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INTERNATIONAL LEGAL REGULATION OF FOOD SAFETY ON THE EXAMPLE OF THE EUROPEAN UNION AND THE EURASIAN ECONOMIC UNION

The problem of food safety has been one of the most pressing issues for many centuries. But over the last three decades this issue has become more acute. Today unsafe foods represent not only a huge danger to everyone's health, but also one of the most important global threats to healthcare and food security. Therefore, ensuring food safety is one of the main factors determining people's health, and the most important task and responsibility of all States and the world community as a whole.

The main purpose of this research is to study the international legal experience of the ensuring food safety on the example of the two largest regional integration associations-the European Union and the Eurasian economic Union. As part of this study, the food legislation of the EU and the EAEU was considered, as well as a comparative analysis of the most important provisions and parameters of the main legal documents in this area with the use of the synchronic method of comparative research. In order to obtain more detailed and reliable information on the issues of the studied topic, the article considered various scientific works and studies of many foreign, domestic and Russian scientists, as well as guides, collections, brochures and guidance materials of such international and national organizations as FAO, WHO, IFC and «KAZNEX INVEST». As a result, the study identified the main differences and similarities, as well as the advantages and disadvantages of the two food laws. Given the fact that the problem of food safety covers the international legal and comparative analysis of regulatory documents of the EU, the EAEU and the Republic of Kazakhstan, regarding food safety. Therefore, this research article will allow to get acquainted not only with the basic legal framework, but also the basic requirements of the EU and the EAEU and the European accounted to the internation in ensuring food security.

Key words: food safety, the European Union, the EAEC, food.

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Еуропалық Одақ пен Еуразиялық Экономикалық Одақ үлгісінде азық-түлік өнімдерінің қауіпсіздігін халықаралық-құқықтық реттеу

Тамақтанудағы қауіпсіздік мәселесі көптеген ғасырлар бойы өзекті мәселелердің бірі болып табылады. Дегенмен соңғы үш жылда аталған сұрақ неғұрлым өткір сипат алуда.

Қазіргі таңда қауіпсіз емес тамақтар тек адам денсаулығы үшін қауіпті ғана емес, сондайақ денсаулық сақтау саласы мен азық-түлік қауіпсіздігіндегі ғаламдық қауіптің бірін құрайды. Сондықтан азық-түліктің қауіпсіздігін қамтамасыз ету адам денсаулығын анықтайтын маңызды факторлардың бірін құрайды және мемлекеттің, жалпы тұтастай әлемдік қоғамдастықтың маңызды міндеті болып табылады.

Аталған зерттеудің негізгі мақсаты азық-түлік қауіпсіздігін қамтамасыз етудегі негізгі екі ірі аймақтық интеграциялық одақ – Европалық Одақ пен Евразиялық экономикалық одақ үлгісіндегі әлемдік-құқықтық тәжірибені зерттеу. Аталған жұмыс аясында ЕО пен ЕАЭО азық-түлік заңдарын қарастыру, сондай-ақ осы саладағы негізгі құқықтық құжаттардың негізгі ережелері мен параметрлерін салыстырмалы зерттеудегі синхронды әдісті қолдана отырып салыстырмалы анализ жасалды. Мақаладағы зерттеліп отырған тақырып сұрақтары бойынша толық және жанжақты ақпарат алу мақсатында әртүрлі отандық, ресейлік және көптеген шетелдік зерттеу жұмыстары, жинақтар, брошюралар мен ФАО, ДДҰ, ХҚК және «KAZNEX INVEST» секілді ұлттық және дүниежүзілік ұйымдардың нұсқау материалдары қарастырылды.

Жүргізілген зерттеу жұмысы нәтижесінде ЕО пен ЕАЭО азық-түлік қауіпсіздігі саласындағы заңдардың ұқсастығы мен өзгешелігі, өзекті мәселелері мен келешегі анықталды.

Аталған мақала ЕО пен ЕАЭО азық-түлік қауіпсіздігін қамтамасыз ету саласында негізгі нормативтік-құқықтық талаптармен танысуға мүмкіндік береді.

Түйін сөздер: тамақтану қауіпсіздігі, Еуропалық Одақ, ЕАЭО, азық-түлік өнімдері.

