

ZAKONODAVSTVO EU ZAKONODAVSTVO SRBIJE

BEZBEDNOST HRANE – *ne može biti APSOLUTNA!*
“DOVOLJNO BEZBEDNA” / *koncept bezbednosti –*

KONCEPT PRIHVATLJIVOG NIVOA RIZIKA

IGNORANTIA IURIS NOCET /IGNORANTIA IURIS NON EXCUSAT

QUOTAS about (Food) SAFETY

- *"Salus populi suprema lex,"* the Romans used to say. *"The people's safety is the highest law."* They were right, but are we getting carried away?
- Despite the fact that thousands of employees have been trained in food safety around the world, millions have been spent globally on food safety research, and countless inspections and tests have been performed at home and abroad, food safety remains a significant public health challenge. Why is that? The answer to this question reminds me of a quote by Elliot M. Estes, who said, *"If something has been done a particular way for 15 or 20 years, it's a pretty good sign, in these changing times, that it is being done the wrong way."* To improve food safety, we have to realize that it's more than just food science; it's the behavioral sciences too.

ČINJENICE

- "AGRO-INDUSTRY" – važan ekonomski sektor u EU; preko 48 miliona zaposlenih; 750 biliona evra godišnje
- Preko 200 bolesti koje se putem hrane prenose sa životinja na ljude
- Predviđanja: 2030. 8 biliona ljudi – potreba da se proizvodnja hrane poveća za 40%

U zadnjih deset godina EU potrošila 3,3 biliona evra na "food safety policy", uključujući 2,2 biliona na eradikaciju bolesti životinja.

Planirani EU budžet za period 2014-2020 2,2 biliona evra:

1. Eradikacija bolesti životinja
2. "EU emergency veterinary fund", uključujući EU referentne laboratorije, trening programe i banke vakcina.

Article 25, paragraph 1, of the Universal Declaration of Human Rights affirms that “[e]veryone has the right to a standard of living adequate for the health of himself and of his family, including food, clothing, housing and medical care and necessary social services”



THE UNIVERSAL DECLARATION OF Human Rights

PREAMBLE Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

ARTICLE 1 All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

ARTICLE 2 Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, birth or other status.

ARTICLE 3 Everyone has the right to life, liberty and security of person.

ARTICLE 4 No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

ARTICLE 5 No one shall be subjected to slavery or servitude; slavery or the trade in slaves shall be prohibited in all forms.

ARTICLE 6 Everyone has the right to recognition as a person before the law.

ARTICLE 7 All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal treatment before the law.

ARTICLE 8 Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

ARTICLE 9 No one shall be subjected to arbitrary arrest, detention or exile.

ARTICLE 10 Everyone is entitled to full equality before the law.

ARTICLE 11 Everyone is entitled to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

ARTICLE 12 No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

ARTICLE 13 Everyone has the right to freedom of movement and residence within the borders of each state.

ARTICLE 14 Everyone has the right to leave any country, including his own, and to return to his country.

ARTICLE 15 Everyone has the right to a nationality.

ARTICLE 16 Everyone has the right to marry and to found a family, which is the basis of the society and of the State and is entitled to equal rights in all matters.

ARTICLE 17 Everyone has the right to own property alone as well as in association with others.

ARTICLE 18 Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others, to manifest his religion in worship, observance, practice and teaching.

ARTICLE 19 Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions and to receive and impart information and ideas without restriction as to content.

ARTICLE 20 Everyone has the right to peaceful assembly and to associate with other persons, to form and to join trade unions, for the protection of his interests.

ARTICLE 21 Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

ARTICLE 22 Everyone has the right to social security.

ARTICLE 23 Everyone has the right to work, to free choice of employment, to just and favourable conditions of work, to equal pay for equal work, and to form and to join trade unions for the protection of his interests.

ARTICLE 24 Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

ARTICLE 25 Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing, medical care and necessary social services, and to education.

ARTICLE 26 Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and vocational education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

ARTICLE 27 Everyone has the right to the free development of his personality, to the enjoyment of the arts and to scientific advancement.

