

# The Importance of a Model Food Law to close the gaps in the Region while Advancing Food Safety in Africa

Agenda 3a-3b: Prioritization of needs of the region and possible approaches to address them.

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Intercontinental Hotel Nairobi, Kenya,

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# Outline

An ideal world, where we all wish to be with food safety

What are the needs of the region? A CCAFRICA Assessment

What is available today to cover these needs?

Key elements to protect consumers and ensure fair trade in the région?

# Objectives of the Presentation

A proposal to CCAFRICA to set up a project to develop a Food Safety Regulatory Framework that applies to all businesses in the food chain, “from farm to fork”

To address the gaps and needs of the region to develop a modern, harmonized Food Law for Africa as identified in various CCAFRICA meetings and reports since 1974

To highlight the benefits of FAO Model Food law as reference to develop an ideal Food Law guideline while advancing Food Safety for African countries.

# 1. An ideal world, where we all wish to be: A world governed by Codex standards

Ensuring safe food is essential for the protection of human health and for facilitating food trade;

Improved safety of food contribute to increased availability of food;

Regulatory decision-making need to be science-based;

Sound scientific risk assessment is an essential part of the basis for any food safety risk management decision;

These are science based with Farm to fork approach

Where Food Business Operator has the main responsibility to produce safe food;

And Authorities official control systems (including official food control laboratories) will asses the ability of Food Business Operator to produce safe food.

## 2. What are the needs of the region?

*Discussion on Development of Modern Food Law in Africa started during first session of CCAFRICA-16th in 1974*

### **Under Agenda item 5: FOOD LEGISLATION AND FOOD CONTROL ACTIVITIES IN THE REGION**

In 1974 where there was a discussion on the overall philosophy of modern food law and how it could be achieved. Committee was agreeing to approach of creating an enabling act and therefore framework of content of food law should be done by the Committee for the guidance of the Member Countries in Africa



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Agenda Item 31

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME  
CODEX ALIMENTARIUS COMMISSION  
Tenth Session, Rome, 1-12 July 1974

REPORT OF THE FIRST SESSION OF THE  
COORDINATING COMMITTEE FOR AFRICA  
Rome, 24-27 June 1974

Introduction

#### **Development of a Modern Food Law for Africa**

8. The Committee had before it three basic documents for the discussion of this topic: OX/AFRICA 73/5 The Development of a Modern Food Law in the African Countries, CX/AFRICA 73/9 Report of the Joint FAO/WHO Food Standards Regional Conference for Africa and CX/AFRO 74/3 Comments Received from African Countries on Document CX/AFRICA 73/5.

9. The Chairman opened the discussion by asking for comments on progress in updating existing food laws, and posed the question if a draft law or guideline could be developed for all countries in the African region. The Committee agreed to consider the basic working document CX/AFRICA 73/5 on a point by point basis. The delegate of Sudan recommended that one of the criteria for a modern food law should be that foods conformed to certain minimum quality criteria.

10. A general discussion on the overall philosophy of modern food law and how it could be achieved followed. There was agreement on the basic criteria for which modern food law should be created: consumer protection and prohibition of sale of foods which do not conform to the food laws and legislations. Considerable discussion was held on whether a food law should be a simple enabling act which would grant authority to the administrative body responsible for enforcement to create food standards or other food regulations, or whether such standards should be included in the law itself. The Committee agreed that the approach of creating an enabling act was the best approach and that consideration of a basic framework of content of food law should be done by the Committee for the guidance of the Member Countries.

