

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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Agenda item 8

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS

Twenty-third Session

DISCUSSION PAPER ON REGULATORY APPROACHES TO THIRD PARTY CERTIFICATION IN FOOD SAFETY

Comments of European Union, Kenya, Philippines, Thailand and Safe Supply of Food Everywhere

European Union

The European Union and its Member States (EUMS) would like to thank Canada and the United Kingdom for preparing a comprehensive and informative paper on third party certification.

Competent authorities in different countries are increasingly considering third party certification as an option to assist in delivering official controls. In the EU the recently adopted new Regulation on official controls recognises the role that third party certification schemes can play in the prioritisation of official controls. The new Regulation maintains the risk based approach to controls and clarifies that Member States' competent authorities when planning their controls need to take into account, amongst other things, the reliability and results of the operator's own checks performed by the operator or by a third party at the operator's request, as is the case with third party certification schemes.

In view of these developments the EUMS consider it timely to develop Codex guidance on how and under which conditions competent authorities could make use of third party certification schemes in their national food control systems. Harmonised international guidance would also prevent potential barriers to trade.

The EUMS therefore support starting new work on third party certification as proposed in the project document attached to document CX/FICS 17/23/8.

Kenya

Kenya would like to thank Canada and the United Kingdom for the work in preparation of the discussion paper on regulatory approaches to third party certification in food safety. We do support this discussion paper on – “regulatory approaches to third party certification in food safety” and support Codex to undertake this new work to help promote a consistent approach to the use of third party certification schemes, in line with the Principles and Guidelines for National Food Control Systems (CAC/GL 82-2013).

Such an approach has the potential to enable the competent authorities and industry to improve food safety outcomes, while allowing each stakeholder to operate within its defined roles and responsibilities.

Philippines

The Philippines acknowledges the importance of developing a guidance document that will provide assistance to governments in implementing regulatory approaches to third party certification in food safety and supports the development of a guidance document. We are of the view that the document should also make reference to CAC/GL 26-1997 and other relevant CCFICS text to ensure consistency and avoid duplication.

In general, we concur with the principles provided in page 5 of the discussion paper. In encouraging private sector to seek third party certification, it puts emphasis on the role of food business operators (FBOs) in ensuring food safety and encourages their compliance with food safety requirements. Through this scheme, there is complementation of efforts between the government and the private sector.

In specific, under the provision of Scope item 7 of Project Document, clarifying that this is voluntary and is not a precondition requirement, it is recommended to include the phrase (in italics) or any similar statement in the description (footnote 2) of the term voluntary² to wit: “Membership of the scheme is a business decision and is not a pre-requisite to trade *neither an assurance for market authorization*”

The project document should include guidance on measures to be taken into account to minimize the potential for trade barriers, particularly for small to medium enterprises coming from developing countries, ensuring that the third party certification scheme does not become a prerequisite to trade.

Under the provision of Third Party Food Safety Certification Schemes-Overview, item 9, it is recommended to add the phrase or similar statement to wit: *“neutral and inclusive certification scheme reflective of micro and small enterprises membership”*

The Philippines, however, believes that the government should maintain its oversight regulatory function and ensure that the third party certification schemes support and strengthen the NFCS, and that these are consistent with core regulatory requirements. The third party certification scheme, should not in any form, replace the official or core regulatory requirements, but should complement it. In some cases, therefore, this would mean less frequent monitoring and surveillance audit.

Thailand

Thailand would like to express our appreciations for efforts of Canada and the United Kingdom for preparing a Discussion Paper on Regulatory Approaches to Third Party Certification in Food Safety (CX/FICS 17/23/8). In principle, we agree with the document. Our specific comments on the mentioned document are as follows:

• Discussion Paper on Regulatory Approaches to Third Party Certification in Food Safety

Principles

Paragraph 27, bullet c

27. In developing regulatory approaches to third party certification schemes in food safety, the following principles should be considered:

a.

b.

c. Standards within a third party certification scheme should be consistent with core regulatory requirements applicable to the area under consideration and regulator approaches must be consistent with international rights and obligations.