ARTICLE 28 Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

ARTICLE 29 Everyone has duties to the community in which alone the free and full development of his personality is possible.

ARTICLE 30 Nothing in this Declaration may be interpreted as authorizing any state, group or person to engage in any activity aimed at the destruction of any of the rights and freedoms set forth herein.

RAZVOJ

□ RIMSKI SPORAZUM – SPORAZUM O OSNIVANJU EEC (1957.)

1. JEDINSTVENO TRŽIŠTE
2. ZAJEDNIČKA AGRARNA POLITIKA
(Common AGRICULTURAL POLICY – CAP)
3. PRIORITET PROIZVODA IZ EU
4. FINANSIJSKA SOLIDARNOST

43% ukupnog budžeta EU odlazi na ruralni razvoj i sprovođenje poljoprivredne politike EU

RAZVOJ

- ❖ “*food scares*” situacija - BSE, kontaminacija dioksinom u Belgiji, GMO, „Jack in the Box“ *E. coli* slučajevi oboljenja – sredina 1990.-tih – poljuljano poverenje, potreba revizije
- ❖ 1997. EC – GREEN PAPER on FOOD LAW – pokretanje javne debate
- ❖ **WHITE PAPER ON FOOD SAFETY**, januar 2000. – predlog transformacije politike u proaktivni, dinamični, koherentni i sveobuhvatni instrument sa ciljem osiguranja visokog nivoa zdravlja ljudi i zaštite potrošača

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1. Novi sistem za procenu rizika baziranim na principima izvrsnosti, transparentnosti i nezavisnosti
 2. Formiranje javnih agencija za HRANU i ZDRAVLJE
 3. Veći stepen suradnje između zemalja članica EU

KRAJNI REZULTAT

2002, the Council of the EU and the European Parliament – Savet EU i Evropski Parlament usvajaju

Regulativu/Uredbu (EC) No. 178/2002 – GENERAL FOOD LAW (GFL)

PRINCIPI POLITIKE BEZBEDNOSTI HRANE

integrisani pristup; primarna odgovornost, sledljivost hrane, i njenih sastojaka;
transparentnost, analiza rizika

EUROPEAN COMMISSION (EC)

DIREKTIVE

VS

REGULATIVE

- cilj je postavljen, ali dozvoljava se nacionalnoj vlasti da odredi kako (**NA KOJI NAČIN**) u ostvarivanju tog cilja; ne može se sprovoditi u zemlji članici **PRE** prethodne implementacije u nacionalnu legislativu

- “directly applicable”
 - direktno primenjiv
- postaje **ZAKON** za sve zemlje članice odmah po stupanju na snagu, bez potrebe menjanja nacionalne legislative

HORIZONTALNE – pokrivaju jedan aspekt npr.
HIGIJENA kroz sve kategorije proizvoda

VERTIKALNE – primenjuju se na pojedinu grupu proizvoda

Regulativa (Uredba) o mikrobiološkim kriterijumima za hranu (EC) 2073/2005, (EC) 1441/2007 (EU) 365/2010....2017/1495

- Mikrobiološki kriterijum - kriterijum koji utvrđuje prihvatljivost jednog proizvoda, serije proizvoda ili procesa, na temelju odsutnosti, prisutnosti ili broja MO i/ili količine njihovih toksina/metabolita po jedinici mase, volumena, površine ili serije
- Primjena mikrobioloških kriterijuma je sastavni dio sistema samokontrole.
- Mikrobiološki kriterijumi su namenjeni da se koriste za validaciju i verifikaciju procedura Hazard Analysis and Critical Control Points (HACCP) i dobre higijenske prakse.

