



## Heads of Food Safety Agencies

### Private Assurance Schemes Working Group

#### *Position Paper*

### “Benefits for food business operators implementing private quality assurance schemes”

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This report was taken forward under the Heads of European Food Safety Agencies (HoA) by a working group of 10 Member States, chaired and coordinated by the Federal Agency for the Safety of the Food Chain (FASFC) **BELGIUM** and Federal Office of Consumer Protection and Food Safety (BVL) **GERMANY**.

Responsibility for the information and views set out in this document lies entirely with the authors.

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The purpose of this document is to provide the position of the Heads of European Food Safety Agencies when considering possible benefits for food business operators implementing private quality assurance schemes and their relation to the competent authorities for official controls.

This document does not intend to change regulatory requirements, replace regulatory oversight, outsource official inspection work, impose the use of private quality assurance by industry; nor does it constitute any approval, recognition or endorsement of private quality assurance schemes.

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## 1. “Public-private Cooperation – what are the benefits for the FBO?”

In 2017, the Heads of European Food Agencies (HoA) agreed a guidance document “Introduction to Public-Private Cooperation in the safety of the food chain: shared interests, separate responsibilities”<sup>1</sup>. The guidance document also includes a HoA position paper on private assurance schemes in which benefits for the competent authority (CA) are discussed (ibid. Annex 1). It was concluded, when information from a PAS is used appropriately, governments can benefit from better targeting of resources and increased access to food safety information, while industry may also benefit from reduced inspections / audits and more effective intervention by the competent authority.

This document builds on that guidance, specifically providing an overview on the topic “Private Assurance Schemes (PAS) from an operator's perspective”.

So far, the debate about the use of PAS has mainly focused on the benefits for competent authorities (CAs), although food business operators (FBOs) can also benefit from the use of PAS.

In this context, the HoA Working Group “Value of Private Assurance Schemes” (HoA WG PAS) has addressed these considerations to identify possible benefits for the FBO and has taken into account the following points.

### 1.1. Considerations about PAS

The most used PAS are recognised by many stakeholders (e.g. CAs), producers, retailers) along the food chain.

Many recognised schemes have standards that contain specified requirements beyond those laid down in EU regulations or in the Codex General Principles of Food Hygiene Code of Practice or other relevant Codex standards.

As part of their governance arrangements, many assurance schemes require independence between the Certification Programme Owner (CPO) and the Certification Body (CB).

### 1.2. Considerations about FBOs

The FBO is primarily responsible for the safety of foodstuffs and should provide evidence of compliance with the legal provisions in force. PAS provide a means of supporting the FBO to achieve this requirement.

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<sup>1</sup>

[https://www.headsofagencies.eu/workinggroups/valueofprivateassuranceschemes/documents/HoA\\_Guidance\\_document\\_Private\\_Assurance\\_Schemes\\_Working\\_Group.pdf](https://www.headsofagencies.eu/workinggroups/valueofprivateassuranceschemes/documents/HoA_Guidance_document_Private_Assurance_Schemes_Working_Group.pdf)

### **1.3. Current situation**

PAS certification of businesses has increasingly taken hold in the food industry.

Certification by a PAS may bring benefits to the FBO, e.g.:

- less audits from customers, with subsequent saving of time and costs
- reduced food safety risk in the businesses' own processes
- builds trust about the products produced with the consumer / purchaser
- provides competitive advantage
- depending on the CAs policy, adaptation of official controls (OC) based on risk analysis (e.g. lower frequency and/or shorter duration and/or other topics focussed on during the OC)

### **1.4. Interaction between public and private sector**

Many PAS operate across a number of member states (MS) and beyond. In many cases, there is an overlap between PAS provisions and EU Regulations for food safety and food standards.

PAS certification can require a business to have greater technical expertise in relation to particular products, materials or processes, and more frequent and longer audits than those provided by the CA. For this reason, many CAs have become interested in exploiting the synergy between public (CA) and private sector (PAS) controls.

### **1.5. Benefits for the FBO in a cooperation between the CA and PAS Owner**

The participation in a PAS for an FBO is voluntary, but PAS certification may bring benefits (see above).

There are also additional benefits stemming from a cooperation between the CA and PAS.

According to Regulation (EU) 2017/625, CAs shall perform official controls on all operators regularly, on a risk basis and with appropriate frequency, taking account of, where appropriate, private quality assurance schemes<sup>2</sup>. Therefore, the CA may request the audit report written by the CB for the FBO in the context of an OC for the purpose of ascertaining compliance.

However, the FBO is not bound to provide the information on a voluntary basis, instead it must be explicitly requested by the CA. The FBO may therefore see a benefit in voluntarily submitting their audit report, or other information such as analysis results, to the CA.

