

Workshop Report

Heads of Agencies online workshop “How Private Assurance Schemes can be taken into account for official controls”

7th November 2023

Participants	
European Commission	Ireland
Austria	Latvia
Belgium (Co-chair)	Luxembourg
Czech Republic	Netherlands
Finland	Norway
Germany (Co-chair)	Sweden
Iceland	

Background

Private certification can be a valuable addition to food safety oversight by competent authorities worldwide and essential for food safety governance in general. From the European perspective, private certification can be taken into account in the performance of official controls, where appropriate, pursuant to EU legal framework (Regulation EU 2017/625 Art. 9).

In 2023, the HoA WG Private Assurance Schemes (PAS) was asked by the HoA to conduct a workshop to share ideas on how private assurance schemes can be taken into account (see annex 1 for workshop agenda).

The one-day virtual workshop was addressed to officials involved in the design, planning and prioritization of official controls. The workshop aimed to

- learn about experiences and findings gained in different EU Member States having synergies established with private quality assurance schemes in official controls,
- gain an understanding of good practices in the EU,
- be able to identify and discuss possible strengths, weaknesses and limitations of such synergies.

1. Welcome

Belgium and **Germany** as Co-chairs of the HoA working group “Value of Private Assurance Schemes” and workshop organizers opened the online workshop.

The workshop was attended by 2 representatives of the European Commission and 22 participants from 12 different European countries.

2. Introduction - The work of the HoA Working Group “Private Assurance Schemes” - Introduction to Public-Private Cooperation in the safety of the food chain: shared interests, separate responsibilities

(J. Inghelram, FAVV-AFSCA, Belgium, annex 2)

It could be beneficial for competent authorities to use private assurance schemes by considering their outcome in the prioritisation of official controls. Private assurance schemes cannot replace official controls and responsibilities must be strictly separate. However, results could be used to adapt official controls to ensure better targeting and efficient use of public resources. Two approaches in data sharing can be considered. First approach is a direct cooperation between the competent authority and the private assurance scheme owner, where the private assurance scheme has been recognised first by the competent authority and exchange of information between authority and private assurance scheme owner is being ensured. The second approach does not consider interaction between competent authority and the private assurance scheme owner, information/results of audits are being shared only by the food business operator. Further analysis is required to ensure legislation and data sharing (between businesses and governments) is set up correctly.

3. Synergies of Official Controls with Private Assurance Schemes and inspections of buyers – Experiences from FNAO audits in the EU Member States

(J. Kern, European Commission, DG SANTE, Unit F1, annex 3)

Fruits and vegetables have some of the most complex global supply chains, whereby the supply chains are dominated by large retailers and big players. Food Safety controls and certifications at primary production, processing, trade and sales play an increasing role in the buying decision of the industry. Certifications can be as important as the product itself and ensure reduced microbiological risks for consumers. Official controls need to cover the full supply chain and cannot be replaced. However, official controls are only capable to ensure a frequency of about 0,1 inspections per year per supplier, whereas private assurance schemes and inspections of buyers cover big suppliers with a much higher frequency of 1 to 5 inspections per year. Therefore, synergies can be used to support official controls for better targeting controls and more efficient use of public resources. A dialogue between big players, processors, competent authorities and digitalization and software producers has been set up to identify the value, pre-conditions and first step of a collaboration. The initial questions during this dialogue refer to resources, sharing values and technical requirements, which left a lot of outstanding questions, but is a start on a future possible collaboration between competent authorities and private assurance schemes as well as retailers.

