



Cassis de Dijon: Imported foods must not be dangerous to health

According to the Cassis de Dijon Principle, products can be sold in Switzerland if they were produced according to the regulations of a member state of the European Union (EU) or the European Economic Area (EEA) and are lawfully marketed there. Moreover they must not be listed as an exception pursuant to article 16a in the Federal Law on the technical barriers to trade (TBT). If a product meets these conditions, it can be offered on the Swiss market, even when it does not fulfil certain Swiss criteria.

Exception of Foodstuffs

However, **foodstuffs** form an **exception** in the application of the Cassis de Dijon Principle. Foodstuffs that do not fully correspond to the technical regulations of Switzerland may only be offered on the Swiss market if the FSVO has issued an authorisation. This is in the form of a general ruling decree, once it has been ascertained that the foodstuff in question is in no way dangerous to health and the contents correspond to the declared product information.

Residues in Foodstuffs

Residues of foreign substances and ingredients may only be present in foodstuffs in harmless and technically unavoidable amounts. The health authorities establish the maximum permissible concentrations.

Residues of this type in foodstuffs do not have to be declared either according to European or Swiss Law. However, they must not exceed the values that were established by the health authorities. Consequently, the actual residues in foodstuffs are so small that they are harmless to health.

The maximum permissible concentrations of residues in foodstuffs are in part listed differently in the EU and Switzerland:

In the EU, maximum residue limits (MRL) are listed. In Switzerland, limit values or tolerated values are used.

The difference between the limit value and the much more usual tolerance value is as follows:

- **Limit values** are the limit, at which a food product can be consumed without danger to health. If the value is exceeded then there may be problematic repercussions to health.
- **Tolerance value** is the value, above which the foodstuff is considered to be contaminated or otherwise reduced in value, but still harmless to health. In most cases it is far below the limit value.

In the EU no differentiation is made between tolerance and limit values, and in all cases a maximum residue limit is given. Accordingly, one cannot determine from the value itself whether a health risk is possible by exceeding the value. The enforcement authorities are charged with recognising this difference.

Pesticide Residues as an Example

In Switzerland, the current valid tolerance values for pesticide residues are significantly lower than would be needed for the protection of health. Maximum amounts of plant protection products are primarily set to as low a level that permits an efficient and sensible agricultural practice. Consequently, only those amounts of residues are accepted that are unavoidable in a professional usage. Extending the range up to a maximum value that can be calculated from evaluations for the protection of health, is therefore not necessary, because the corresponding usages in agriculture manage with a lower amount.

The **tolerance value** is determined by the Swiss authorities as follows:

A company wants to sell a pesticide containing e.g. the active substance Tebuconazole for use on cereals. In order to do this the company submits an application to the Federal Office of Agriculture (FOA). The associated dossier contains *inter alia* data in regard to the proposed use in agricultural practice and consequently also contains results on Tebuconazole residues in cereals from experimental fields.

The FOA sends these data for evaluation to the bodies concerned. In this case these bodies are Agroscope and the FSVO. Agroscope evaluates the proposed use of the pesticide for the agricultural practice and concludes that for this application the residues of Tebuconazole on the cereal are less than 0.05 mg/kg. Agroscope now applies to the FSVO to set a maximum concentration of 0.05 mg/kg for Tebuconazole on cereals.

The FSVO now evaluates the health risks for the consumer. This evaluation takes into account both the amount of cereal consumed as well as the toxicity of Tebuconazole. In the case that the value of 0.05 mg/kg is significantly lower than the concentration that represents a danger to human health, then this value is listed as the **tolerance value** in the Ordinance on foreign substances and constituents in food (OSEC). Therefore, the tolerance value for Tebuconazole is fixed at the lowest possible level that is allowed by a sensible practice in agriculture. This tolerance value of 0.05 mg/kg for Tebuconazole is therefore much lower than would be required for the protection of health.

For new products or for changing conditions of usage, a company must renew its application and the whole procedure starts afresh in order to define corresponding tolerance values. The procedure can be analogously applied to imported products, the application for the determination of a maximum concentration being made with data on the foreign conditions of usage directly with the FSVO.

Solely for rice, the Ordinance on foreign substances and constituents in food (OSEC) regulates the tolerance and limit values for 456 pesticide residues. 25 of these have not been harmonised between the EU and Switzerland and are therefore different. Half of these 25 values are higher in Switzerland than in the EU, the others lower.

This procedure ensures that no products that are dangerous to health reach the market. The same applies to products that reach Switzerland by the Cassis de Dijon Principle. Even if they have in certain cases a higher pesticide residue than the tolerance value set in Switzerland, the authorisation procedure of the FSVO ensures that no foodstuffs that are dangerous to health reach the Swiss market.