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<sup>2</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017R0625>

## 1.6. Survey on “What are the benefits for FBOs implementing a PAS?”

The HoA WG PAS concluded it was important to explore more closely possible benefits for the FBO achieving PAS certification. For this reason, the HoA WG PAS conducted a survey, which was sent to different FBOs and FeBOs (feed business operators)<sup>3</sup>.

Questions addressed in the survey:

1. What is the reason to be certified with a PAS?
2. What are the advantages of being certified with a PAS?
3. What kind of benefits do you experience, expect or wish in relation to OC from the CA when your company is PAS-certified?
4. What additional benefits do you expect or wish as a PAS-certified FBO in your relationship with the CA besides in relation to OC?

The survey was conducted between July and September 2020 in six European countries (Belgium, Bulgaria, Denmark, Norway, the Netherlands and Switzerland).

The HoA WG PAS consider the conducted survey to be an insightful pilot study, although it has not been subject to academic evaluation.

In order to obtain the most reliable and comprehensive findings from the survey, a number of points have been taken into account:

- Exclusion of catering (e.g. restaurants, cafeterias, takeaway, small retailer food shops) from the survey
- Focus on manufacturers, and partly on large-scale retailers
- FBOs and FeBOs acting in different sectors of the food chain e.g. from feed to soft drinks
- Size of the FBOs, with collection of information from small as well as large FBOs e.g. from < 10 employees to > 1000 employees
- Survey dispatched to at least four FBOs per country

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<sup>3</sup> Feed Business Operator – FeBO; in this document the agri-food chain is considered as an integrated approach including feed sector. In general, agri-food chain rules cover the safety and quality of food and feed, plant health, animal health and welfare. For simplification, in this document the term “FBO” is mostly used, nevertheless many statements made in connection with the survey also apply to FeBo.

## 2. Results of the Survey “What are the benefits for FBOs implementing a PAS?”

### 2.1 General remarks on survey analysis and results

The CA have their own impression on what the benefits for FBOs might be. However, the HoA WG PAS considered it important and more pertinent, to ask the FBOs themselves on this matter.

The HoA WG PAS carefully provided relevant questions in order to obtain useful feedback. It was agreed that a limited number of open questions were most appropriate to obtain the necessary information in an efficient way.

The survey was conducted in six different European countries (Belgium, Bulgaria, Denmark, Norway, the Netherlands and Switzerland) with a total of 35 different FBOs. In most countries 4 to 6 FBOs participated, with the exception of one country where 11 FBO's participated in the survey.

In order to present the information in a clear and well-organized way, the answers have been linked to keywords and assigned a weight that corresponds to the multiplication of the number of companies and the number of countries. Thus, an answer, which was given by several companies and several countries, was given a higher weight than an answer which was given by the same number of companies in total, but which involved fewer countries.

