“Advice on International Engagement” – A Report by Mr. Donald Macrae, Senior International Consultant from World Bank

Mr. Donald Macrae is a Senior International Consultant, World Bank. In his professional career spanning more than 30 years, he has played significant roles including serving as Director General in UK, Department of Environment, Food and Rural Affairs. He has expertise in creation, operation and application of regulations across a wide range of governments. He also worked with FSSAI to aid in devising an international strategy for the organisation.

The detailed report submitted by Mr. Donald Macrae is enclosed. The document takes stock of major food safety challenges, current contentious issues and underlines specific suggestions on developing international engagements. It also reviews FSSAI’s current international engagements and suggest ways on how these can be structured through an international strategy aimed at developing optimal engagements with other countries.

As per the report, FSSAI is currently engaged mostly with developed countries and has benefited from their interactions. Similar partnerships can be extended to middle income countries who are facing similar issues as India and have successfully moved through them. The report also looks at international engagement with low income countries especially those in the regional trading blocs that India is party to, with a view to what FSSAI can teach.

The report sums up that FSSAI is developing good practices of its own, especially in consumer engagements, and through systematic international engagements India will be well placed to take a leading role, in addition to its current learning role.
Food Safety and Standards Authority for India

Advice on International Engagement

Prepared by Donald Macrae
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1. Executive Summary

1.1. FSSAI requested GFSP to advise on forms of international engagement, in order that it is aware of relevant developments in thinking and practice in other countries. This Report was prepared after a short series of meetings with FSSAI and some stakeholders over four days in Delhi, plus desk research and discussion with colleagues.

1.1. The Report looks first at different forms of engagement under the general heading of “Learning from others” but then has to address who these “others” would be. There is no one direct comparator for India and there are many different issues surrounding the delivery of food safety regulatory systems. The Report therefore looks at various issues and provides two tables that suggest different countries as a source of learning for different issues.

1.2. FSSAI is developing good practice of its own, especially in consumer engagement, and therefore there is also the question of international engagement including India taking a leading role, rather than just a learning role. A platform for this may exist in the various regional trading blocs that India either belongs to or is in the process of joining. An Annex to the Report takes the case of the ASEAN Food Safety Regulatory Framework as an illustration of what can be achieved in these regional structures when starting with a single website platform for sharing experience and practice.

2. International Engagement

2.1. FSSAI has two main reasons for international engagement. One is its international obligations, concerned with trade and with standards. The other is being aware of what is happening in other countries, in order to know both what problems may be coming its way and also what trends or innovations it can benefit from.

Formal exercise of international obligations

2.2. India has obligations to the international community and many of these are formalised in treaties or other forms of international agreements. For FSSAI, the two areas of international obligations are food standards and trade in food products. Both have a common source which is the WTO SPS Agreement, which sets out the WTO context for trade in food products. This is regulated by having a common global approach to food standards through the Codex Alimentarius structure. India has been a member since 1964 and currently hosts the FAO/WHO Coordinating Committee for Asia (CCASIA) and the specialist Codex Committee on Spices and Culinary Herbs (CCSCH). FSSAI is India’s National Codex Contact Point and forms the secretariat for the National Codex Committee. The Codex system sets standards at the highest global level and, although they are not mandatory on members, they are crucial in determining any trade disputes and are accepted as best practice internationally. Food safety as a regulatory system is very fortunate in having that level of external, objective agreement on standards for calibrating how the regulatory system works, as compared with environmental protection systems, for example, where standards vary from place to place. India’s hosting of the Asia Coordinating Committee puts it in a leadership role for the region and this is picked up in Goal 5 of the National Codex Committee’s Strategic Plan which is to “Improve the Codex profile of India and provide innovative leadership in the region”.

Global Food Safety Partnership
Advice to FSSAI on International Engagement
2.3. Although FSSAI is not responsible for food exports, it is responsible for imports. Responsibility for trade policy is with the Ministry of Commerce and Industry so FSSAI’s role is a technical one of ensuring control over food imports. This is now subject to the Trade Facilitation Agreement\(^1\) which became binding on all WTO members in February 2017 and requires import controls to be risk-based. FSSAI will have ways of learning of dangers in incoming consignments through trade notifications.

**Learning from others**

2.4. For the purposes of learning from specific countries, FSSAI has also entered into various bilateral agreements with a few countries and international organizations, through Memoranda of Understanding, Cooperation Agreements or Joint Statements of Intent. Although these are legal documents, the obligations would never be enforced and, in any event, are not very onerous. These bilateral agreements are as much about diplomacy and ceremony as about business but their purpose is as a vehicle for learning. Some have been more successful than others but they are not seen as an effective answer to the challenge of keeping up with developments.

2.5. There are many different ways that FSSAI can learn from other countries:

- Reports from leading research institutes or commissioning studies from them;
- Websites of major international bodies in the field;
- Joint working on the Sustainable Development Goals;
- Advisory organizations, including creating one for FSSAI;
- Regional economic organizations that India is a Party to;
- Conferences;
- Study Tours;
- Bilateral agreements.

**Bilateral Agreements**

2.6. FSSAI has already made arrangements with various developed countries for capacity-building or for improving trade in food products:

- A Memorandum of Understanding was signed between the Dutch Food Safety Authority (NVWA) and FSSAI on cooperation in the field of food safety in November, 2012, under which a workshop and training program was held at CFTRI, Mysore in July, 2013 and October, 2013.
- FSSAI organized a High Level Technical Symposium on Food Safety Science in collaboration with US Food and Drugs Administration on 28\(^{th}\) September, 2015, in Delhi. The objective was to establish linkages at the technical level and to foster increased understanding of the basis for science policy and to deepen mutual understanding on the science side of food safety through dialogue, trust and cooperation and the exchange of subjects of priority interest to both the parties.

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\(^1\) [https://www.wto.org/english/tratop_e/tradfa_e/tradfa_e.htm](https://www.wto.org/english/tratop_e/tradfa_e/tradfa_e.htm)
FSSAI has a Joint Statement of Intent signed with Germany under which a delegation from FSSAI visited the Federal Institute of Risk Assessment (BFR) and the Federal Institute of Consumer Protection and Food Safety (BVL) in June 2016.

It concluded a Cooperation Agreement with the French Agency for Food, Environmental and Occupational Health & Safety, ANSES, in January 2016 for food safety capacity building. The objective was to promote improved scientific and technical cooperation through collaboration in the area of food safety, in particular, in risk assessment methodologies, food risk analysis, laboratories practices, and methodology of total diet study.

In October 2016, it concluded a Cooperation Agreement with the New Zealand Ministry for Primary Industries on mutual understanding of managing risks to human health and reducing any duplicative or unnecessary food safety regulation affecting trade between the countries.

FSSAI ran workshops in February 2017 with the Canadian Food Inspection Agency which focused on Canada’s food safety, laboratory and food product import system, with special reference to product recalls and dealing with allergens.

2.7. It has also engaged with the EU’s CITD (European Union India Capacity Building Initiative for Trade Development)², which is an agreement between the EU and four Ministries rather than a direct bilateral with FSSAI. This initiative also has a trade element and the first phase involved exploring the impact of technical regulations and standards on trade, with support to Post-Clearance Audit / Onsite Post Clearance Audit in Customs. Work involving FSSAI includes:

- Developing a Risk-Based Framework for the National Food Control System (March 2017), with a risk-based inspection system now being piloted;
- Designing a model process for food preparation, including identifying critical control points, under the Mid-Day Meal Program, to educate NGOs in food preparation and inspectors in surveillance; and
- Scaling up and sustainability of the Clean Street Food Project.