USA

[http://www.europarl.europa.eu/RegData/etudes/STUD/2015/536324/IPOL_STU\(2015\)536324_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2015/536324/IPOL_STU(2015)536324_EN.pdf)

3. STRUCTURE OF THE FOOD SAFETY AND CONTROL SYSTEM IN THE USA

KEY FINDINGS

- Regulation exists at the federal, state, and local level
- The main federal agencies are the Food and Drug Administration (FDA) and the Department of Agriculture (USDA)
- Within USDA the main agency is the Food Safety Inspection Service (FSIS)
- The FDA has responsibility for 80% of food whilst FSIS regulates meat, poultry and eggs, although some overlap does occur
- Federal regulations govern interstate trade, imports and exports whilst State and local regulations govern intrastate trade
- The main federal regulations are the Food Drug and Cosmetic Act 1938, The Meat Inspection Act, The Poultry Inspection Act, The Egg Inspection Act
- The recent Food Modernisation Safety Act 2011 aims to improve food safety and mostly impacts on the activities of the FDA

This chapter provides an overview of the structure of the food safety and control system in USA.

The safety and quality of the US food supply is governed by a highly complex system which is collectively administered by fifteen agencies and stems from at least thirty laws (GAO, 2011).

The food supply chain in USA is regulated at the Federal (national), state and local level and by a number of agencies. Federal (National) law regulates interstate and international trade whilst state governments regulate intrastate businesses.

Thus the food safety system consists of federal agencies exercising designated food safety responsibilities in accordance with the main authorising statutes. Individual states may supplement these with their own statutes, regulations and agencies for regulating and inspecting food safety and quality.

ЗАКОН О БЕЗБЕДНОСТИ ХРАНЕ (Сл. гласник РС бр. 41/2009 и 17/2019)

I. ОСНОВНЕ ОДРЕДБЕ

Предмет уређења

Члан 1.

Овим законом уређују се општи услови за безбедност хране и хране за животиње, обавезе и одговорности субјеката у пословању храном и храном за животиње, систем брзог обавештавања и узбуњивања, хитне мере и управљање кризним ситуацијама, хигијена и квалитет хране и хране за животиње.

Изузеци од примене

Члан 2.

Одредбе овог закона не односе се на примарну производњу хране, припрему, руковање, односно складиштење хране за потребе сопственог домаћинства, као и на храну за животиње које не служе за производњу хране.

Циљ закона

Члан 3.

Циљ овог закона је да обезбеди висок ниво заштите живота и здравља људи и заштита интереса потрошача, укључујући начело поштења и савесности у промету храном, узимајући у обзир када је то могуће заштиту здравља и добробити животиња, као и здравља биља и заштите животне средине.

V BEZBEDNOST HRANE I HRANE ZA ŽIVOTINJE

1. Opšti uslovi za bezbednost hrane

Zabrana

Član 25

- Zabranjeno je stavljanje u promet hrane koja nije bezbedna.
- Hrana nije bezbedna, ako je štetna po zdravlje ljudi i ako nije pogodna za ishranu ljudi.

Hrana nije pogodna za ishranu ljudi, ako je ta hrana neprihvatljiva za upotrebu kojoj je namenjena, zbog kontaminacije spoljnim ili nekim drugim faktorom, kao i zbog truljenja, kvarenja ili raspadanja i isteklog roka trajanja za proizvode označene rokom trajanja "upotrebljivo do" u skladu sa propisima kojima se bliže propisuje deklarisanje hrane.

Hrana nije bezbedna ukoliko sadrži:

- 1) sredstva za zaštitu bilja, biocide ili kontaminante ili njihove metabolite ili proizvode razgradnje iznad maksimalno dozvoljenih koncentracija;
- 2) sredstva za zaštitu bilja, odnosno biocide čija upotreba nije odobrena ili dozvoljena;
- 3) supstance sa farmakološkim dejstvom ili njihove metabolite koji se ne smeju davati životinjama koje služe za proizvodnju hrane ili prekoračuju maksimalno dozvoljene količine ostataka ili nisu odobreni ili registrovani za primenu na životinjama koje služe za proizvodnju hrane ili nisu odobreni kao aditivi u hrani za životinje koje služe za proizvodnju hrane;
- 4) supstance sa farmakološkim dejstvom ili njihove metabolite kod lečenih životinja, a da nije ispoštovan propisani period karence;
- 5) mikroorganizme, viruse, parazite i njihove razvojne oblike koji predstavljaju opasnost za zdravlje ljudi;
- 6) materije (fizičke, hemijske, radioaktivne) koje same ili zajedno sa drugim materijama prelaze maksimalno dozvoljene vrednosti i predstavljaju opasnost po zdravlje ljudi.