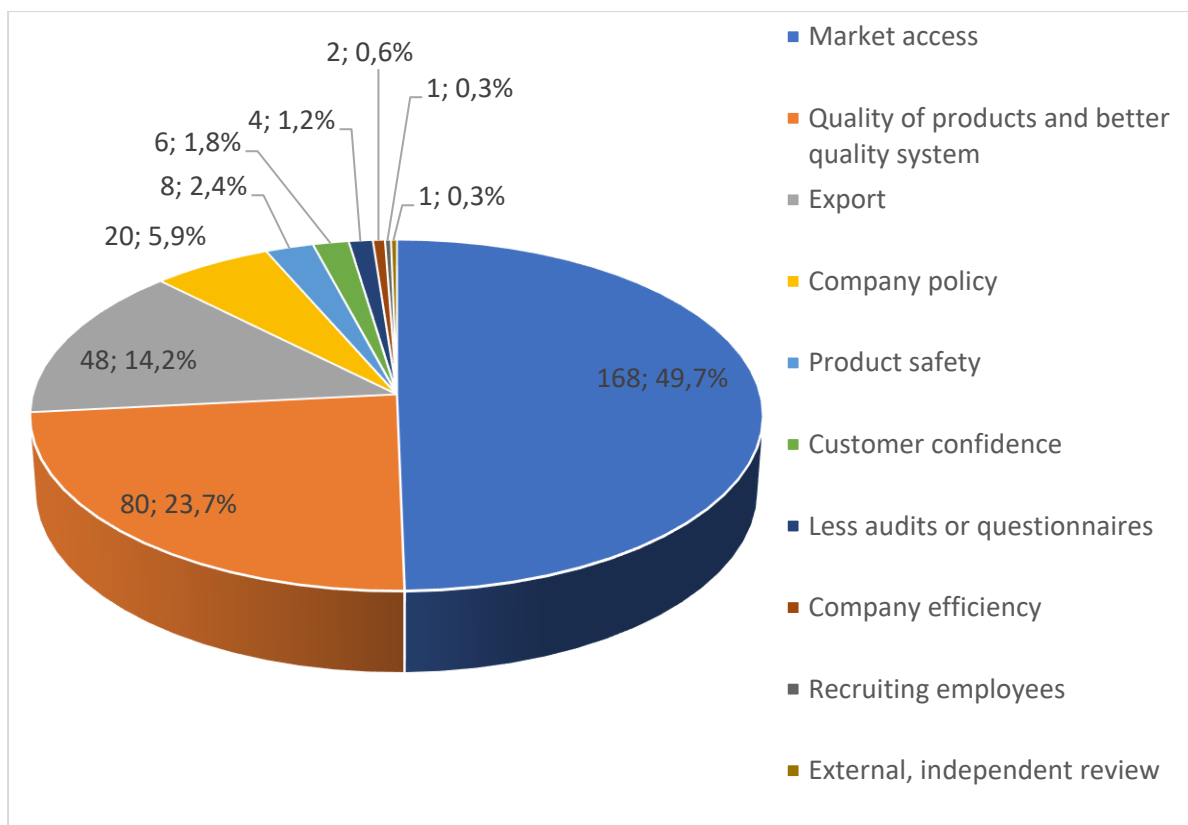
### 2.2 Results of survey questions

#### 2.2.1 Question 1 - What is the reason to be certified with a PAS?

The findings from the first survey question (Figure 1) clearly show that most FBOs choose to be PAS-certified because of a need for market access (weight: 49.7%). In this context, it should be emphasized that the need for FBOs to be PAS-certified in order to access the market is driven by the need to fulfill the requirements of customers (mainly retailers).

A second important reason for being PAS-certified is the "quality of the products and better quality system" (weight: 23.7%). Several FBOs considered that certification has a positive impact on product quality and improves the internal quality management system. In view of the slightly different wording of the various respondents and the similarity of key words, "product safety" (weight: 2.4%) could also be included in the response category "quality of products and better quality system".

The category with the third highest weight (14.2%) is concerned with facilitation of "export". Thus, this also appears to be a very important reason for FBOs to be PAS certified.



**Figure 1. Answers to survey question 1 (“What is the reason to be certified with a PAS?”).** Answers have been linked to keywords and assigned a weight corresponding to the multiplication of the number of companies and the number of countries. The pie chart shows the sum of the weight (in total 338) and expressed as a % (in total 100%).