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Международно-правовое регулирование безопасности пищевых продуктов на примере Европейского Союза и Евразийского Экономического Союза

Проблема безопасности питания является одной из актуальнейших тем на протяжении многих столетий. Но за последние три десятилетия данный вопрос стал приобретать более острый характер. Сегодня небезопасные продукты питания представляют собой не только огромную опасность для здоровья каждого человека, но и одну из значимых глобальных угроз в области здравоохранения и продовольственной безопасности. Поэтому обеспечение безопасности продуктов питания является одним из главных факторов, определяющих здоровье людей, и важнейшей задачей и обязанностью всех государств и мирового сообщества в целом.

Основной целью данного исследования является изучение международно-правового опыта обеспечения безопасности пищевых продуктов на примере двух крупнейших региональных интеграционных объединений – Европейского Союза и Евразийского Экономического Союза. В рамках данной работы было рассмотрено продовольственное законодательство ЕС и ЕАЭС, а также проведен сравнительный анализ важнейших положений и параметров основных правовых документов в данной сфере с применением синхронического метода сравнительного исследования. С целью получения более подробной и достоверной информации по вопросам исследования. С целью получения более подробной и достоверной информации по вопросам исследования, отечественных и российских ученых, а также руководства, сборники, брошюры и инструктивные материалы таких международных и национальных организаций, как ФАО, ВОЗ, МФК и «KAZNEX INVEST». В результате проведенного исследования были определены основные различия и сходства, а также проблемы и перспективы законодательства в области пищевой безопасности ЕС и ЕАЭС. Данная статья позволит ознакомиться с основными нормативноправовыми требованиями ЕС и ЕАЭС в сфере обеспечения продовольственной безопасности.

Ключевые слова: безопасность питания, Европейский Союз, ЕАЭС, пищевые продукты.

Introduction

The problem of food safety has always existed. However, this problem has become a matter of growing international concern only in the last three decades.

For the first time the concept of «food safety» was considered independently only in the mid-90s of the twentieth century and was originally part of the concept of food security.

It should be noted that, today, in international legal documents there is no single legal concept, and everyone interprets it in own way. Nevertheless, taking into account all possible variants of interpretations given in international documents and national legal acts, the «food safety» can be understood as a state of reasonable assurance that food products, under normal conditions of their use, aren't harmful and don't pose a danger to the health of present and future generations, determined by compliance of food products with the requirements of sanitary rules and norms and hygienic standards.

The urgency of the problem of food safety increases every year. With food in the human body can receive significant amounts of substances dangerous to his health. According to foreign scientists with food in the human body receives about 30-80% of pollution (Никифорова, 2009:3). Therefore in order to make human nutrition as safe as possible, various normative documents have been developed. Because in accordance with General Assembly resolution A/RES/70/1, improving food safety is a critical factor for achieving the sustainable development Goals(Transforming our world: the 2030 Agenda for Sustainable Development, 2015).

Today unsafe food posing increasing global threats to health and pose a risk to the health of everyone. According to the WHO, nearly one in ten people suffers with various diseases resulting from the consumption of contaminated food, resulting in die annually, more than 420 thousand people (Food safety, 2017). Factors such as environmental degradation, scientific and technological progress, globalization of food trade, demographic changes and growth in the number of vulnerable groups, the development of bioengineering and biotechnologies, the increase in the number of cases of food toxic infections, the emergence of new pathogens, bacteria, viruses, parasites and the creation of various chemicals can be considered as the causes of development and increase of unsafe and harmful food products. The protection of global health and the preservation of the gene pool from the dangers of food origin is therefore a crucial responsibility and a major interest of States and non-state actors, as well as the world community as a whole.

To date, there are a large number of legal documents on food safety at both the national and regional levels, an example of which can serve such regional economic integrations as the EU and the EAEU.

Methodology

The methodological basis of scientific research is the system of comparative analysis method, namely the synchronic method of research. This method made it possible to consider and identify the main differences and similarities between the food laws of the EU and the EAEU. Also in the course of research the general methods of scientific cognition such as historical, analysis and synthesis and special methods: formal-legal, structural-functional and comparative-legal were applied. The application of the above methods has led to a thorough, qualitative analysis of the norms of both foreign and national law in the field of food safety.