4. The Dutch approach - Experiences with vTPA in the risk-oriented supervision of the Netherlands Food and Consumer Product Safety Authority (NVWA)

(H. Van Der A, NVWA, The Netherlands, annex 4)

The incorporation of private assurance schemes into the risk-based approach for official controls play a role in the Netherlands since 2011. The number of accepted private assurance schemes for the support of official controls is increasing. In 2023 there were 25 private assurance schemes considered by the authority (NVWA), with 6 more in the current process of acceptance. Based on transparency and the exchange of information, benefits can be achieved like the reduction of efforts (effective deployment of people and resources), an early identification of trends and risks, as well as a better approach to incidents and crises. The Dutch authority has invested in this continuous process, adding specific resources, as well as trainings and change management elements into this cooperation model, as it is seen as an investment into the future with a lot of benefits.

5. The Swedish approach

(C. Gyllenflykt and K. Bäcklund Stålenheim, SLV, Sweden, annex 5)

The Swedish authorities consider private assurance schemes both in their control set up for primary production, as well as the risk-classification of food business operators after primary production, like retail, food processing industry and restaurants. For primary production the control matrix combines a priority class (general risk, same for similar businesses) and experience class (use and outcome of private quality assurance systems, whereas no quality assurance system in place is equal to a high control priority by the authority). Accepted quality assurance schemes are standards highly used in primary production, which are sector based product standards and can be achieved by third-party, second-party or first-party (competent authority) audits. After primary production the Swedish authority has set up a new risk-classification for food business operators starting 2024. All companies are being given a risk level, which is based on activities and size. A risk level determines the control frequency. In case a company has a food safety certificate by an accepted standard in place, the risk level is being lowered, which results in less controls by the authority. The Swedish Food Agency does assess and list standards with strict requirements for approval. For example, certain standards within BRCGS, IFS, and FSSC 22000 are listed (approved standards are listed here: <https://kontrollwiki.livsmedelsverket.se/artikel/760/reduktion-av-kontrollfrekvens-genom-tredjepartscertifiering#f-ouml-rteckning-ouml-ver-standarder-som-ger-reduktion>). Local control authorities are then able to verify certificates and set up control frequencies for food business operators considering the guide given by the Swedish Food Agency.

6. The Belgian approach

(J. Inghelram, FAVV-AFSCA, Belgium, annex 6)

Food business operators are obliged to implement, apply and sustain a self-checking system for the security and traceability of their products based on HACCP principles. To support the set up and quality of these systems specific national guides have been developed for different food sectors, which are approved by the Belgian competent authority. The food business operator may use a guide to develop its self-checking system. The validation of a self-checking system can be performed by an auditor from an accredited certification body or from the Belgian Food Safety Agency. However, a certification body may validate only if the food business operator uses a national approved guide. Certification bodies which are recognised by the Belgian Food Safety

Agency are required to communicate the audit results to the competent authority (specific software). In general, food business operators with an independently certified self-checking system benefit by less official controls by the Belgian Food Safety Authority. In case of “equivalence”, private assurance scheme owners are responsible to ensure the scope of the private assurance scheme is covering 100% of the national approved guide under each revision. Therefore, an equivalence of the private assurance scheme and self-checking system (based on an approved national guide) is being ensured, so the authority can use the outcome to determine inspection frequencies.

7. PAS-participation of food businesses - challenges to incorporation into official control planning in Ireland

(M. O'Mahony, FSAI, Ireland, annex 7)

Competent authorities and food business operators need to ensure food safety controls are in place, however, there are separate responsibilities related to legal requirements. Overall the food business operator needs to ensure the food is safe for consumers, it can use private assurance schemes for the support of their set up. Competent authorities need to ensure the food business operator is working in compliance with the relevant law using inspections and to enforce legal requirements, if necessary. Private assurance schemes will be included in the food business operator risk categorisation. When the risk category is being determined, the type of food business operator, size and operation history, and external audits can be considered as other risk impact, as its existence contributes to food safety. The results of a private assurance scheme audit can be taken into account during an official control when reviewing follow-ups only. The incorporation of results into official control planning should be considered very carefully as the reliability of the schemes have not been substantially tested yet, which would require a proactive system. On the other hand, official controls can influence private assurance schemes by influencing the schemes requirements for example regarding legal requirements. In summary, it is important to mention that based on Codex guidelines and legal requirements official controls cannot be replaced by audits from private assurance schemes.

