



Implementation strategies

Dr Heiner Lehr
heiner@syntesa.eu

The role of

LAWS AND REGULATIONS

Barack Obama on food safety



Source: whitehouse.gov

“I’ve often said that I don’t believe government has the answer to every problem or that it can do all things for all people. We are a nation built on the strength of individual initiative. But there are certain things that we can’t do on our own. There are certain things only a government can do. And one of those things is ensuring that the foods we eat, and the medicines we take, are safe and don’t cause us harm. “

President Barack Obama

- FSMA was signed into law in January 2011

see <http://www.fda.gov/food/foodsafety/fsma/default.htm>

- Importer accountability—For the first time, importers have an explicit responsibility to verify that their foreign suppliers have adequate controls in place to ensure that the food they produce is safe.
- Third-party certification—It establishes a program through which qualified third parties can certify that foreign food facilities comply with U.S. food safety standards. This certification may be used to facilitate the entry of imports.
- Certification for high-risk foods—FDA has the authority to require that imported foods that are at high risk of contamination have a credible third-party certification or other assurance of compliance as a condition of entry into the U.S. The “third party” could be a private company or a governmental entity.
- Voluntary qualified importer program—FDA must establish a voluntary program for importers that provides for expedited review and entry of foods from participating importers. Eligibility is limited to, among other things, importers offering food from program-certified facilities.
- Authority to deny entry—FDA can refuse entry into the U.S. of food from a foreign facility if the agency is denied inspection access by the facility or the country in which the facility is located.

- Requirement for electronic submission of data

**FDA FOOD SAFETY
MODERNIZATION ACT**

Food Traceability



- The famous “one step forward and one step back” system
- Actually a Chain of Custody system, not a traceability system
- Little to no enforcements in spite of repeated food scares

	Overall responsibilities	Actions taken when a risk is identified
Food and feed businesses	<ul style="list-style-type: none"> • Identify and document information on products “one step forward and one step back” in the food chain. 	<ul style="list-style-type: none"> • Immediately withdraw the affected products from the market and, if necessary, recall them from consumers. • Destroy any batch, lot or consignment of feed that does not satisfy food safety requirements. • Inform the competent authorities of the risk and of the action it has taken.
Member State authorities	<ul style="list-style-type: none"> • Monitor production, processing and distribution of food and feed products to ensure that operators have traceability systems in place. • Fix and enforce appropriate penalties for operators that do not meet EU requirements on traceability. 	<ul style="list-style-type: none"> • Ensure that operators are meeting their obligations. • Take appropriate measures to secure food safety. • Trace the risk backwards and forwards along the food chain. • Notify the Rapid Alert System for Food and Feed (see box).
The EU	<ul style="list-style-type: none"> • Establishes sector-specific legislation on traceability as appropriate. • The Food and Veterinary Office of the European Commission carries out regular inspections to ensure that food and feed operators are meeting food safety standards – including the implementation of traceability systems. 	<ul style="list-style-type: none"> • The European Commission alerts members of the Rapid Alert System for Food and Feed of the risk. • Requests information from operators to enable traceability and coordinates action by national authorities. • May impose import/export restrictions.

- Chain of custody systems bring little benefit to the supply chain
- Linking the physical product flow to the information flow makes the system very vulnerable to breakdowns
- Main sources of return of investment on traceability
 - Improved inventory management
 - Improved quality management
- But: *information* about food can be an additional commodity
 - Example: sustainable vegetable oils
 - Sold as oil
 - Sold as certified sustainable oil with accrediting data (and a premium!)

- Illegal, unreported and unregulated (IUU) fishing
 - depletes fish stocks
 - destroys marine habitats
 - distorts competition
 - puts honest fishers at an unfair disadvantage
 - weakens coastal communities, particularly in developing countries.
- **Only marine fisheries products validated as legal** by the relevant flag state or exporting state can be imported to or exported from the EU
- A European **black list** has been drawn up covering both IUU vessels and states that turn a blind eye to illegal fishing activities
- EU operators who fish illegally anywhere in the world, under any flag, face **substantial penalties** proportionate to the economic value of their catch, which deprive them of any profit.
- The **new EU regulation** to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing entered into force on 1 January 2010.



Losses due to IUU fishing are estimated to be between US\$10 billion and US\$23.5 billion per year, representing between 11 and 26 million tonnes of fish

Source: Pirate Fishing Exposed, Environmental Justice Foundation

- With little information captured huge benefit for the fishing community and society in general
 - Improved control over catch composition gives indication to real fish stocks
 - Less illegal, unregulated and unreported fishing gives fishermen access to all the resource
 - Better knowledge of catch composition helps reduce discards and wastage
 - More effective controls provide benefits to those doing it right
 - Automation of subsidies, export and IUU certificates streamlines business
 - Better statistics helps fishermen to benchmark themselves and fishermen's association to improve the management of resources

EUROPEAN COMMUNITY CATCH CERTIFICATE									
Document number				Validating Authority					
1. Name		Address				Tel. Fax			
2. Fishing Vessel Name		Flag - Home Port and Registration Number			Call Sign		IMO/Lloyd's Number (if issued)		
Fishing licence No. - Valid to		Inmarsat No. Telefax No. Telephone No. E-mail address (if issued)							
3. Description of Product		Type of processing authorised on board:			4. References of applicable conservation and management measures				
Species	Product code	Catch area(s) and dates	Estimated live weight (kg)	Estimated weight to be landed (kg)	Verified Weight Landed (kg) where appropriate				
5. Name of master of fishing vessel - Signature - Seal:									
6. Declaration of Transhipment at Sea Name of Master of Fishing vessel				Signature and Date	Transhipment Date/Area/Position		Estimated weight (kg)		
Master of Receiving Vessel		Signature	Vessel Name		Call Sign		IMO/Lloyds Number (if issued)		
7. Transhipment authorisation within a port area:									
Name	Authority	Signature	Add res	Tel.	Port of Landing	Date of Landing	Seal (Stamp)		
8. Name and address of Exporter		Signature		Date			Seal		
9. Flag State Authority Validation:									
Name/Title		Signature		Date		Seal (Stamp)			
10. Transport details : See Appendix I									

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