2.8. FSSAI has also engaged with the GFSP and brought to the discussions industry, consumer organisations and the scientific community from India and both FSSAI and GFSP look forward to continuing engagement in the future. This Report is indeed part of that collaboration.

2.9. It can be seen from these cases that FSSAI is already outward-looking and keen to learn from developed countries. However, there is also much to both learn and teach through more engagement with middle-income countries and even low-income countries, especially those in the same region.

International Advisory Committees

2.10. Many bodies have established International Advisory Committees / Councils (IACs) but there is a variety of models and functions.

2.11. IACs are very popular in academic institutions, reflecting the growing global market in higher education. Universities want to attract foreign students as a matter of prestige as well as income and many are opening campuses abroad. An IAC is normally an external body, i.e. made up of members who are independent of the university, although many are likely to have some sort of connection, such as

² http://citd-standards.com/index.html

GFSP
FSSAI Report, v 3.0, May 2017
being *alumni*. They would be senior figures, the more prestigious the better, and would be advising the senior management of the university at a strategic level. They may also have an ambassadorial role. Membership is usually unpaid and meetings are twice a year, although perhaps for a few days. A study of academic IACs carried out by University World News\(^3\) concluded that:

> There was widespread agreement among the study participants that IACs are effective – if they are well organised, have a clearly targeted agenda and are taken seriously by the academic community – and if the university follows advice from the IAC.

2.12. IACs can be found in just about any organization that is looking for strategic advice or for international prestige. The President of the Ukraine, Petro Poroshenko, has appointed an IAC to advise him as President on taking forward reforms based on best international experience\(^4\). Transparency International also has an IAC\(^5\) and both of these may be looking at similar issues. Coca Cola has established an IAC\(^6\) with the following remit:

- Provide strategic insight for the Chairman and Senior Management team
- Extend and enlarge our strategic networks of key leaders around the world in government, business and non-profit sectors by establishing relationships
- Apply its insights to offer targeted solutions for specific issues.

Its membership includes former diplomats and senior trade negotiators, like Peter Sutherland and Carla Hills, as well as senior industrialists, such as the Chairman of Mitsubishi. It is clear that there can be a genuine advisory role for an IAC but there is probably also a trade-off between prestige and usefulness. Some IACs consist of former Presidents or Prime Ministers and Chairmen of global brands. These people may have useful insights but a gathering of fifteen must carry a risk of confusion and competition as much as the likelihood of consensus. For organizations concerned about their image, there is likely to be greater pressure to err on the side of presenting a prestige list on the website rather than having useful meetings. However, not all have to use their members as a committee but can use them as individual advisors who can be called on according to the issue.

2.13. Not surprisingly for a small State with an enviable international reputation for excellence, Singapore has a few examples of high level IACs, including one for its Economic Development Board. The EDB is the lead government agency for planning and executing strategies to enhance Singapore's position as a global business centre and its IAC has members such as Jack Ma of Alibaba and CEOs from many global brands, such as Unilever, Hitachi, Shell and Philips\(^7\). But the EDB's own internal Management Board is similarly senior and international, with CEOs from various other companies.

2.14. The Agri-Food and Veterinary Authority of Singapore – AVA - has an International Advisory Committee of Experts (IACE). This is the only Food Safety body anywhere that research has shown to have an IAC. Its role appears to be one of audit rather than advice, with Reviews a few years apart but lasting a few days each time. It comprises experts in the fields of veterinary epidemiology, food safety and hygiene, biosecurity, phytosanitary and plant pathology, from Australia, the United Kingdom and the United States. The first IAC review was conducted in 2002 with the emphasis on AVA’s integrated approach to food safety, while the second review, which took place in 2003, focused on AVA’s biosecurity programmes on food safety as well as animal and plant health. The third IACE review conducted in 2005 considered

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\(^5\) [https://www.transparency.org/whoweare/organisation/advisory_council/0/](https://www.transparency.org/whoweare/organisation/advisory_council/0/)


AVA’s risk management approaches towards Bovine Spongiform Encephalopathy (BSE or mad cow disease), Highly Pathogenic Avian Influenza (HPAI or bird flu), Nipah virus and *Salmonella Enteriditis*. It has now completed 6 reviews and has consistently been impressed with AVA’s systems and approaches. Commenting on the 6th Review, in 2014, Ms Tan Poh Hong, CEO of AVA, said:

“*The IACE review is an opportunity not only to assess the robustness of our systems, but also to give us fresh insights and perspectives as we continue to pursue smarter systems and more effective programmes. The IACE is a valued advisory partner and we are glad to receive their positive report. We thank the IACE for their advice and recommendations, which will help us to continue to build stronger networks, tailor our plans and resources to be scalable and sustainable for the long term, and keep AVA at the forefront, both locally and internationally.*”

2.15. If FSSAI were to consider establishing an IAC, there are three models to choose from, with slightly different functions:

- A collection of specialized advisors who may be consulted individually on specific issues and do not need to meet together (although that may also be possible if wanted);
- A committee of advisors who would meet twice a year in India to share practices and experiences of Food Safety in their countries/organizations;
- A committee acting as an external audit of FSSAI’s performance, on the AVA model.

**International Conferences**

2.16. The second model of IAC set out above comes close to having an international conference once or twice a year, the difference being that the IAC version involves appointing and supporting a specific team of individuals. The conference approach is more flexible in that people would be invited because something important had happened in their direct experience that would be useful learning for others. The greater formality of the IAC has the advantage of an ongoing relationship with each individual but that is also just as possibly a disadvantage, depending on how well the individual was chosen and whether that country maintained its momentum. The disadvantage of the conference model is being able to identify the right people to invite but that disadvantage is also there with the initial decisions on who to appoint to the IAC.

2.17. Conferences can be very effective ways of transferring knowledge, with the additional advantage of the extra that comes from the interaction with other people who have also brought new ideas. An innovation may be valuable to learn about on its own but even more so if two or three innovations spark off each other in the conference. A conference is also a way of showcasing what FSSAI is doing and getting comments back, rather than just learning about what is happening elsewhere.

2.18. Running a large international conference is very challenging in terms of administration and it would be preferable to buy in services, if that can be afforded. Costs may appear high because the costs of this form of knowledge gathering are concentrated on one or two events, rather than spread across the year.

2.19. The other aspect of international conferences is that FSSAI should also attend other conferences and not just focus on its own. The key to this form of knowledge gathering is having some idea of where the interesting work is and attending well-planned conferences elsewhere can be one of the best ways of

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The International Union of Food Science and Technology (IUFoST) is the global scientific organisation for food science and technology, representing over 300,000 members from more than 75 countries. It is planning a world conference in India in August 2018.

**Study Tours**

2.20. Well targeted Study Tours with the right team of people can be a highly productive way of gathering substantial knowledge\. It would already have been established what the host country had to offer in terms of learning and the Study Tour would be to follow-up the learning. It is an expensive and inefficient way just to find out whether a particular country has anything interesting to offer. It is more in-depth than a conference but it could be a by-product of a conference, where discussions with a speaker from that country established the likely value of further study – and provided a contact point. Contacts are vital to a successful tour and the organizer has to both understand what the learning to be gained is and also know who to meet in order to learn it. It can take a long time to organize and is often dependent on the personal contacts of the organizers.