Literature review

The problem of food safety has been studied by many foreign scientists and experts in the field of ecology, agriculture, veterinary medicine, economics, statistics and law. For example, Ronald H. Schmidt and Gary E. Rodric in his work «Food Safety Handbook», which is a single comprehensive guide articles, considered the main issues of food safety. The authors studied the main types of hazards (biological, chemical and physical) for food, various control systems and intervention strategies for reducing risk or preventing food hazards, as well as the main international standards such as Codex Alimentarius, HACCP and EU experience in the field of genetic modification.(Schmidt, 2003). In the book «Food Safety Standards in International Trade. The case of the EU and the COMESA» of O. Osiemo Chapter 2 «EU food safety standards» has become useful for this study, where the controversial aspects of the EU food safety policy based on Regulation 178/2002, as well as the role of EFSA and its relationship with the European Commission are discussed (Osiemo, 2017). However, in most scientific studies the legal aspects of food safety were considered only indirectly/ So questions of food safety indirectly, but are touched upon in works of such foreign authors as Marion Nestle, Cynthia A. Roberts, Huub Lelieveld, Kimberly M. Thompson, Richard A. Williams, L. Lacovone, etc.

This topic was also indirectly studied by Russian scientists. D.A. Dimitriev and N. In. Horaskina in his training manual «Food Safety» examined the concept of quality and food safety and regulation food security (Димитриев, 2011). T.E. Nikiforova in the book «Safety of food raw materials and food» reviewed the history of the development of the concept of «food safety» and the system of hazard analysis at critical control points (HACCP) (Ники-форова, 2007).

However, the most relevant to this topics are guidelines collections, brochures and guidance materials produced by the Food and Agriculture Organization (FAO), the World Health Organization (WHO), the European Commission, the International Finance Corporation, the National Agency for export and investment «KAZNEX INVEST» and etc. For example, in «Assuring Food Safety and Quality: Guidelines for Strengthening National Food Control Systems» (FAO and WHO), the concept of food safety and control is given, its basic principles (integrated farm-to-table concept, risk analysis, transparency, regulatory impact assessment) are described, the Alimentarius Code is analyzed, and the main types of food hazards are considered (Assuring Food Safety and Quality, 2003). In turn, the European Commission's «Food safety. From farm to fork: safe and healthy food for everyone» examines and analyzes in detail the European food safety policy (Food safety .From farm to fork: safe and healthy food for everyone, 2014).

Many articles by foreign researchers are also devoted to this topic. For example, Stefania Negri, in her research paper «Food Safety and Global Health: an International Law Perspective», studied the issue of food security in the context of international human rights law and the relationship between safe food and free trade and the possibility of their unification (Negri, 2009). In the article «The Structure of European Food Law» the Director of the European Institute of Food law Bernd van der Meulen described the stages of formation of the European food law, considered the basic principles of General food law, as well as the rights and obligations of all participants in the food chain (Bernd, 2013).

Results and discussion

Food policy of the EU defines the security health of the population and protection of consumer interests in relation to food as one of the main priority objectives of the Union in the field of food safety. Implementation of this goal is achieved through the establishment of high food safety standards and an integrated approach to food safety control.

For the first time, high food safety standards were developed by the European Commission and published in the White paper on food safety in 2000. Being the basis of the legal system of safe and quality food production and animal feed, the White paper contained proposals, which were aimed at making EU food policy into a proactive, dynamic, coherent and comprehensive instrument to ensure a high level of human health and consumer protection. For example, one of the points of action in the White paper was the development of a regulation on the official control of food and feed safety. According to the White paper, all links in the food and animal feed production chain had to be subject to mandatory official control. Responsibility for safe food production was shared among operators, national authorities and the European Commission(White Paper on Food Safety COM/99/0719, 2000). Thus, the measure proposed by the Commission involved a more systematic and consistent implementation of the «farm-table» policy, covering all sectors of the food chain, including feed production, primary production, food processing, storage, transport and retail.

The next proposal by the EC was the establishment of an independent European food authority, whose main goal was to promote provision of a high level of protection of health of consumers regarding food safety and to restore and preserve consumer confidence(White Paper on food safety, 2001).

The legislation of the EU is governed by a number of legal instruments: regulations, directives and decisions. However, food legislation in the most part consists of regulations which are legislative acts of direct action that has the force of law and prevail over national law, directly applicable in all member States of the EU.

The basic document of the EU in the field of food safety is the General food law or Regulation 178/2002 «On the establishment of General principles and requirements in food law, on the establishment of a EFSA on the establishment of a food safety procedure», adopted in 2002 by the European Parliament and the Council.