- Conclusion for survey question 1

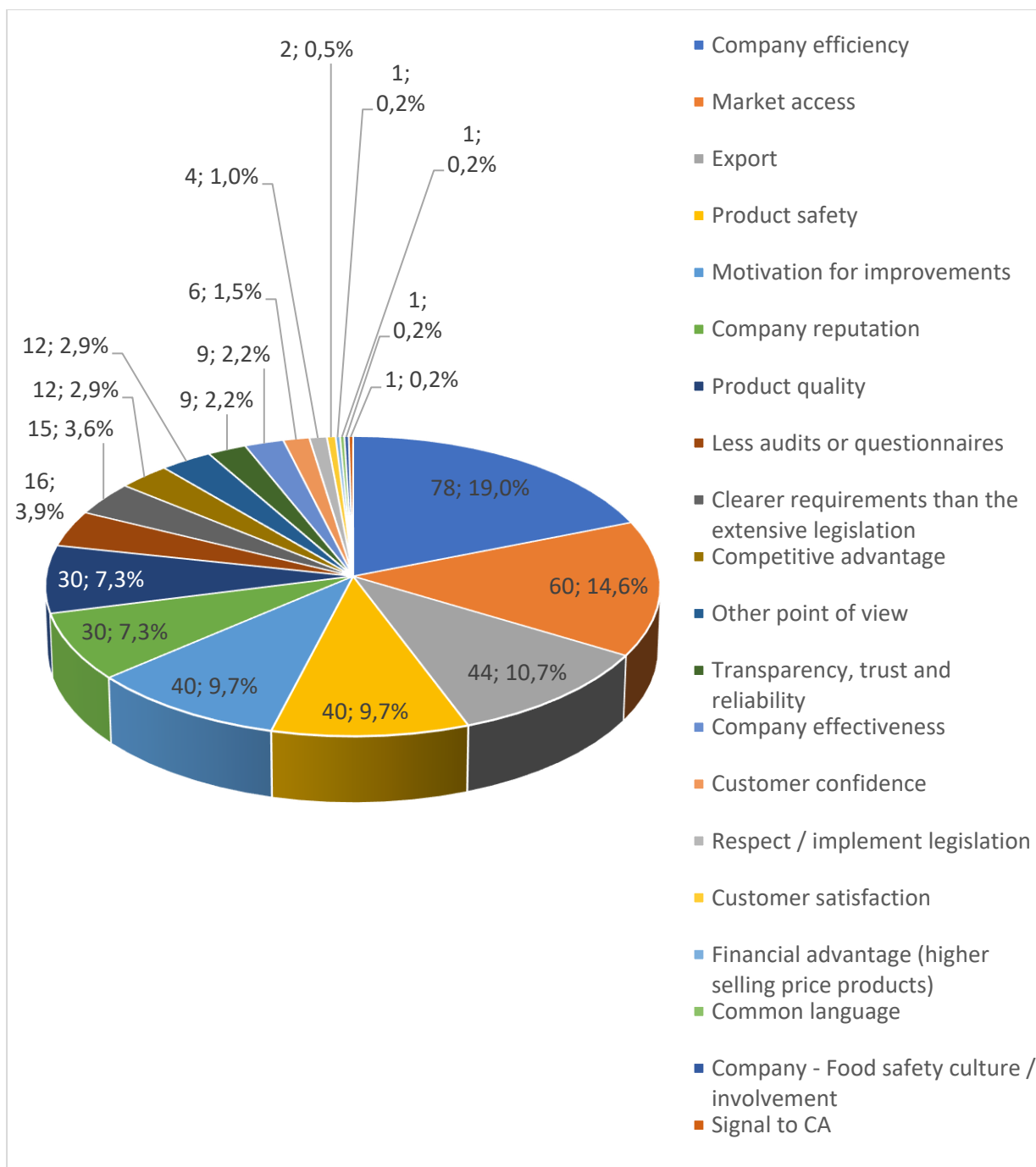
Taking into account that exports can be considered to be as part of market access, the main reason for PAS certification is definitively the need and / or requirements set by the market. This is an externally driven motivation.

On the other hand, there is the internal motivation to guarantee the quality of the product and the production process, where certification to a specific standard is helpful.

### 2.2.2 Question 2 - What are the advantages of being PAS-certified?

Responses to question 2 (Figure 2) provide a more diverse picture. The most common answer given refers to company efficiency (19.0%).

Moreover, other answers to question 2, although varied, echo the findings from question 1. Answers with a high weight refer to market access (14.6%), export (10.7%), product safety (9.7%), motivation for improvements (9.7%) and product quality (7.3%).



**Figure 2. Answers to survey question 2 (“What are the advantages of being PAS-certified?”).** Answers have been linked to keywords and assigned a weight corresponding to the multiplication of the number of companies and the number of countries. The pie chart shows the sum of the weight (in total 411) and expressed as a % (in total 100%).

- Conclusion for survey question 2

Despite the previously mentioned external motivation indicated in answers to question 1, the internal advantage of being PAS-certified is seen as a greater benefit for an FBO, particularly in relation to efficiency in the FBO’s production process. This could

possibly be considered as a way to mitigate the risk of quality issues or reputational damage.

The findings from question 2 also highlight the importance of PAS certification for market access as already mentioned in question 1. Therefore, it can be noted that there is a certain consistency in responses to questions 1 and 2.

### **2.2.3 Question 3 - What kind of benefits do you experience, expect or wish in relation to OC from the CA when your company is PAS-certified?**