2.21. Having the right team is not only essential for getting the best from the visit but it can also be a good form of team-building. That shared experience and knowledge brings people together and one of the objectives to consider when planning the Study Tour should be about building or strengthening a team. To get the real benefit from the Study Tour, the team must do something with the knowledge on return to FSSAI. Planning that follow-through is a vital part of the value of this form of knowledge gathering. A very successful example of a Study Tour was one led by the World Bank Group in a food safety project in Azerbaijan which took a group from four Ministries to Lithuania and the UK in 2011. What made it successful was how that group became a driver of reform across the four Ministries for more than a year after the Study Tour itself, providing coordination with colleagues as well as passing on learning.

2.22. A Study Tour may lead to a more formal bilateral agreement in the form of an MoU or suchlike but these are really only worth the effort of writing them if there is some substance that can be delivered under the agreement.

**Regional Organizations**

2.23. In addition to MoUs entered into bilaterally by FSSAI for the specific purpose of information exchange or training, there are already trading blocs that India is Party to or is considering joining. Trade in food is often a central concern in regional trading blocs and, although FSSAI is not responsible for trade policy in food, a country’s reputation for domestic application of food safety control systems can influence its market attraction. It is probably easier to sell food products from a country that has a good reputation for food safety domestically, and the converse is probably also true.

2.24. ASEAN\(^\text{10}\) is a particularly strong example of international engagement on food safety. In 2004, an ASEAN Food Safety Network was set up, largely as a website platform for sharing materials and experience on food safety across the ten countries. Guidance papers on food safety control systems and food safety standards were built up which provided a good grounding in international good practice. In 2015, A Study Tour can also be a disaster if the team members are not genuinely interested in studying. Study Tours have a bad reputation in most countries as being subsidised tourism for a few senior people. It is reasonable for the program to allow a little time for tourism and shopping but it must be more about study than touring overall.

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\(^\text{10}\) Association of South East Asian Nations – Brunei Darussalam, Cambodia, Laos, Indonesia, Malaysia, Myanmar, Philippines, Thailand, Singapore and Vietnam. See Annex A for more information on their development of a food safety regulatory framework.
the ASEAN Ministers for food, agriculture and health endorsed a Food Safety Policy and a Food Safety Regulatory Framework. ASEAN does not have a supra-national legislative body so the Policy and the Regulatory Framework remain a matter of organization within the Association, driven by a Task Force. To have developed so far probably needed the level of administration that ASEAN has built but it remains an example of what can be done on the basis of sharing information and good practice, plus political will to make it succeed. That political will has largely been influenced by the trade aspects, although it is also part of building the ASEAN Socio-Cultural Community as well as the Economic Community. More detail about the ASEAN initiative is at Annex A.

2.25. India is not a member of ASEAN, although it is part of what was known as “ASEAN Plus Six” – ASEAN plus six Free Trade Area partners – which continues as the Regional Comprehensive Economic Partnership (RCEP)\(^\text{11}\) which is supposed to be finalized this year. There are many regional economic organizations in Asia, stretching from Turkey to China, and more centered on the Pacific, such as APEC\(^\text{12}\). India is not a member of APEC because it does not have a Pacific coast but there is speculation about the possibility of it joining\(^\text{13}\). But India is already a Party to the South Asian Association for Regional Cooperation (SAARC)\(^\text{14}\), along with Afghanistan, Bangladesh, Bhutan, Nepal, the Maldives, Pakistan and Sri Lanka. It was formed on 1985 and, in 2006, the South Asian Free Trade Area was formed, based on SAARC. It seems beset by political problems between some of its members and the last Summit, in Pakistan, was cancelled because of a boycott by some members for political reasons. Looking eastward, India is also a member of BIMSTEC\(^\text{15}\) – Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation – with five deriving from South Asia, including Bangladesh, Bhutan, India, Nepal, Sri Lanka, and two from Southeast Asia, including Myanmar and Thailand. This year, India should formally join the Shanghai Cooperation Organization (SCO)\(^\text{16}\), with China, Russia, Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan. Although it may be seen by many as primarily a geopolitical security organization, it does have an economic cooperation element.

2.26. The issue arising from all these different trading blocs is not only what FSSAI could learn from other Parties but also what some of them could learn from FSSAI.

**Countries to learn from**

2.27. There is no single list of countries to learn from generally. It depends on the problem being reviewed. Some countries may be excellent for one set of problems but unhelpful for another. This section looks at the different issues in Food Safety or the different types of learning that should be considered when deciding what countries to learn from.

**Innovation**

2.28. Some countries are worth learning from because of innovation. Not all innovations can transfer from one country to another because they may depend on country-specific characteristics. However, some innovations may be adaptable. It may be that the lateral thinking came out with one result in that country but applying the same logic would also give a similar benefit to India although in a completely

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\(^\text{11}\) http://asean.org/?static_post=rcep-regional-comprehensive-economic-partnership. The other five along with India are China, Australia, New Zealand, South Korea and Japan.

\(^\text{12}\) Asia Pacific Economic Cooperation - http://www.apec.org/


\(^\text{14}\) http://www.saarc.com/

\(^\text{15}\) http://www.bimstec.org/index.php?page=overview

\(^\text{16}\) http://eng.sectsco.org/
different way. One example is the UK innovation called Primary Authority, which is explained in more
detail in Annex B. It has had a genuinely transformational effect on the implementation of food safety
control systems in the UK, with over 90% of food businesses in the retail sector having specialised regu-
latory partnerships with a single regulatory authority partner (its “Primary Authority”). The radical effect
of Primary Authority in the UK was not foreseen because what turned out (so far) to be the main benefit
was originally seen as a by-product. After many years operation of the concept, new angles are still being
found in the concept. The entire package probably depends on UK-specific issues but it is proving to be
a sufficiently sophisticated concept that there are bound to be lessons to be extracted for the benefit of
very different countries.

Urbanisation

2.29. Food Safety is a complicated issue because it connects with many other agendas. At one level, it
is the problem of urbanisation which has led to a need for processing, cold chain and extensive distribu-
tion systems in order to allow food to travel over distance and time. So a society still relatively unaffected
by urbanisation will not face the same problems (but these societies are becoming scarcer). But the pace
of urbanisation may be relevant. For example, Vietnam is managing to resist some of these effects far
more than China, even although urbanisation is accelerating in Vietnam. Like Delhi, Hanoi (and even Ho
Chi Minh City) still has agricultural outputs within the city limits and up to 70% of its population is still fed
on very short supply chains from local producers. Shanghai, on the other hand, has to “import” almost
all its food. India is still predominantly rural and, on the impact of this factor, Vietnam would make a
better comparator than China.

Table 1. – Percentages of Rural Population

<table>
<thead>
<tr>
<th>Country / Region</th>
<th>Rural % 1960</th>
<th>Rural % 2015</th>
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<tbody>
<tr>
<td>India</td>
<td>82</td>
<td>67</td>
</tr>
<tr>
<td>Bangladesh</td>
<td>95</td>
<td>66</td>
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<tr>
<td>Vietnam</td>
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<td>66</td>
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<td>Euro Area</td>
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<td>24</td>
</tr>
<tr>
<td>World</td>
<td>66</td>
<td>46</td>
</tr>
</tbody>
</table>

17 http://data.worldbank.org/indicator/SP.RUR.TOTL.ZS
2.30. That World Bank table demonstrates the radical differences in the extent of urbanisation, especially looking at the Euro Area figures in contrast. But, despite the enormous populations in India and even Vietnam, the East Asia and Pacific region is already primarily urban and the overall world figure for 2015 is 54% urban. In that table, examples of countries that have reversed or even slowed urbanisation are few. But at present both India and Vietnam are significantly different to the rest of the world in terms of the balance of rural to urban populations.