This law defines the general principles and requirements of the legislation in the field of food law, eneral concepts of food legislation at the level of the EU, as well as provides a consistent approach to the development of national food legislation of the countries that are members of the Union (Законодательство ЕС и РБ в области безопасности пищевой продукции, 2011). The Regulation applies to all stages of the production, processing and sale of food and feed products, except for products intended for domestic consumption or home processing, use or storage of food products. It identified the basic requirements for food safety, which lies in the fact that the launch into circulation of foodstuffs is prohibited, and they are considered to be dangerous if harmful to health or unfit for human consumption.

The regulation defines «food products» to which, in addition to all substances or products intended or implied that they are intended for human consumption in processed, partially processed or not processed form, also include beverages, chewing gum, as well as all substances, including water, which are added to foodstuffs in their manufacture, processing or handling. In accordance with Article 2 to «food products» does not include: feeds; live animals, if they are not intended to be put into circulation for human consumption in food; plants prior to harvesting; medicinal products; cosmetics; tobacco and tobacco products; narcotic or psychotropic substances; residues and contaminants (Regulation No 178/2002, 2002).

The provisions of the Regulations regulate all activities in the food processing production chain, from primary production to supply to the consumer. It assigns an important place of responsibility and self-control by the manufacturer, and also establishes the basis and principles of supervision carried out by public audit institutions. The regulation provides for the establishment of appropriate measures for emergency situations, in accordance with which all food products, regardless of their type and origin, and on all fodder means in the presence of a serious danger to human health and animal and the environment may be subject to uniform procedures.

The objectives of EFSA are scientific advice, as well as scientific and technical support in lawmaking and Community policy in all sectors that directly or indirectly affect the safety of food and feed products. The security authority shall provide independent information on all matters in these industries and shall inform in the event of a risk occurrence. It acts as an independent scientific Advisory body and thus contributes to the smooth functioning of the domestic market (Regulation No 178/2002, 2002).

In addition to the basic EU legislation on food safety, there has been developed and «Hygiene Package», which is a set of independent EU regulations developed within the framework of Regulation No. 178/2002 defining the general hygienic requirements for food products produced or imported into the EU. Acts of this Package allow to build a food safety system on the principle of «from farm to table». It consists of the following important documents:

1. Regulation No. 852/2004 of the EP and of the Council on the hygiene of foodstuffs, which defines the general rules on food hygiene for participants in economic activities, as well as on hygiene of industrial premises, requirements for transport, equipment, household waste, packaging and labelling (Regulation No 852/2004, 2004).

2. Regulation No. 853/2004 on specific hygiene rules for food of animal origin, which establishes special rules and requirements for managers of food enterprises in the scope of hygiene of food products of animal origin, both processed and non-processed (Regulation No 853/2004, 2004)

3. Regulation No. 854/2004 on specific rules for the organisation of official controls on products of animal origin intended for human consumption, which establishes special rules concerning the organisation of official controls concerning products of animal origin, applies only in respect of activities and persons to which applies the Regulation (EC) No. 853/2004. It establishes special import procedures for non-EU countries and introduces the need for identification marks for various products of animal origin, as well as details of special requirements for processing of meat, fish, dairy and other products of animal origin (Regulation No 854/2004, 2004).

4. Regulation No.882/2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules, which establishes general principles for official controls aimed at verifying compliance to established rules. It obligates the EU member States to ensure compliance with the requirements of the food legislation and to organize a system of official control «operators of the food business» (by the legal entities themselves and individual entrepreneurs) (Regulation No 882/2004, 2004).

Thus, the General food law and the main subsidiary Regulations concerning food hygiene, the organization of control and verification of compliance with EU legislation, with the force of the law, have formed a single harmonized database of legal acts that apply in all member States of the Union. Aimed at achieving food security, these acts extend their actions to all stages of the food chain, starting with the production and processing of food and feed, ending with their sale to the end user, placing the responsibility not only on operators, national authorities and the Commission, but also on the consumer. All this ensures a high level of protection of human life and consumer interests in relation to food, while ensuring the effective functioning of the domestic market.

The EAEU also pays great attention to the issues of food safety, which are an integral part of food security. According to the agreement on the EAEU, food products are included in the list of products to which the Union establishes mandatory requirements in the field of technical regulation. The principles of technical regulation of the EAEU require the development of common technical regulations for the member States for each category of food products, which is released into circulation in the single territory of the Union. The purpose of such regulations is to ensure that all products entering the market satisfy with these regulations in all respects (Договоро EA \ni C, 2014).