8. 1st virtual breakout session to exchange views on PAS (3 groups)

How Private Assurance Schemes can be taken into account for official controls – exchange on advantages and reservations:

Advantages:

- Reduction of control time and costs, better use of resources, more risk-based focus of official controls
- Improvement of inspection reports, more detailed documentation as auditors with more experience are in place
- Improvement of food safety level and food safety culture in food business operators

Reservations:

- Trust issue, as private assurance schemes have economic advantages in their decision making and can depend on the actual operating person/auditor
- Resources for assessment, approval, monitoring of private schemes
- Conflict of interest, possible corruption
- Sharing of high amounts of data points could be an issue

9. Perspectives from the HoA position paper “Benefits for food business operators implementing private quality assurance schemes”

(P. Wend, BVL, Germany, annex 8)

35 food business operators in 6 EU countries were asked to complete a survey of 4 questions on the possible benefits of a private assurance certification and their view on the relationship to the competent authorities.

1. What is the reason to be certified with a PAS?

The main external driven motivation for a private assurance scheme certification of a food business operators is the need and / or requirement set by the market to gain market access. On the other side the internally driven motivation is to guarantee the quality of the products and production process.

2. What are the advantages of being PAS-certified?

The main advantage is related to the companies' efficiency in the production processes as it mitigates the risk of quality issues or reputational damage. Market access was mentioned as well as an important advantage.

3. What benefits do you experience, expect or wish in official controls from the competent authority when your company is PAS-certified?

A majority of the food business operators would welcome an adaption of the official controls, considering the outcome of the private assurance schemes to avoid duplication, as well as the reduction of control frequencies, as the operator has shown evidence of a controlled food safety management system.

4. What additional benefits do you expect or wish as a PAS-certified FBO in your relationship with the competent authority besides official controls?

Some food safety operators expressed their interest in receiving further information by the competent authority on new regulatory developments, processes and risks. However, many companies had no expectation about any additional advantage.

10. 2nd virtual breakout session to exchange views on PAS

How Private Assurance Schemes can be taken into account for official controls – exchange on risks and challenges and ways to manage:

Risks and Challenges:

- Future dependency by official controls on private assurance schemes, in relation to finances, confidence in the outcome, correct assigned risk reduction and identification of non-compliances
- Independence of all parties involved
- Data Management and high bureaucratic process

Ways to manage:

- Accreditation of the certification bodies
- Harmonisation of processes (EU), presence of unannounced audits, training of inspectors
- Communication of responsibilities, set assessment and monitoring of private assurance schemes, including reality checks, by using for example shadow audits
- Identification of basic requirements, cooperation with private assurance schemes to transmit data via a specific software

11. Discussion, summary and closing comments

The presentations, breakout sessions and discussions were appreciated by all participants as it was very valuable to share views and learn from each other's experiences.

The workshop highlighted that different approaches and ideas exist in Europe on how private assurance schemes can be taken into account for official food safety controls. Certification can play an important supportive role in risk based oversight, however private assurance cannot replace official controls.

Private certification can be considered in the performance of official controls, where appropriate, pursuant to EU legal framework (Regulation EU 2017/625 Art. 9). Thus, competent authorities can decide within its regulatory delivery model whether an interaction with the private assurance scheme system is preferable and feasible.

Adapted supervision is a possibility when taking private assurance schemes into account in the delivery of official controls. This adapted supervision could, for example, have an impact on the duration, frequency, scope, content, the priorities and method of an inspection. To find synergies, to take advantage of the combined efforts and to minimize overlap, data sharing and increased transparency are inevitable.

Finally, the chairs thanked all workshop participants and pointed out that the HoA WG PAS would be very pleased to welcome new members in the HoA working group PAS in order to further deepen the exchange of experience on this topic.