2.31. Linked to urbanisation is change in eating patterns, which also have an impact on food safety issues. This occurs as tastes change and availability of different foods change, with an obvious interconnection between the two. This can affect staple diets as new foods become more popular. One of the industry representatives interviewed said that breakfasts have seen the biggest change overall in India, along with a growth in pre-packed and processed snacks. Linked to changes in what is eaten are changes to how food is provided and how it is eaten, such as the growth of supermarkets and an increase in eating out. The two latter changes are slower in India than in China.

2.32. The traditional culture continues to influence the consumer. The varied cuisines of India need people to have time to buy, prepare and cook. In a stratified society, domestic help allows time for cooking. Around 60-70% of cooking is still in the home. The kitchen is a preserve of the lady of the house and is almost sacrosanct. Shrines to the gods are likely to be found in kitchens and cooking traditionally starts with offering food to the gods. Traditional practices tend to be very hygienic. Eating with fingers can be hygienic with access to washing facilities and the eating habits tend to avoid contamination or cross-contamination.

2.33. This emphasis on home cooking means that the Indian culture is not one of eating out. Consumers have been able to trust their suppliers because they knew them. The more invisible the source of the raw materials and the cooking process, the less trust there is in the product or service. Street vendors therefore play a very important part in Indian eating habits. They are less impersonal and the consumer can see the raw material and the product being cooked. They are also convenient and much cheaper than restaurants. Fast food outlets are for celebratory events and not for normal eating. However, street vendors struggle to meet anything like the hygiene standards of the home kitchen, primarily because of lack of access to electricity for cold chain and hot running water (or even just water), in addition to being outside and subject to ambient pollution, vectors and pests. In Goa, the FSC is experimenting with the State providing infrastructure for Food Courts or Food Parks, where street vendors have these facilities, and this appears to be a promising initiative.

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**Singapore moves Street Hawkers under cover**

In the 1960’s some 40,000 hawkers were active in the streets of Singapore selling food and other low cost goods and services. There were serious food safety and environmental concerns. A licensing and inspection scheme was introduced yet the core strategy was to relocate these vendors to hawker centers, 54 of which were built in the late 1970’s and an additional 59 in the early 1980s.
Food brands are relatively new to the Indian market but branding is a way of building that trust. The Maggi Noodles incident actually showed the resilience of the Maggi brand and not its fragility. Although at the height of the crisis, the company considered its Indian business “clinically dead”, within three months market share was back to 50%. A generation had been brought up on Maggi noodles and wanted to rebuild the relationship with the brand. Trusting a brand, whether a product or a catering chain, is one way in which eating habits are starting to change. Tastes are also evolving and alternatives to traditional cuisine are becoming more popular. The diversity of Indian cuisines also inhibits the mass production of Indian specialties and so mass production tends to be in the universal replacement products like pizzas and burgers. But these are not replacing the staple diet.

Having time for cooking is also key to maintaining the traditional approach and societal patterns are changing. There are more people who no longer have time for buying, preparing and cooking. This leads to gradual change and not immediately to microwave meals. First, a greater number of raw materials will have had some minimal processing, such as refined oils, which helps with preparation time. So the cooking is still of the same dishes but slightly faster to make. The next stage is ready meals. Breakfast has seen the main change, with cereals becoming popular. Processed and pre-packed snacks are also growing quickly. Some materials and products lend themselves to processing whereas much of the staple diet does not.

Vietnam and Indonesia provide better comparators that China when it comes to these underlying changes in diet, the culture of eating and the retail market.

Two market models

The huge disparity in the urban / rural split and in incomes between, broadly, developed and developing economies has also created two different models of food markets, each with their own problems. One is where the vast majority of the food consumed in the country comes from many millions of semi-commercial agricultural holdings. The other is where the vast majority of food consumed is controlled by a small number of multinational companies and is produced either by a relatively small number of very large farms or is produced across global value chains. Despite China’s urbanisation, over 90% of

Over the course of the next decade many hawkers retired and preference was given to low in-come applicants to take up the empty stalls. A policy of ‘regulate and educate’ was put in place, incrementally to improve hygiene practices. While some centers were phased out as land was developed for other purposes, there was growing recognition that hawker centers were also servicing as community spaces for social interaction.

In 2001, some centers were completely rebuilt and most incorporated central freezers and cleaning areas. By 2014, 109 centers had been upgraded, accommodating some 6000 vendors. Over time, increased rental fees covered a significant proportion of the investment costs. Three government agencies have been involved.
the food consumed is still produced by semi-subsistence holdings yet China has such a huge population that penetration by multinationals and development of “dragonhead” companies still provides large markets. These are also vocal and articulate markets of aspiring urban middle class. But China still has the same problem as India of the millions of semi-subsistence holdings.

**Consumer choice**

2.38. Tackling the problems of that first market model goes well beyond Food Safety. It is primarily about the rural economy, which involves systems of land-holding as well as agriculture techniques and that can be a profoundly challenging political issue. But, for Food Safety, it affects the safety and quality of the raw materials at the start of the chain so will always be a major issue. Safe water is also vital but the issues involved in supplying safe (or even enough) water can also be profound. Food Safety also acts back on that original problem through the challenge of persuading consumers to pay a premium for safe and wholesome food, without which many of the projects for consolidating small farmers into larger groupings struggle to make progress. Consumer choice is therefore another significant factor in Food Safety because of the potential to shape markets through influencing consumer buying decisions. To have consumer choice, a country has to have issue of food security under control so that there is enough food for consumer choice to be effective. Consumer choice can lead to improvements in Food Safety but it can also lead to bigger problems if the choices are poor. Nutritional issues are usually seen as going beyond Food Safety but the line between unsafe food and poor nutrition can be porous. For FSSAI, the line does not matter because its concern is “safe and wholesome” food. That can become an issue in looking at the growth of “fast food” outlets where the nutritional issues are very different from concern about lack of micronutrients in staple foods. The point here, though, is the importance of influencing consumer choice as another factor in deciding which countries to learn from.

2.39. Perhaps the best success story of a regulator operating effectively through consumer trust is the Brazilian regulator of product safety, Inmetro. Its stamp on a product is trusted by 81% of Brazilian consumers and strongly influences buying choices. In addition to making Technical Regulations, Inmetro has for 20 years had a ten minute slot on a popular TV show on a Sunday evening when it tests different brands of household products. This has often been shown to have a radical effect on sales of these products following the program. In 2008, Inmetro started to develop a Regulatory Impact Assessment (RIA) methodology in order that it could better understand the impact it had on consumers and it has been a rare example since then of impact assessment being successfully applied as a working tool. It has occasionally partnered with the Health or Environment Ministries to use its influence to shape markets for the policy purposes of these Ministries. Although Inmetro’s reputation has been established over many years, a new regulator in the Kyrgyz Republic built a positive rating with the public in its first year of operation, in 2012. The Kyrgyz government commissions a quarterly survey of the public’s perceptions of government bodies and this regulator was scoring in the top four trusted government bodies within a year and also won a separate award as the most trusted Kyrgyz government agency in 2013. It is also a product safety regulator, like Inmetro, (the State Inspection of Ecology and Technical Safety).