Pravilnici doneti na osnovu Zakona o bezbednosti hrane:

- Pravilnik o veterinarsko-sanitarnim uslovima, odnosno opštini i posebnim uslovima za higijenu hrane životinjskog porekla, kao i o uslovima higijene hrane životinjskog porekla (Sl. glasnik RS, broj 25/11 i izmena 27/14)
- Pravilniku o kvalitetu proizvoda od mleka i starter kultura (Sl. glasnik RS, br. 33/10 izmene i dopune 69/10 i 43/13)
- Pravilnik o opštini i posebnim uslovima higijene hrane u bilo kojoj fazi proizvodnje, prerade i prometa (Sl. glasnik RS broj 72/10 i 62/2018)
- Pravilnik o deklarisanju, označavanju i reklamiranju hrane (Sl. glasnik RS 19/2017)
- Pravilnik o prehrambenim i zdravstvenim izjavama (Sl. glasnik RS br. 51/2018 i 103/2018)

Pravilnik o opštim i posebnim uslovima higijene hrane u bilo kojoj fazi proizvodnje prerade i prometa (Sl. glasnik RS broj 72/10 i 62/18)

MIKROBIOLOŠKI KRITERIJUMI

- Definicije pojedinih izraza upotrebljenih u pravilniku

- Opšti deo

- Prilog 1.
 - ✓ Kriterijumi bezbednosti hrane,
 - ✓ Kriterijumi higijene u procesu proizvodnje,
 - ✓ Pravila za uzimanje uzoraka i pripremu uzoraka za ispitivanje.

- Mikrobiološki kriterijumi sadrže:
 - ✓ Kategoriju hrane,
 - ✓ Spisak značajnih mikroorganizama, toksina i metabolita;
 - ✓ Plan uzorkovanja (broj jedinica uzorka (n) i broj ispitivanih jedinica uzorka (c) koje moraju da zadovolje postavljene granične vrednosti);
 - ✓ Granične vrednosti (m, M)
 - ✓ Referentne metode ispitivanja
 - ✓ Fazu u kojoj se kriterijum primenjuje.
 - ✓ Aktivnosti koje će biti preduzete ako kriterijum nije zadovoljen.

PRIMER:

23 ★	2.2.1.	Пастеризовано млеко и други пастеризовани течни производи од млека (4)	<i>Enterobacteriaceae</i>	5	0	10 cfu/ml	ISO 21528-2	Крај производног процеса	Провера ефикасности топлотне обраде и спречавање поновне контаминације, као и квалитета сировина	
24 ★	2.2.2.	Сиреви произведени од млека или сурутке који су обрађени топлотом	<i>E. coli</i> (5)	5	2	100 cfu/g	1000 cfu/g	ISO 16649-1 или ISO 16649-2	За време производног процеса, у време када се очекује да ће број колонија бактерије <i>E. coli</i> бити највећи (6)	Побољшања хигијене производње и избора сировина
25 ★	2.2.3.	Сиреви произведени од сировог млека	Коагулаза позитивне стафилококе	5	2	10 ⁴ cfu/g	10 ⁵ cfu/g	EN ISO 6888-2		Побољшање хигијене производње и избора сировина. Ако се утврде вредности >10 ⁵ cfu/g, та производна партија сира се мора испитати на присуство стафилококних ентеротоксина.
26 ★	2.2.4.	Сиреви произведени од млека које је обрађено топлотом на температури нижој од температуре пастеризације(7), сиреви са зрењем произведени или од пастеризованог млека или сурутке, или од млека или сурутке обрађених јачим режимом топлотне обраде(7)	Коагулаза позитивне стафилококе	5	2	100 cfu/g	1000 cfu/g	EN ISO 6888-1 или EN ISO 6888-2	За време производног процеса, у време када се очекује да ће број стафилокока бити највећи	

Any
Questions