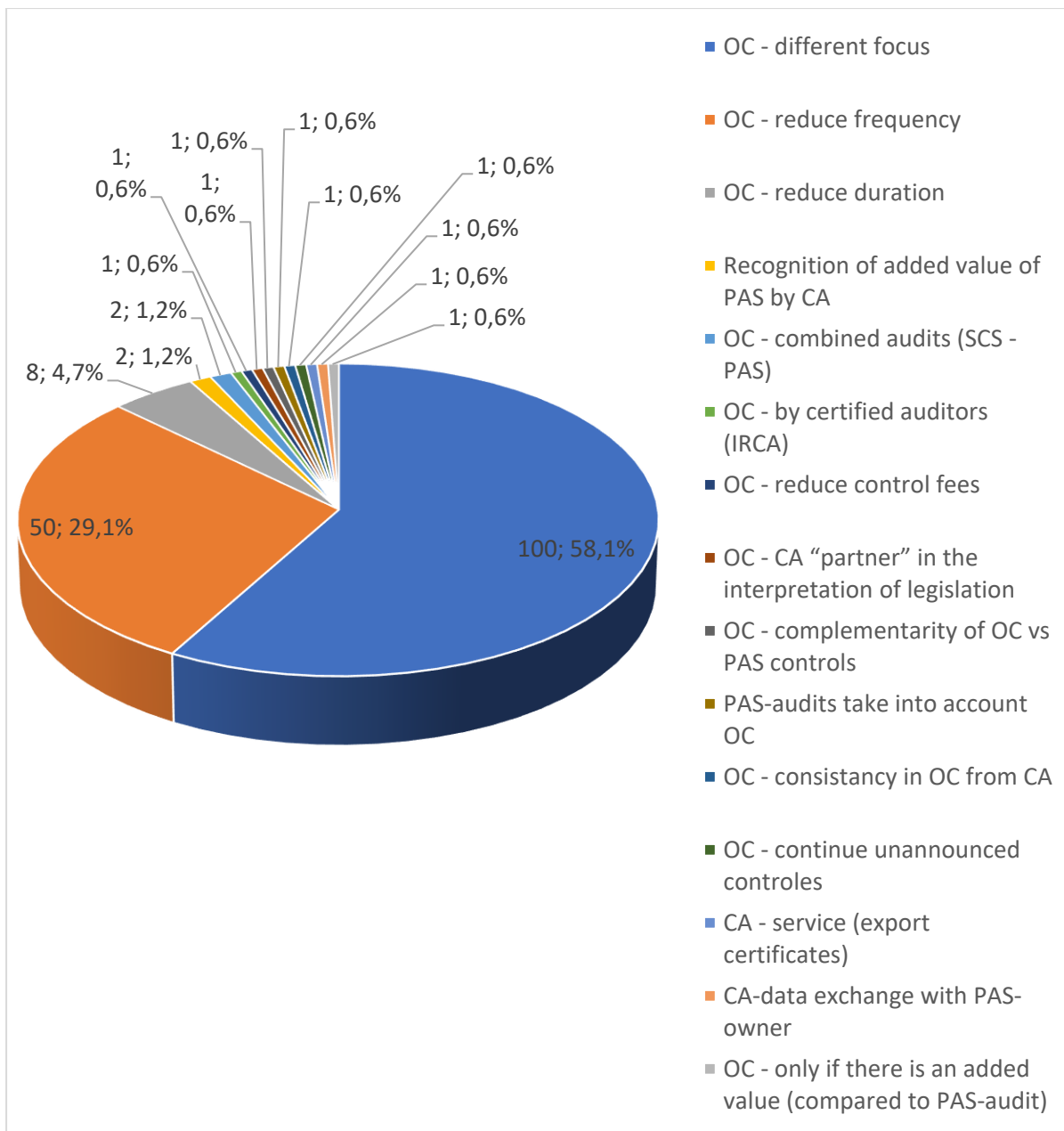
Responses to question 3 provide a clear picture of FBOs expectations (Figure 3).

FBOs wish to have a different focus during OC (weight: 58.1%) compared to PAS audits.

Reduction of frequency of OC was also a common response (weight: 29.1%).

A reduction in the duration of official controls was given a weight of 4.7%.

Although the rest of the answers had low weightings, they may still be interesting because they identify a number of possibilities for the CA.



**Figure 3. Answers to survey question 3 (“What kind of benefits do you experience, expect or wish in OC from the CA when your company is PAS-certified?”).** Answers have been linked to keywords and assigned a weight corresponding to the multiplication of the number of companies and the number of countries. The pie chart shows the sum of the weight (in total 172) and expressed as a % (in total 100%). SCS - System Certification Services; IRCA - international register of certified auditors.

• Conclusion for survey question 3

The findings clearly indicate the interest FBOs have in avoiding duplication of inspections.

The majority of the FBOs were interested in OC being adapted, in particular in relation to the specific focus and results of the audit of the CB. A significant number of FBOs would also welcome a reduction in the frequency of OC.

This is also an opportunity for CAs to raise the safeguarding of public interest in food safety by the FBO to a higher level through OC with a specific focus. Eventually, in some countries the CA could further discuss the focus of the PAS audits with the PAS owner, therefore offering the opportunity for even more added value.