**Third Party certification**

2.40. The second market outlined above also has its problems. This is the global “meta-market” in food products. Global markets need to ensure safety but safety is usually taken as a given and competition takes place above standards that simply provide safety. That market needs standards that supersede most if not all national regulatory requirements, rather than having to adjust production and systems to suit different national markets. Codex is still relevant but inadequate for that level of commercial performance and is aimed at governments and not at business. Proprietary standards have arisen in the last 20 years, sometimes from a national base, such as:
• British Retail Consortium (BRC)\textsuperscript{18}, from the UK;
• The German and French food industries developed International Food Standard (IFS);
• Safe Quality Food (SQF)\textsuperscript{19} started in Australia and was taken up in the USA;
• GLOBALG.A.P\textsuperscript{20} was originally EUREP GAP, before spreading beyond its EU beginnings.
• FSSC\textsuperscript{21} is based on ISO 22000.

The Global Food Safety Initiative (GFSI)\textsuperscript{22} is an attempt to bridge these major proprietary standards that dominate the global market. It benchmarks all these standards and provides certification that can meet whichever of these standards a retailer demands. Its motto is “Once certified, accepted everywhere”.

2.41. For suppliers in developed economies, these are the standards that matter because they want to sell to the major retailers or processors. For example a large distributor of food products in the EU will only transport products that meet BRC level 1 or 2, quite apart from the issue of the standards demanded by the company that the products are going to. Suppliers are reluctant to depend entirely on one buyer and so have to manage multiple standards. This also means being subjected to audits for their different buyers, which has itself led to a large market in audit companies. Some suppliers may face up to 90 audits in a year. If that had been government inspectors, there would have been an outcry but it still uses scarce company resources. This meta-market transcends national regulation and even Codex standards. In the UK, the city of Bristol has 400,000 residents and two Food Inspectors for the local food authority. These inspectors will focus primarily on street vendors and small businesses because the larger businesses are wholly controlled by these other standards and inspection by their buyers.

2.42. The UK has started to regulate this market and created a specialized regulator – the Groceries Code Adjudicator\textsuperscript{23} – to manage it. The first attempt was self-regulation through the Groceries Code but that proved inadequate and a regulator was appointed, with power to impose very significant penalties. This is not a Food Safety regulator but a sub-set of Competition Law, focusing on abuse of dominant position in a specific market. The safety of food is assumed and also delivered but the market structures that have grown on top of the Food Safety regulatory system are now themselves subject to market failure.

2.43. As FSSAI goes further down the road of third party certification, these issues become more relevant. In developed economies, it is third party certification that provides safety and has arguably taken over as the actual regulatory system for medium and large businesses, driven by large companies rather than by governments. It has succeeded in delivering safe food (although not food integrity) and that success has perversely led to reductions in enforcement budgets which accentuates a two tier system of Food Safety depending on the size of the business. Third party certification can be seen as using the private sector in place of government inspection and, for India that is very attractive in many States and Union Territories. But it is also changing one set of problems for another set of problems. It may be a better set of problems but it is not a magic answer.

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\textsuperscript{18} http://www.brcglobalstandards.com/
\textsuperscript{19} http://www.sqfi.com/
\textsuperscript{20} http://www.globalgap.org/uk_en/
\textsuperscript{21} http://www.fssc22000.com/documents/home.xml?lang=en
\textsuperscript{22} http://www.mygfsi.com/
\textsuperscript{23} https://www.gov.uk/government/organisations/groceries-code-adjudicator

GFSP
FSSAI Report, v 3.0, May 2017
Risk Communication

2.44. FSSAI is already learning fast about Risk Communication in terms of awareness raising of Food Safety risks. FAO and WHO have produced very good manuals on risk communication training[24]. This subject includes educating people about risk but it is also about managing messaging to the public and the management of a “food scare”, when the media escalate a story about the system failing. The rise of social media has changed the nature of the challenge in managing public messaging because there is less interest and respect for central government messages. There is a greater need for genuine communication between relevant parts of government, both central and local, so that the public message is actually believed and practised further down in the organisation. The Dutch government ran a program for four years called “Risk and Responsibility” on how politicians (both national and local) can manage risk communication better to the public.

Delivery issues

Regulatory Delivery

2.45. There is a new discipline in the range of Good Regulatory Practices (GRP), namely Regulatory Delivery. Most of GRP has been about how to make better rules and also how to be better at making rules. The new discipline is aimed at how to make the rules work in practice, on the ground. It is about implementation rather than about rule-making. GRP has mainly been targeting policy-makers and politicians but Regulatory Delivery looks beyond that stage to inspections and enforcement, or any other techniques available to regulatory authorities to deliver the objectives of the regulatory system. OECD has published “Regulatory Enforcement and Inspections” in its series “OECD Best Practice Principles for Regulatory Policy”[25]. This set out 11 Principles for Regulatory Delivery. Recently, OECD has been working on turning these into a set of measurable indicators. Regulatory Delivery has two parallel origins. One is in the UK, following a seminal report on “Inspections and Enforcement” in 2005 and the other through the work of the International Finance Corporation on “Investment Climate” and USAID on their “Business Environment Program” in developing and transition economies. Both strands came together and IFC and the UK government have hosted a series of three international conferences on Regulatory Delivery in 2012, 2014 and 2016. A Directorate in the UK’s Business Ministry is called simply “Regulatory Delivery” and is focused on developing the discipline. The development of Primary Authority that can be explored in Annex B illustrates how this new approach to the regulatory function can transform traditional thinking about how regulatory systems can be made to work. Although the discipline looks at regulatory systems generically, much of the practical work on it has been pioneered in food safety regulatory systems specifically.

2.46. Regulatory delivery also has roots in the practice of regulatory agencies long before 2005 and one of the seminal books on it was “Responsive Regulation: Transcending the Deregulation Debate” by two Australian authors, Ayers and Braithwaite, in 1992[26]. The New Zealand Treasury has very recently (21st April) published its “Government Expectations for Good Regulatory Practice” addressed to regulatory agencies. In New Zealand, they have the concept of “regulatory stewardship” which carries with it the idea of engagement as well as oversight of the sectoral agenda. They are not just applying the rules but are concerned about development of the sector, delivering the regulatory objectives and ensuring the prosperity of the businesses involved. Its final section on “Good regulator practice” is in line with thinking on regulatory delivery.

**Delivery to 1.3 billion people – comparison with China**

2.47. FSSAI should engage with that trend. But there is also the challenge of operating in a country of 1.3 billion people. China is an obvious comparator for some things but, as analysed in the section above on Urbanisation, there are very significant differences. But the sheer scale of governing over a billion people is only shared by two countries. Different solutions have been found and there is no question of either trying to change its structures to copy from the other. But rolling out reforms across 31 Provinces / 37 State and Union Territories or communicating with a billion consumers or developing a network of reference laboratories are all issues where a conversation should be interesting to each.