Technical regulations of the CU have a direct effect on the entire customs territory of the EAEU, and since their entry into force, the national norms established for the regulatory objects of the regulations no longer apply. Moreover, if there are no special reservations, additional requirements excessive in relation to the system of technical regulations of the vehicle are not allowed. Products for which the CU technical regulation has entered into force shall be safe and shall be put into circulation in the territory of the Union only on condition that it has passed the necessary conformity assessment procedures provided by the regulations (Требования к упаковке, маркировке и этикетированию в ЕАЭС, 2015).

It should be noted that in accordance with the Treaty on the EAEU, international, regional standards can be applied on a voluntary basis to fulfill the requirements of the technical regulations of the Union and assess compliance with the requirements of the technical regulations of the Union, and in case of their absence (before the adoption of regional standards) – national standards of member States. Also, the EAEU allows apply the national legislation of the member States of the Union, unless a separate sectoral technical regulations are developed for a category of food products.

Currently, one of the main horizontal regulations in the field of food safety is the Technical regulation TR CU 021/2011 «On food safety», which provides general requirements for food products that are put into circulation in the territory of the member States of the Union.

The regulations establish the most detailed list of obligatory General safety requirements to objects of technical regulation, provides necessary safety standards of production while its production and the address. In the process of production of food products related to the safety requirements of such products, the manufacturer must develop, implement and maintain procedures based on the principles of HACCP. In the Technical regulations, as in the EC Regulation No. 178/2002, also defines the concept «food products». Under it, in accordance with Article 4, recognizes «products of animal, plant, microbiological, mineral, artificial or biotechnological origin in the natural, processed form, which are intended for human consumption, including specialized food products, drinking water, packaged drinking mineral water, alcoholic products (including beer and beverages based on beer), soft drinks, biologically active food additives, chewing gum, ferments and starter cultures of microorganisms, yeast, food additives and flavorings, as well as food raw materials». It is noteworthy that the regulation also defines the concept of «food safety» - the state of food products, indicating the absence of unacceptable risk associated with harmful effects on humans and future generations, which is not in the EU Regulation No. 178/2002.

Provisions define forms and procedures of the assessment of conformity of objects of technical regulation to requirements of this technical regulations and assigns responsibility on the member States of the Union for control of observance of requirements of this technical regulations concerning food products and related to this the processes of production, storage, transportation, realization and utilization connected with requirements to it is performed according to the legislation of the member state of the EAEU (TP «О безопасности пищевой продукции», 2011).

The food safety control system of the EAEU is based to a greater extent on conformity assessment, in which products should be designed to be safe on the basis of its comparison with the specification according to technical regulations. Comparison is carried out by studying the properties of the final product, including its safety parameters. In the EAEU food safety control system, the key element of safety assurance is the confirmation or verification that the key product meets all the indicators set out in the technical regulations and/or individual standards. (Аянбаев, 2017:160).

In addition to Technical regulations TR CU 021/2011, the Eurasian economic Commission has developed special or vertical technical regulations for greater detail of its norms and special procedures for assessing and confirming conformity of food products. The main such regulations include:

1. Technical regulations of the CU «On safety of grain» (CU TR 015/2011), applies to put into circulation a grain used for food and feed purposes, the processes of its production, storage, transportation, realization and utilization, sets in the requirements of the security, forms of the evaluations of the security and procedure of confirmation of conformity. This regulation doesn't apply to grain intended for seed purposes, and products of grain processing (TP «О безопасности зерна», 2011).

2. The technical regulation of the CU «On safety of meat and meat products» (CU TR 034/2013), which establishes safety requirements for products of slaughter and meat products and related requirements to the processes of production, storage, transportation, sale and disposal, as well as requirements for marking and packaging of slaughter products and meat products that are ensuring the free movement of products, released into circulation on the customs territory of the EAEU (TP «О безопасности мяса и мясной продукции», 2013).

