www.zakonyprolidi.cz/>) - regulations of the Collection of Laws of the Czech Republic in the valid (current / consolidated) version
- Arnet online - Laws of the Czech Republic online (<http://www.zakonycr.cz>)
- Food Safety Information Centre (<http://www.bezpecnostpotravin.cz/>) menu: legislation

Selected EU legislation relating to food production and distribution

- Regulation (EC) No 178/2002 of the European Parliament and of the Council 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*
- Regulation (EC) No 852/2004 of the European Parliament and of the Council **on the hygiene of foodstuffs'**
- Regulation (EC) No 1169/2011 of the European Parliament and of the Council *on the provision of food information to consumers*, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004
- Regulation (EC) No 1924/2006 of the European Parliament and of the Council **on nutrition and health claims made on foods'**
- Regulation (EU) No 609/2013 of the European Parliament and of the Council **on food intended for infants and young children, on food for special medical purposes and on the replacement of a whole-day diet for weight management** and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009 Commission Directive 1999/21/EC of 25 March 1999 **on dietary foods for special medical purposes'** Commission Implementing Regulation (EU) No 828/2014 **on requirements for the provision of information to consumers on the absence or reduced gluten content of foods**

Database of EU legal norms

- EUR-Lex (<https://eur-lex.europa.eu/homepage.html?locale=cs>)

Links

References

1. KOLEKTIV AUTORŮ, *Zásady správné výrobní a hygienické praxe ve stravovacích službách : Část 1* [online] . 1. edition. Prague : Národní informační středisko pro podporu jakosti, 2006. 63 pp. Available from <http://www.khskk.cz/khsdata/hv/zasady_spravne_vyrobni_praxe1.pdf>. ISBN 8002018222.
2. KOLEKTIV AUTORŮ, *Zásady správné výrobní a hygienické praxe ve stravovacích službách : Část 2* [online] . 1. edition. Prague : Národní informační středisko pro podporu jakosti, 2006. 63 pp. Available from <http://www.khskk.cz/khsdata/hv/zasady_spravne_vyrobni_praxe2.pdf>. ISBN 8002018230.