2.48. Both countries are also learning fast how to modernise their Food Safety systems. India’s law goes back to 2005 whereas the Chinese Food Safety Law is 2015. FSSAI was formed in 2008, CFDA in 2013. FSSAI sees the future in a partnership between consumers, businesses and government, which is similar to the Chinese notion of “social co-governance” which is to be at the heart of its strategy. Both are adapting to Codex and to modernising standards. The Chinese still have a debate over whether standards should be prescriptive or specify results to be achieved, whereas India has already opted for the latter. Risk Assessment is a challenge for both because of the scale of the population but much of the best work on Food Safety in China is coming out of CFSA (modelled on EFSA) while the young CFDA is still finding its stride. Both countries need to learn how to apply risk-based inspection, planning and sampling on a massive scale.

**Coordination, vertical and horizontal**

2.49. A common problem in all countries except the smallest is managing vertical and horizontal coordination. Vertical challenges are in linking central and local government interests and methods. Institutional issues usually get far more attention in central government but local government is often left out as being too difficult. But local government has the front-line staff who engage with the food businesses. The business’s “experience” of Food Safety will come from interaction with local inspectors and licensing bodies and not with FSSAI or politicians. Political priorities will also vary between central and local government but central government relies on local government to deliver its agenda. A challenge in Food Safety is not only long supply chains for the food but long delivery chains for the regulator. Both India and China have that problem but so does the EU, although slightly less than half the size. It has a single regulatory system for Food Safety but it is implemented through 28 Member States and each of them has its own vertical structures, often based on local government institutions going back over more than a hundred years. Consistency of approach to implementation is a challenge for the EU, India and China despite having a single Law in each case.

2.50. Horizontal coordination is needed in Food Safety because so many other interests are linked to food. The Central Advisory Council is designed to deal with both horizontal and vertical coordination, at least at State level but perhaps not District. China has a Food Safety Commission at all levels from the State Council down to the township, aimed at horizontal coordination. At the lower levels, it is good at reflecting local priorities. It is also, of course, a platform for Party coordination and the role of the Party in Chinese administration makes it very different to India. Vietnam is similar, for the same reasons. The Dutch have a unique approach to horizontal coordination of inspections and enforcement generally (as opposed to Food Safety), called the Domain system. In addition to having vertical inspection bodies for different regulatory regimes, this program provides grouping of inspectors around a subject or issue – a Domain – instead of just acting within their own subject. For example, one Domain is Schiphol airport and up to eight regulatory bodies come together under a Chief Inspector from one of them to provide a coordinated regulatory service. Another Domain is extractive industry in the North Sea.
Compliance support

2.51. Working with businesses in partnership rather than confrontation is a hallmark of modern Food Safety regulatory systems. It is the business that ensures that food is safe and wholesome, or not. The concept of “Responsive Regulation” goes back to Ayers and Braithwaite, mentioned earlier, in 1992. This argued that enforcement techniques should be tailored to the attitude of the business, rather than the same approach to be taken with all businesses. This is at the heart of current compliance assistance in many countries. FSSAI has already studied with the Canadian Food Inspection Agency which is also a key source of learning.

Applying risk

2.52. Finally, application of risk is the underpinning of modern Food Safety regimes, now including China since 2015. Perhaps the best practices are in the EU where the General Food Law of 2002 was the first to expressly build the regime on the principle of risk management. Its system of “official controls” through “competent authorities” shows an unusually high level of detail in how the regime is supposed to be delivered, although the diversity across the Member States still leads to big differences in enforcement approaches. FSSAI has worked with ANSES from France and has had a MoU with the Netherlands and a Joint Statement of Intent with Germany so it has had exposure to the EU operation.

2.53. The next two tables specify countries for learning particular topics, one table listing by topic and one by country.

Table 2. – Countries according to particular interests

<table>
<thead>
<tr>
<th>Learning opportunity</th>
<th>Country / Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impact of slow urbanisation, dealing with a predominantly rural population, shorter value chains, resistance to “supermarketisation”</td>
<td>Vietnam, Bangladesh</td>
</tr>
<tr>
<td>Influencing consumer choice to drive better commercial standards, developing trust</td>
<td>UK’s Food Standards Agency, Brazil’s Inmetro</td>
</tr>
<tr>
<td>Third party certification, managing the “meta-market”</td>
<td>GFSI, UK’s Groceries Code Adjudicator</td>
</tr>
<tr>
<td>Risk communication</td>
<td>Netherlands</td>
</tr>
<tr>
<td>Risk Assessment</td>
<td>China’s CFSA, EU’s EFSA</td>
</tr>
<tr>
<td>Compliance support, working with food businesses</td>
<td>New Zealand, Canada</td>
</tr>
<tr>
<td>Scalability of ideas and practices</td>
<td>China</td>
</tr>
<tr>
<td>Vertical and horizontal coordination, national and local</td>
<td>China, Netherlands and UK</td>
</tr>
<tr>
<td>Regulatory Delivery, Primary Authority, assured advice</td>
<td>UK’s Regulatory Delivery Directorate</td>
</tr>
</tbody>
</table>
Table 3. – What to look for in specific countries

<table>
<thead>
<tr>
<th>Country</th>
<th>Learning opportunities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vietnam</td>
<td>Impact of slow urbanisation, dealing with a predominantly rural population, shorter value chains, resistance to “supermarketisation”, establishing national surveillance plans for sampling, central - provincial coordination and role of municipalities</td>
</tr>
<tr>
<td>China</td>
<td>Scaling up operations across 1.3 billion people, rapid adaptation of modern systems, modernising Standards, central - provincial coordination and role of municipalities, Risk Assessment.</td>
</tr>
<tr>
<td>UK</td>
<td>Regulatory Delivery, Primary Authority, regulating the “meta-market”, third party certification, risk-based inspection and planning, consumer focus and trust</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Risk Communication, horizontal coordination</td>
</tr>
<tr>
<td>New Zealand</td>
<td>Compliance support, working with food businesses</td>
</tr>
</tbody>
</table>

**Conclusion**

3.1. FSSAI is a learning organisation that has already established connections with opposite numbers in many other countries and benefited from the interaction. It now wants to look more systematically at how to develop optimal engagement with other countries. The Report covers some different forms of international engagement but it also focuses on which countries FSSAI should look to learn from. Most of its partnerships have been with developed countries but it has much to learn from other middle income countries that are facing similar issues at present or have faced them recently and moved through them. The Report therefore reviews major food safety challenges or currently contentious issues in order to suggest which countries FSSAI should look to in order to learn from. It suggests more middle income countries than FSSAI has engaged with so far and suggests what the main learning should be from each.

3.2. The Report also looks at international engagement with low income countries, especially in the region and especially those in regional trading blocs that India is party to, with a view to what FSSAI can teach rather than what FSSAI can learn.
The Association of South East Asian Nations (ASEAN) is a regional economic integration association consisting of ten Member States – Brunei Darussalam, Cambodia, Laos, Indonesia, Malaysia, Myanmar, Philippines, Thailand, Singapore and Vietnam. Its vision is the AEC, the ASEAN Economic Community, built on four interrelated and mutually-reinforcing characteristics: (a) a single market and production base, (b) a highly competitive economic region, (c) a region of equitable economic development, and (d) a region fully integrated into the global economy.