3. The technical regulation of the CU «On safety of certain types of specialized food products, including dietary therapeutic and dietary preventive nutri-

tion» (TR CU 027/2011), which applies to certain types of specialized food products: for nutrition of athletes, pregnant and lactating women, food products of dietary therapeutic and dietary preventive nutrition, including baby food, and establishes conformity assessment and a list of requirements for the production, storage, transportation processes, disposal and disposal, as well as the marking process (**TP «О безопасности отдельных видов специ**ализированной пищевой продукции, в том числе диетического лечебного и диетического профилактического питания», 2012).

4. Technical regulations of the CU «Safety Requirements for food additives, flavorings and technological AIDS» (TR TS 029/2012), applies to food additives, complex food additives, flavorings, technological auxiliary agent; food products in terms of content, food additives, biologically active substances of flavors, residual quantities of technological AIDS. Regulation define safety requirements to objects of technical regulation, rules of identification of objects of technical regulation, and also forms and procedures of the assessment of conformity of objects of technical regulation to requirements of these Technical regulations (ТР «Требования безопасности пищевых добавок, ароматизаторов и технологических вспомогательных средств», 2012).

As noted earlier, the technical regulations of the EAEU have a direct effect on the territory of the member States of the Union. Upon their entry into force, the system of products ' entry into the market is simplified, excluding excessive procedures of conformity assessment, avoiding unnecessary regulation, common documents of conformity of products are applied. All this contributes to the reduction of technical and administrative barriers, which are significant from the point of view of creating a single market. However, in addition to the norms and requirements which set out in these regulations, which must be implemented in order to sell safe products, the member States have their own national legislation in the field of food safety.

The basic law of the Republic of Kazakhstan on food safety is the law of the Republic of Kazakhstan N_{2} 301-III «on food safety» dated July 21, 2007, which establishes the legal basis for food safety to protect human life and health, the legitimate interests of consumers and environmental protection in the territory of Kazakhstan. Its provisions apply to food products produced in Kazakhstan and imported to the territory of Kazakhstan, except for home-made food products intended for personal consumption. Under food products, the Law means « raw materials, food products, organic food products, special-purpose food products, drinking water, food additives and biologically active food additives consumed by humans, feed and feed additives used by animals that are sources of food for humans».

The law also establishes requirements for food safety and all processes of its development, production, turnover, utilization and destruction, established by the legislation of Kazakhstan on food safety and determines the competence of the government of Kazakhstan and Authorized bodies. According to the provisions of this law, the subjects of development, production, turnover, utilization and destruction of food products are responsible for compliance with the requirements specified in the law (Закон РК «О безопасности пищевой продукции», 2007).

In order to implement the Law of the RK of July 21, 2007 «On food safety», the government of Kazakhstan adopted a number of subordinate regulatory legal acts, which are devoted to separate stages of the food process. They are:

1. Rules for disposal and destruction of food products that pose a danger to human and animal life and health, the environment,

2. Rules of enrichment (fortification) of food products subject to sanitary and epidemiological surveillance,

3. Rules of approval by the authorized bodies of conformity of processes of development, production, turnover, utilization and destruction of food products, compliance of machines and equipment, materials and products used in the development, production, turnover, utilization and destruction with the requirements established by the legislation of the Republic of Kazakhstan on food safety,

4. Rules of control over compliance of food products in the processes (at the stages) of its development, production, turnover, utilization and destruction, compliance of processes of development, production, turnover, utilization and destruction of food products with the requirements established by the legislation of the Republic of Kazakhstan on food products safety,

5. Rules for assigning registration numbers to objects of production and etc. (Перечень нормативных правовых актов, принятие которых необходимо в целях реализации Закона РК «О безопасности пищевой продукции»).

It is important to note that the approach for normative regulation of the process of the movement of the food chain, starting with design and finishing with its realization and destruction, is borrowed from the EU experience. Thus, the food legislation of the Republic of Kazakhstan consists of a large number of regulatory legal acts concerning the issues of food safety, covering the entire stage of production. It is noteworthy that after the country's accession to the EAEU and WTO, these laws were brought into compliance with international requirements and standards, which will allow easier access of domestic products to world markets in future.

Conclusion

The two largest integration associations: the EU and the EAEA have a fairly large regulatory framework relating to food safety issues, which were formed on the basis of the most effective national approaches of the member States of each Union and the experience of foreign countries. For example, the legislative bases of both Unions use the American HACCP system, which provides for a system of quality control in the production of food products according to the level of risk criteria.