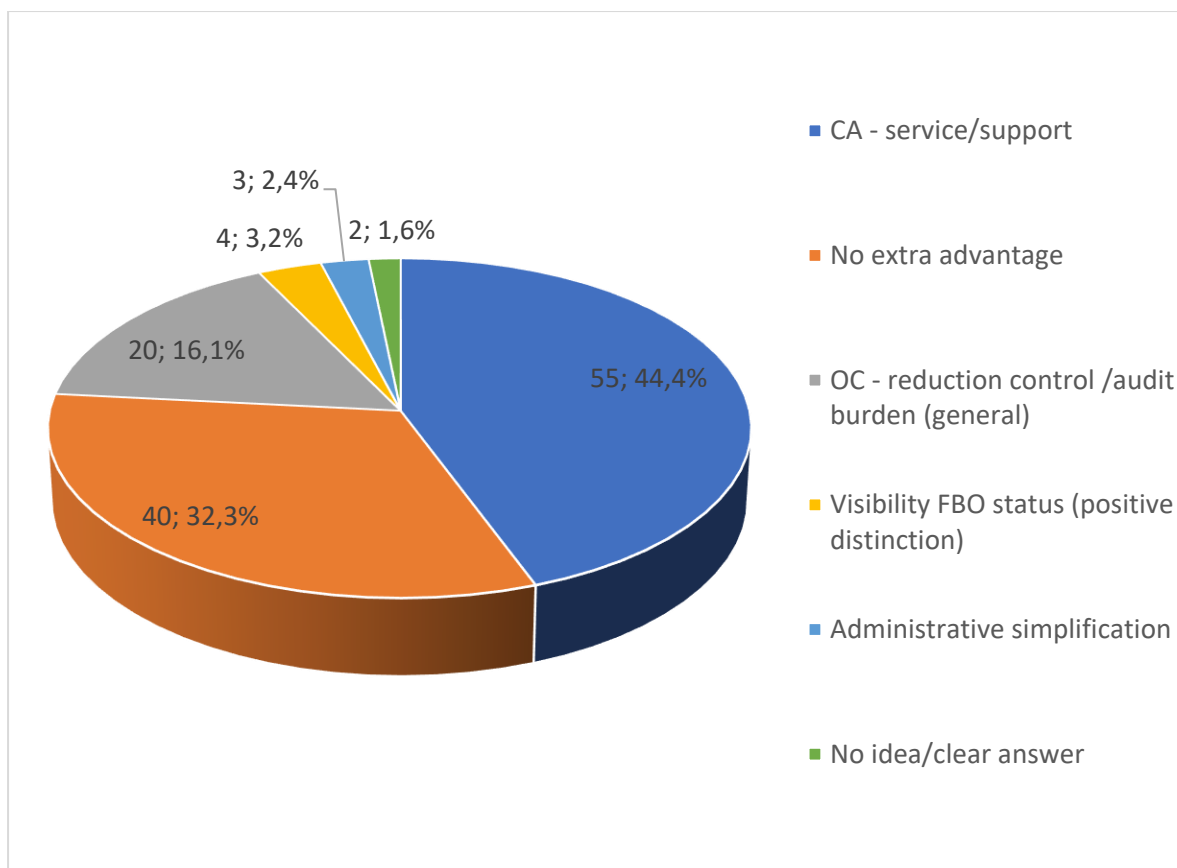
#### **2.2.4 Question 4 - What additional benefits do you expect or wish as a PAS-certified FBO in your relationship with the CA besides in relation to OC?**

Survey question 4 proved to be the most difficult question (Figure 4). In fact, the responses do not provide a clear picture about the needs of the FBO because various and sometimes surprising answers were provided.

It is worth highlighting that several FBOs expect certified FBOs to receive a better service and support from their CA (weight: 44.4%) compared to non-certified FBOs.

On the other hand, there was a significant amount of FBOs that do not expect any additional benefit from being PAS-certified (weight: 32.3%).

The other top 3 response was a reduction in OC and administrative burdens (weight: 16.1%), which aligns with the responses given for question 3.



**Figure 4. Answers to survey question 4 (“What additional benefits do you expect or wish as a PAS-certified FBO in your relationship with the CA besides OC?”).** Answers have been linked to keywords and assigned a weight corresponding to the multiplication of the number of companies and the number of countries. The pie chart shows the sum of the weight (in total 124) and expressed as a % (in total 100%).

- Conclusion for survey question 4

Many of the PAS-certified FBOs would welcome additional service and support from the CA, e.g. about new regulatory developments, emerging new processes and risks.

A large percentage of FBOs had no expectations about any additional advantage or benefits as a result of being PAS-certified.

### 3. Overall conclusion from survey results

FBOs have both externally and internally motivated reasons to be PAS-certified.

Externally driven motivation is highlighted by the fact that the ability to be able to access export markets can be contingent on PAS certification, in addition to any legal

requirements. Therefore, the main reason for PAS certification is definitively the need and / or requirements set by the market.

The internally driven motivation is to guarantee the quality of products produced and of the production process. This motivation provides the starting point for the CA for continuous improvement of food safety by the FBO.