The agri-food sector, which includes forestry and fisheries, is the largest employment sector for ASEAN, with 38% of its population of 620 million involved in the sector. In addition to building the ASEAN Economic Community, the vision also includes an ASEAN Socio-Cultural Community and food safety links the two. Good food safety is important for trade but also for public health and wellbeing. So ASEAN has been taking steps to use its organization to promote food safety control systems across the ten Member States. ASEAN has no supra-national legislative function, such as in the European Union, so it cannot impose directly applicable laws on its members. But the importance of intra-ASEAN trade in food has been a driver for harmonization, with Agro-foods and Fisheries being two of the original 11 priority sectors for economic integration. As the trade element has developed, it has been supplemented with strengthening the domestic food safety systems, for the dual purposes of improving access to markets and improving domestic health.

Food Safety Network

In 2003, they established the ASEAN Food Safety Network as a platform for sharing information on food safety, based in Thailand, and it set up an website in 2004. What started as a form of international engagement for exchange of ideas and practices developed into a valuable repository of material, formalised as the ASEAN Consultative Network. The purpose of the network is stated as being “sharing information in relation to facilitation of food trade and also protection of consumer health as well as being a forum for discussion to address the specific problem of Non-Tariff Barriers (NTBs) by countries affected either on a bilateral or multilateral basis”.

Its controlling committee is the Prepared Foodstuffs Product Working Group (PFPWG), working under the ASEAN Consultative Committee on Standards and Quality. It has gradually been building a set of documentation on Food Control Systems and Food Safety Standards which are available on the website, including:

- Principles and Guidelines for National Food Control Systems (2014);
- General Principles of Food Hygiene (2014);
- Principles of Food Import and Export Inspection and Certification (2014);
- Guidelines for Food Import Control Systems (2014);
- General Standard for Labelling of Pre-packed Food (2016);
- Principles and Criteria for Maximum Level for Contaminants and Toxins in Food and Feed (2016);

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30 [http://www.aseanfoodsafetynetwork.net/consultative/Food_std_harmonise_std.php](http://www.aseanfoodsafetynetwork.net/consultative/Food_std_harmonise_std.php)

In this way, ASEAN was making good practice available to all ten Member States but at the level of guidance. At a practical level, since 2014, ASEAN has also established a Reference Laboratory Network across five of the ten Member States, each certified under ISO/IEC 17025:2005:

Table 4 – ASEAN Reference Laboratories

<table>
<thead>
<tr>
<th>Laboratory Type</th>
<th>Country</th>
</tr>
</thead>
<tbody>
<tr>
<td>AFRL for mycotoxins</td>
<td>Singapore</td>
</tr>
<tr>
<td>AFRL for pesticide Residues</td>
<td>Singapore</td>
</tr>
<tr>
<td>AFRL for genetically modified organisms</td>
<td>Malaysia</td>
</tr>
<tr>
<td>AFRL for veterinary drug residues</td>
<td>Thailand</td>
</tr>
<tr>
<td>AFRL for heavy metals and trace elements</td>
<td>Thailand</td>
</tr>
<tr>
<td>AFRL for microbiology</td>
<td>Vietnam</td>
</tr>
<tr>
<td>AFRL for food contact materials</td>
<td>Thailand</td>
</tr>
<tr>
<td>AFRL for food additives</td>
<td>Indonesia</td>
</tr>
<tr>
<td>AFRL for environmental contaminants</td>
<td>Singapore</td>
</tr>
</tbody>
</table>

**ASEAN Food Safety Policy**

The next stage in formalising a harmonized approach to food safety was the adoption in 2015, by the Ministerial Bodies responsible for health, trade and agriculture, of an ASEAN Food Safety Policy. In the absence of a legislative power, its function was to “provide the basis for coordination and establish a common purpose across the relevant ASEAN Ministers Meetings and ASEAN bodies established by the Ministers. The agreed principles of the ASEAN Food Safety Policy serve as guidance and facilitate the development of a sustainable and robust food safety regulatory framework for the region. To the extent that was binding on the high level operation of the Association, its impact could work down through each Member State. The Principles set out in the document are:

• Integrated ‘Food Chain’ Approach
• Systematic Risk Analysis Framework
• Science-based, Independent Risk Assessment Process
• Primary Responsibility of Food Business Operators
• Consistency with ATIGA and WTO’s SPS and TBT Agreements
• Equivalence and Mutual Recognition
• Harmonisation with International Standards
• Reliable Traceability System
• Strengthening and Harmonisation of Regional and National Food Control Systems
• Transparency

As a modern Food Safety Policy, it is in line with international best practice. These Principles include the main elements of food control systems in most of the developed world, including prevention of unsafe food through risk-based approaches, a whole supply chain perspective and producer responsibility. But

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31 [http://www.aseanfoodsafetynetwork.net/Food_safety_policy/bk/foodsafetypolicy/9f1er-2016-11-04.pdf](http://www.aseanfoodsafetynetwork.net/Food_safety_policy/bk/foodsafetypolicy/9f1er-2016-11-04.pdf)
the original driver of international trade is still reflected in the Principles since half of them are about facilitating trade.

**ASEAN Food Safety Regulatory Framework**

The Policy is a tool for harmonization of national food safety regulation and they have tried to strengthen it through the ASEAN Food Safety Regulatory Framework (AFSRF)\(^3\). This builds on existing national commitments in order to provide a structure and the instruments to realise the free flow of safe food in the region. Its aim is to facilitate the free flow of safe food within ASEAN by:

- enhancing the harmonisation of SPS measures and standards for food;
- minimising technical barriers to intra-ASEAN trade in food; and
- reducing discrepancies of national food control systems among individual Member States.

The subsidiary bodies under the Ministerial Bodies responsible for health, trade and agriculture will undertake the development of instruments for implementing the AFSRF. The Prepared Foodstuffs Working Group under the direction of the Economic Ministers will coordinate with other relevant Sectoral Bodies through a Task Force. The “ASEAN Food Safety Coordinating Committee” will be established to oversee the implementation of AFSRF and its associated Protocols. It will commence its operations after the finalization of the instruments for implementation by the PFPWG Task Force (which will then be disbanded). The Task Force was due to be established in Quarter 1, 2017.

**Figure 1. ASEAN Food Safety Regulatory Framework**

What started as providing a platform for sharing materials and experience internationally has developed into a framework for developing compatible regulatory systems in food safety, in line with international good practice. It took twelve years from conception to the announcement in 2015 of the Policy and the Regulatory Framework but it also uses the extensive and sophisticated international organization of ASEAN.

The development of effective food safety control systems in each of the Member States is as varied as the countries themselves. Singapore already has a highly developed food safety system, under the Agri-

\(^3\) [http://www.aseanfoodsafetynetwork.net/Food_safety_policy/bk/foodsafetypolicy/w8421-2016-11-04.pdf](http://www.aseanfoodsafetynetwork.net/Food_safety_policy/bk/foodsafetypolicy/w8421-2016-11-04.pdf)
Food and Veterinary Authority (AVA)\textsuperscript{34}, which claims one of the lowest incidences of food-borne disease outbreaks anywhere in the world, despite 90% of its food being imported. But Cambodia, Laos and Myanmar are still at the start of that development. Cambodia introduced a Food Safety Law in 2015, supported by FAO in its drafting, plus a specialized Food Safety Authority. Its legislation is modern but institutional experience is still at an early stage. Myanmar has a Food and Drug Administration but responsibility for Food Safety remains fragmented across many government bodies. It has a Food Law as recent as 2013 which is also being updated but its practices in the field are still largely unreformed\textsuperscript{35}. Laos has updated its 2004 Food Law with a new Law in 2013 (available only in Laotian) but it’s Law on Food Inspection of 2012 sets out a risk-based approach to enforcement\textsuperscript{36}. These countries are supported by international donors in developing their regulatory systems but having the legal framework is still a long way from having an effective system on the ground. There needs to be an institutional framework suited to the complexity of food safety not only at national level but also down to front-line level. Skills are needed throughout these institutions and these countries face capacity issues. But even then, these changes relate to government bodies whereas the real change that delivers safe food has to be at the producer and food business operator level. Consumers can also play an important role if they provide the correct drivers of behaviour to the businesses.