The study of legislation in the field of food safety, both Unions revealed some common features and differences in the legal regulation of food safety in the EU and the EAEU. For example, one of the similarities in the legislation of both Unions is the purpose of food control in the EU and the EAEU. It is the protection of human life and health, prevention of actions misleading buyers, environmental protection and ensuring the free circulation of safe and quality food products. Also, the general requirements of food safety coincide, which consist in the fact that food products that are in circulation should be safe.

The EU and the EAEU use the HACCP system as a tool for ensuring food safety, the principles of which are reflected in EC Regulation No. 852/2004 and in the TR of the EAEU No. 021/2011. However, the interpretation of these principles is different in these regulations. For example, in the EAEU, in the implementation of food production processes, procedures based on the principles of HACCP should be developed, implemented and maintained by the manufacturer. Identification of hazards is limited to those that may, in the course of production, produce products that do not meet the requirements of the vehicle. Verification of the effectiveness of control measures should be carried out of testing the final products for compliance with the requirements and documentation necessary to confirm implementation of concrete measures (ТР «О безопасности пищевой продукции», 2011). In the EU, the HACCP requirements apply to all levels of the post-primary production and supply chain. Economic entities are obliged to identify any dangerous factors, even those that are not specified in the legal acts, as well as to establish and regularly carry out procedures for the verification of the effectiveness of control measures. Documents and records in the EAEU should be kept to demonstrate the effectiveness of the HACCP system (Regulation No 852/2004, 2004).

Another difference is that in the EAEU there is a combination of both vertical and horizontal approaches, which is expressed in the fact that the criteria and requirements for food products are scattered or supplemented in different technical regulations, while in the EU, where the approach is purely horizontal, all the criteria are collected in one single EU Regulation. Also, one of the most important differences between the two laws is the difference in approaches to food safety control. It consists in the fact that the basis of the EU food control are preventive measures based on risks under the «farm-table» scheme, that is, safety check is carried out at the level of production processes and re-checked at the stage of finished products. In turn, the approach of the EAEU is based on the control of compliance with technical requirements and standards of finished products.

It should be noted that the EU food legislation does not define the concept of «food safety», as does the technical Regulation of the EAEU, but, nevertheless, Regulation 178/2002 prohibits the introduction into circulation of dangerous food products, which are considered such products if they are harmful to health and unsuitable for human consumption in food.

The principle of flexibility, as an approach to the implementation of regulatory requirements, can also be considered an important difference between the two laws. The difference is that the EU, given the diversity of food supply, which also includes traditional products, has a flexible approach within the framework of the food control system. The EU provides small business entities engaged in the production of traditional products, the right to exercise acertain flexibility in the use of HACCP in their work. Thus, according to EC Regulation No. 852/2004, the requirements of the HACCP system «shall be provided with adequate elasticity so that they can be applied in every setting, including in small enterprises» (Regulation No 854/2004, 2004). In turn, the EAEU technical regulations, norms and rules are applied equally regardless of the size of the business entity, the volume of production or the use of traditional methods in production, thereby not providing for any exceptions.

Taking into account the existence of certain similarities in the two legal systems in the field of food safety, the food legislation of the Unions still has more differences, which relate to the basic normative tools and approaches to product safety, organizational structure, the role of economic entities and their requirements within the framework of the food control system, etc.

Despite the fact that both systems are very effective, their difference has a big impact on businesses wishing to export their products to the EAEU or the EU, as well as for countries seeking to harmonize with one of the Unions. For example, the EAEU legal system contains a large number of general and sectoral technical regulations, which form the basis for food control, which is supported by national laws, regulations and standards of the member States of the Union. And if a separate sectoral regulation has not yet been developed for a category of food products, then the national legislation of the participating country applies to such category of products. Therefore, in order to meet the requirements of the EAEU, business entities must take into account compliance with the technical regulations of the EAEU and the laws of the member States.

The EU has chosen a different approach in this regard. The EU regulations have the force of laws that prevails over the national legislation of the member States, thereby creating a single harmonized base of horizontal legal acts that are uniformly applied in all member States. And since the unified system is used in all member States, it simplifies the achievement of compliance for operators of the food market and, therefore, increases the possibility of exporting products to the territory of the Union member state.

Thus, the EU and the EAEU, despite different approaches to ensuring food safety, establish strict control over food safety through the application of the relevant regulatory framework, regulatory methods, systems and control procedures, which allow them to realize one of the most important goals – toensure the protection of health and wellbeing of the population.

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