We would like to ask for clarification for the contexts in bullet c, in particular the last part of bullet which states “regulator approaches must be consistent with international rights and obligations.” This text seem unclear and may need to be rewritten into separate sentence.

• Project Document

Section1: Purpose

From our views, in addition to others, one of purposes of new work is to decrease the duplication and make an effective use of limited inspection and certification resources. To be clear, it is recommended to insert texts in this section to read:

The purpose of the new work is to provide Codex members with guidance on the assessment and use of third party certification schemes by competent authorities. The objective is to promote a harmonised and robust approach in countries' consideration of third party certification schemes to strengthen their regulatory arrangements and delivery of official controls, with effective utilization of inspection and certification resources, in order to improve food safety outcomes for consumers.

Section 2: Scope

We would like to ask for clarification that whether the exclusion of the scope explained in bullet c, d and e in paragraph 8 of discussion paper are addressed in the proposed scope, of the Project Document.

Section 4: The main aspects to be covered

1) Bullet 4

Sub-bullet 2

The term “standard” mentioned in this sub-bullet should be the standards used for certifications, including national and international standards as well as other equivalent standards. Then, the sub-bullet should read:

○ Standards ~~setting~~ used for certifications, including ~~and alignment with~~ national and international standards as well as other equivalent standards.

Sub-bullet 3

We would like to ask for clarification that whether “information exchange and reporting” in this sub-bullet covers “to alert the competent authority of significant public health risks” mentioned in principle g of paragraph 27 in the discussion paper. If, it is not yet included, to be clear, the aspect on alerting the competent authority of significant public health risks should be additionally inserted in this sub-bullet e.g. amending the text to read:

- Audit/inspection, information exchange and reporting **including informing competent authority of significant public health risks**

Sub-bullet 4

The accreditation systems mentioned in this sub-bullet should be internationally recognized by achieving accreditation of International Accreditation Forum (IAF). So the amended sub-bullet should read:

- Accreditation ~~arrangement~~ **recognized by achieving accreditation of International Accreditation Forum (IAF).**

2) Bullet 5

To be clear that a competent authority is responsible for regulatory control of work carried out under the scheme, additional texts should be inserted to this bullet. So the bullet should read:

- Regulatory approaches to integrate schemes into a country’s NFCS, e.g. risk profiling, ~~and~~ risk management decisions **and responsibility for regulatory oversight.**

Safe Supply Of Affordable Food Everywhere (SSAFE)

General Comments:

The objective of a national food control system is to protect the health of consumers and ensure fair practices in the food trade. Food control systems should cover all food produced, processed and marketed within the country, including imported food. The national food control system should cover the entire food chain from primary production to consumption and inspections should be risk based and with an appropriate frequency, based on risk assessment.

Food business operators (FBOs) are responsible for the safety of the food and feed which they produce, transport, store and/or sell. FBOs at all stages of production, processing and distribution, under their control, shall ensure that their foods satisfy the requirements of law which are relevant to their activities and shall verify that such requirements are duly met.

Third party certification schemes are voluntary schemes. Certification¹ is a process by which accredited third party certification bodies, based on an audit, provide written assurance that food safety requirements and management systems, and their implementation, conformed to the requirements set out in recognized standards.

Whilst regulators cannot give up their enforcement role, they can direct resources based on risk. Third party certification schemes can provide useful information that contributes to the determination of risk-based frequency for inspection regimes. If an organisation is part of a reputable and recognised third party assurance scheme, this may provide grounds for different types of intervention or perhaps, in some cases, reduced inspections. This in turn can help regulators focus their efforts and resources on the riskier parts of the food sector without compromising their enforcement role.

SSAFE Position:

SSAFE would like to thank Canada and United Kingdom for preparing this discussion paper – “**regulatory approaches to third party certification in food safety**”. We support this discussion paper and support Codex to undertake this new work to help promote a consistent approach to the use of third party certification schemes, in line with the Principles and Guidelines for National Food Control Systems (CAC/GL 82-2013).

Such an approach has the potential to enable the competent authorities and industry to improve food safety outcomes, while allowing each stakeholder to operate within its defined roles and responsibilities.

¹ As per Global Food Safety Initiative (GFSI)