**Annex B - Primary Authority**

Many regulatory systems in the UK, including Food Safety, are delivered by 433 local government bodies which have their own teams of inspectors. This is a problem for companies with branches across the country, such as Tesco with 3,500 supermarkets, due to variations in approach to compliance. Tesco and one local authority, Hertfordshire County Council, have a “Primary Authority”\textsuperscript{37} relationship which means that they have worked out a detailed compliance plan for all of Tesco’s stores and all other local authority inspectors have to follow that plan. If an inspector in, say, York considers that he has found a violation in a local Tesco store, he has to check with Hertfordshire to see if they agree that is a violation. When a PA partnership is approved by the Regulatory Delivery Directorate, it is legally binding on all local authorities. This arrangement has the following benefits:

- For Tesco, it has received assured advice that its compliance plan ensures compliance and it need not worry about Food Safety regulation so long as that plan is applied;
- For the customer, a high quality compliance plan has been developed in partnership between the company and a regulator and it will be enforced not only by the government inspectors as normal but also by Tesco’s own internal corporate management;
- For Hertfordshire, it is meeting its statutory duties to act as a Competent Authority for Food Safety but is receiving funding for it through Tesco covering the costs of developing the compliance plan, rather than having to bear the enforcement costs itself.

The initial reason for this was to provide consistency in cross-border trade for a large chain like Tesco. Other large chains followed, forming PA partnerships with other local authorities. But the idea grew beyond the expectations at its launch in April 2009. At the end of February 2017, there were over 16,000 businesses in partnership with 183 local authorities. Over 90% of the retail food sector in the UK is governed by PA partnerships. What proved most attractive to businesses was assured advice from its regulator. That is, the business could have regulatory certainty that its operations, including planned future

\textsuperscript{34}\url{http://www.ava.gov.sg/explore-by-sections/food/food-safety-quality/singapores-food-safety-standards}

\textsuperscript{35}\url{http://www.myanmar-responsiblebusiness.org/pdf/2017-01-Roundtable-Towards-a-Myanmar-Food-Safety-Responsible-Sourcing-Initiative.pdf}

\textsuperscript{36}\url{http://www.fao.org/faolex/results/details/en/c/LEX-FAOC141174/}

\textsuperscript{37}\url{https://www.gov.uk/government/publications/primary-authority-overview}

GFSP
FSSAI Report, v 3.0, May 2017
developments, would be compliant. It could work directly with the regulator to tailor a plan that met its operations. It didn’t need consultants or lawyers because its partner was the regulator and the final agreed plan would have legal authority.

There is a very good illustration of PA in the case of a company called Go Ape\(^{38}\) which provides tree-top adventure playgrounds in various sites across England. It developed a compliance plan for occupational safety with Cheshire West and Chester Council, with a detailed risk assessment. The cost of the PA partnership was less than the savings the company then made from its insurance premiums. Cheshire have developed a niche expertise in safety for tree-top adventure playgrounds and provide PA services to a few companies in that market. This case also shows that PA can cover any regulatory regime and not just Food Safety\(^{39}\).

Some local authorities now offer one-stop shop regulatory services to companies. They can provide a PA partnership for all the different regulatory regimes that apply to that company so that all its regulatory obligations are covered with detailed and authoritative plans. This is providing a form of personalised regulation. The relevant Act and all its linked Regulations covers all businesses in the sector but PA allows that entire legislative corpus to be narrowed to what is relevant to that business and provides assured advice on what it needs to do to comply. The UK is using its wide range of small regulatory bodies as individual regulators for individual businesses. The regulators are developing new skills and deep understanding of all these regulatory regimes, with their costs being covered by their PA partners. Having developed the expertise in one PA partnership, it becomes cheaper to provide it to others in the same market.

Originally, PA was designed for large businesses with cross-border operations. But it was extended to allow trade associations to enter into a PA partnership on behalf of its members. That then means that its members can also get assured advice and can benefit from a plan designed to cover their needs. For example, the Association of Convenience Stores (ACS)\(^{40}\) has 32,500 members, which are small independent neighbourhood stores, usually family businesses. ACS has partnered with Surrey County Council and produced infographics for a range of regulatory regimes\(^{41}\) that apply to small shops, such as under-age sales, storing fireworks and even basic food safety. In this way, PA has been extended to SMEs. If a convenience store follows the advice in any of these guidance notes, it will be compliant and any inspector will also have to follow the guidance.

PA is a transformative innovation. It highlights the value of Regulatory Delivery as a discipline since it is an illustration of how regulatory enforcement can evolve when treated as a way of thinking and not just a process. Other countries are studying it and the EU Commission is also in discussion with the Regulatory Delivery Directorate on potential application across the EU. It started as a cross-border tool, although the borders were all within one country. In theory, it could apply across EU Member State borders but that day is still far off. The inconsistency of enforcement of EU regulations across the EU is seen by some senior figures in the Commission as one of the biggest threats to the Single Market and a Dutch Presidency conference in Amsterdam in January 2016 was devoted to that issue.

A fundamental element to it is the professionalism of local authority inspectors. They cover around 75% of the UK’s regulatory inspections and the vast majority are members of one of two professional bodies

\(^{38}\) [https://goape.co.uk/](https://goape.co.uk/)

\(^{39}\) See, for example, this case of a local authority Fire Service offering to partner on Fire Safety - [http://www.esfrs.org/business/primary-authority-scheme/](http://www.esfrs.org/business/primary-authority-scheme/).

\(^{40}\) [https://www.acs.org.uk/](https://www.acs.org.uk/)

– the Chartered Institute of Environmental Health\textsuperscript{42} or the Chartered Trading Standards Institute\textsuperscript{43}. They are graduates with degrees in the subjects and they are subject to Continuing Professional Development, which requires a minimum amount of attendance annually at approved training courses. These professionals also occasionally move between the public and private sector, such that most of the corporate compliance managers in companies are also members of these bodies and may have been inspectors. It is usually these inspectors that run the PA offering of the local authority and not administrators. Some authorities are joining together to provide PA services, such as Surrey and Buckinghamshire County Councils (which are not even neighbors). These professional inspectors are, to some extent, now acting as a consultancy firm within a local authority.

Another fundamental element is the range of local authority bodies available in the UK system. Out of the 433, 183 have become involved as PA partners, so this scheme has 183 regulators making it work. Even if it is the inspectors who are running it in practice, the legal authority comes from the local authority institution. This allows niche specialisms, such as tree-top adventure playground safety, as well as sufficient resource to cover the mainstream.

It may be that PA can only work in the UK and perhaps even only at this time. But the experience of running PA since 2009 has been one of finding new aspects to it and different ways of extending it. It took on a life of its own as more people became involved and found more uses for it. It has probably not stopped evolving yet.

\textsuperscript{42} http://www.cieh.org/
\textsuperscript{43} https://www.tradingstandards.uk/