Given that the primary responsibility for the safety of food and feed is the responsibility of the FBO, PAS certification provides evidence that the FBO has put in place suitable and sufficient processes to manage the safety of foodstuffs. PAS provide support to the FBO in order to attain this goal.

As PAS contain requirements which go beyond those laid down in regulations or in the Codex General Principles of Food Hygiene Code of Practice, some FBOs would welcome OC taking into account PAS certification, in order to avoid overlapping of controls by CAs and CBs.

On the other hand, the survey clearly shows that being PAS-certified is commonly required for FBOs along the food chain, regardless of whether operating as a small player in local markets or as a multi-national active in several markets. The practice of PAS certification is mainly due to market requirements. It also enables FBOs to focus on higher food safety, quality and efficiency that can go far beyond the legal provisions.

A majority of the FBOs are interested in PAS somehow being acknowledged by the CA. Furthermore, that OC should be customized, with the CA taking into account PAS certification in their risk analysis and subsequently adapting the frequency, focus and duration of OC.

## **4. Discussion and future considerations**

### **4.1 Regulatory context and previous position of HoAs regarding PAS**

According to Regulation (EU) n° 2017/625, the CA shall perform OC on all FBOs regularly, on a risk basis and with appropriate frequency. Among other considerations, results of own controls that have been performed by the FBOs, or by a third party at their request, including where appropriate, private quality assurance schemes (PAS), shall be taken into account.

The topic was also addressed by the BTSF workshop “Synergies of Official Controls with Private Assurance Schemes”. The European Commission highlighted possible advantages of such a public private partnership, e.g. to avoid duplication of work, more efficient use of public resources and a better targeting of OC.

In February 2016, the HoA agreed a position paper on the use of results of PAS, and in 2017 a guidance document (Introduction to Public-Private Cooperation in the safety of the food chain: shared interests, separate responsibilities<sup>1</sup>) was published.

The main points in the position paper and guidance document are:

- FBOs are responsible for the production of safe food and feed. CAs are responsible for oversight, OC and enforcement. PAS occupy a voluntary position to provide additional safety assurance to businesses.
- In a well-functioning supply chain, certification and private inspection can play an important role in ensuring compliance. The recognition and acceptance by member states of PAS has the potential to increase efficiency in OC, by removing duplication of effort. Depending on the decision of the respective member state, CAs, PAS owners and FBOs could work together to develop reliable schemes that suit the needs of all three. Nevertheless, responsibilities must remain strictly separate. Private systems can support OC, but cannot replace them.
- PAS should be deemed reliable before they can be taken into account in a member state's approach to its delivery of OC, including if and to what extent, a certification to a specific PAS contributes to compliance with legislation. The CA might take into account the results of private assurance activity (if made available to the CA) when prioritising its compliance tasks, and might adapt its way of conducting OC on condition it can rely on the performance of the PAS schemes involved.

The proposals made in this additional position paper should be seen in the context of the first position paper and guidance document of the HoAs on PAS from 2016, whose positions remain valid.

The survey conducted and analysed here was intended to provide a shift in perspective - from focusing on the benefits to the CA in being able to consider the results from PAS in OC, to looking at PAS-certified FBO benefits and their experiences, their expectations, and wishes on how certification should impact OC. Importantly, the survey results show there is overlap between the potential benefits that CAs provide to PAS-certified FBOs and the benefits that PAS-certified FBOs expect or would wish for, which is discussed further below.

#### **4.2. The HoA position regarding the benefits for food business operators implementing private quality assurance schemes**

- Externally driven motivation for PAS certification

The survey clearly showed that PAS-certified suppliers consider they will have a greater access to markets, therefore certification being regarded as a gauge of quality and safety. The fact that market access is the most important driver for FBOs to be PAS-certified was expected and should not impact the CAs vision and

approach towards PAS and PAS-certified FBOs. The role of CAs is to control that FBOs place safe food and feed on the market, by respecting rules laid down in the hygiene package legislation. It is an obligation based on results and not on the available resources. Furthermore, it might also be seen as a positive point that the market itself promotes certification, as it seems important (mainly) for retailers to have certified suppliers that can guarantee a certain product quality and safety.

- Internally driven motivation for PAS certification

It is also interesting to note that although the main reason and the benefit perceived by FBOs about PAS-certification is the market access, FBOs acknowledge that being pushed to use PAS has beneficial consequences, e.g. on their efficiency and product safety. PAS are seen as a motivation for improvement. The frequency of follow-up audits by PAS, also creates a constant pressure on FBOs to maintain their certification. Improved efficiency and product safety, are among other benefits of PAS certification that are therefore gained, which is important for the CA.

- Possible benefits for PAS-certified companies during OCs

The main expectation for PAS-certified companies is that OC should have a different scope compared to the PAS audit and that the OC frequency should be reduced. It is important to first highlight that the CAs priority should remain food safety and this focus cannot be compromised. With this in mind, it should be noted that some CAs are already prioritizing their controls taking PAS into account - they adjust the duration and/or decrease the OC frequency (see previous position paper<sup>1</sup>). The survey shows that these approaches may be desired by both FBOs and some CAs, so it may be interesting to explore such approaches further.

- Additional benefits for PAS-certified FBOs in their relationship with the CA besides OC

The survey results indicate that many FBOs would like to have a better service and support provided by the CA to PAS-certified FBOs e.g. quicker replies to requests. This answer provides critical feedback, which is noted. The CA is responsible for controlling that FBOs comply with the relevant legal provisions and guarantees food and feed safety, nevertheless, this feedback could be considered a general expectation from FBOs and not PAS-certified companies only.

- Areas for further consideration

*Should CAs discuss the insights from the survey with PAS owners, to enable more added value?*

Interaction between CAs and PAS owners could further improve the functioning of the private control system, enabling more added value. The CAs acknowledge there is no formal supervisory relationship between the CA and a PAS. In this system, the

PAS owner, auditors of the CBs and the certified companies each have their own role with corresponding responsibilities.

Consequently, each CA can decide within its regulatory delivery model whether such an interaction is preferable and feasible. This interaction can cover areas such as mutual information exchange between the PAS owner and the CA on PAS audits and CA inspection results. The information can be further explored, such as in relation to which similarities and differences in inspection results are observed, how these can be explained and which follow-up actions are needed. The specific scope of a PAS and what consequences this may have for the degree of added value it could add to the quality system to guarantee food safety could also be a topic of discussion, as well as the results and insights of this survey.

#### *What kind of adapted official controls are feasible?*

As mentioned above, adapted supervision is a possibility when taking PAS into account in the delivery of OCs. This adapted supervision could, for example, have an impact on the duration, frequency, scope, content, the priorities and method of an inspection.

In addition, during the Covid-19 pandemic, several PAS appeared to start using remote audits in certain cases and under certain conditions. This method of auditing could also be an option to be considered by the CA. To enable this, it would be important to thoroughly map for each sector and company the possible risks e.g. lack of non-verbal communication, data security, and feasibilities e.g. availability and reliability of IT tools, internet connectivity.

Investigation on which areas are more suitable to be inspected remotely e.g. documentation vs. production process, could be interesting.

In the future, it is possible that CAs could apply hybrid forms of OC, for which a range of information is requested and collected remotely in advance, allowing the OCs to be carried out on site as efficiently and effectively as possible. Extensive automation could also be developed to support this pre-gathering of information e.g. the real-time monitoring of various verification checks that take place within companies. Therefore, it may be interesting for the CA, if feasible, to further explore approaches for remote audits as part of an adapted supervision.

## 5. Glossary / Definitions

**Accreditation:** third-party attestation related to a body conveying formal demonstration of its competence to carry out specific tasks. In the EU<sup>4</sup>, accreditation shall mean an attestation by a national accreditation body that a conformity assessment body meets the requirements set by harmonised standards and, where applicable, any additional requirements including those set out in relevant sectoral schemes, to carry out a specific conformity assessment activity

**Accreditation Body:** not-for-profit organisations, either government owned or under agreement with government, charged with ensuring that participating Certification Bodies in the country are subject to oversight by an authoritative body. Accreditation Bodies play a key role in the accredited certification process and ensuring international consistency in conformity assessment.

**Certification:** third-party attestation related to products, processes, systems or persons. Certification can be a useful tool to add credibility, by demonstrating that your product or service meets the expectations of customers

**Certification Body:** The third party companies that provide certification services are known as Certification Bodies (CBs). The CBs are appointed to assess or audit against recognised Standards through a formal agreement with the Certification Programme Owner (CPO) combined with the scope of their accreditation.

**Certification Program Owner:** the legal entity responsible for a scheme that sets a standard and the requirements for CBs to operate assessments/ audits and to guarantee impartial and competent certification/ recognition

**Private Quality Assurance Scheme:** The private quality assurance schemes mentioned in this document are voluntary self-monitoring systems initiated by private bodies that do not have a designated legal task. It concerns systems that supervise the (affiliated) individual FBOs. This supervision can be done by a trade or branch organisation, or by a third party certifying body

**Standard:** a norm, a set of rules or principles used as a basis for judgment.

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<sup>4</sup> Article 2(10) of Regulation (EC) No. 765/2008