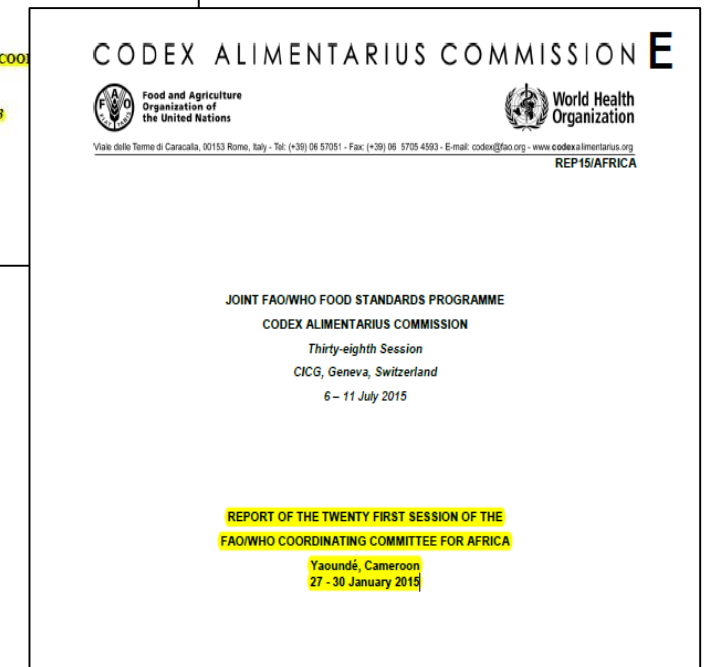
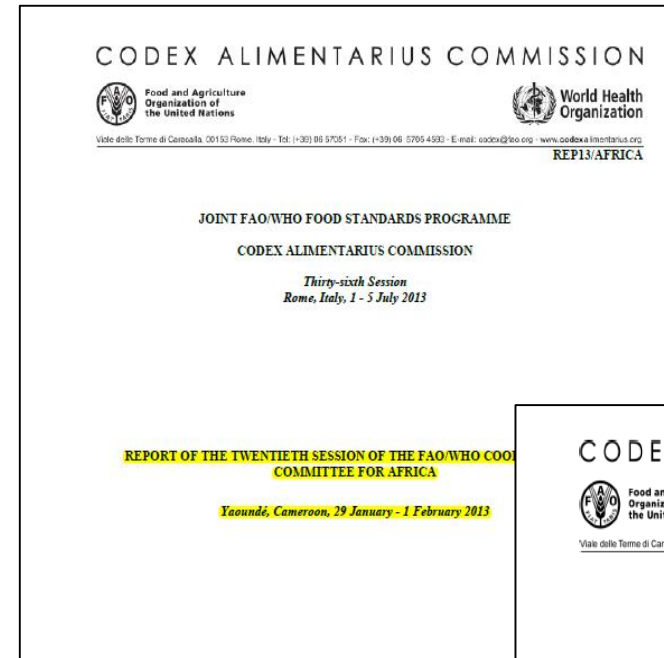
## 2. What are the needs of the region?

### CCAFRICA 2013 & 2015 reports

The need to Strengthening Food Safety and Legal framework is a priority in Africa region,

Drafting Laws and regulations with risk-based food control programmes ,

Harmonization of food safety policies in the Africa region were the conclusions during 20th-21st Sessions



## 2. What are the needs of the region?

### *Key extracts from CCAFRICA 2013*

Para 36 Under the 'Priorities of Work in the region-' it was highlighted that Risk-based food control programmes,

Drafting Laws and regulations with risk-based food control programmes -

Harmonization of food safety policies in the region are needed to facilitate food trade and improve the health of consumers.

36. The priorities of work for the region in the coming biennium were also highlighted, among which, **support to national and regional legislative and regulatory frameworks for food safety**, support to national Codex processes; risk based food control programmes (including food inspection and import control); and emergency preparedness plans support to food safety management along value chains and consumers education. Data collection as basis for sound food safety policies and control programmes also need to be further enhanced.

61. The Committee noted that several initiatives were underway in several countries to improve on their food control systems. These include **(i) updating and developing of national legislation**, (ii) reorganization of the food control system, or establishment and improvement of coordination through the establishment of national food safety committees or SPS committees; and (iii) improvement of inspection services. It was noted that several of these initiatives were undertaken with support from FAO, AU-IBAR, EU and USA, amongst others. It was, however, noted that for legislation to be effective, human and other resources were necessary and that capacity building needed to be continued. A challenge remained in creating awareness among policy makers. It was further noted that there was a need to develop expertise in the field of risk assessments. In addition, laboratory

## 2. What are the needs of the region?

### *Key extracts from CCAFRICA 2015-*

Improve food safety coordination at national level

Expertise in enacting national food Safety policies

Promote use of risk analysis framework

In 2015-it was stated that there are various actions on the three issues mentioned above when establishing food safety policies in region which need intervention.

He gave an overview of completed or ongoing technical capacity development activities in the region, existing challenges that require further assistance and the priorities that have been identified for the region for the coming biennium including, among others: improving food safety policy coordination at the national level, providing expertise in drafting laws and other regulatory texts, and supporting national Codex programmes.

The Representative of FAO concluded that the list of priorities as presented in CX/AFRICA/15/21/3 had been adequate, and noted that the order of priorities will vary between countries. He noted that the following actions seemed to be those most often called for in the interventions: improving coordination of food safety policies between members in the region; providing expertise in enacting national food safety policies and regulations; promoting risk-based food inspection and the use of the risk analysis framework when establishing food safety policies; and establishing ways for helping small and medium size enterprises implement preventive approaches to food safety. He encouraged member countries to ensure that identified



### 3. What is available today to cover the needs?

#### Addressing CCAFRICA Priority through FAO Model Food Law

This Model can be used to examines the broad range of topics that constitute a country's national legal framework for food,

Explores the principal expressions and trends in food policy which should be taken into consideration when developing a food law,

And It offers concrete recommendations for the preparation of a national and region food laws

Perspectives and  
guidelines on food  
legislation, with a new  
model food law

Jessica Vapnek  
Melvin Spreij

for the  
Development Law Service  
FAO Legal Office

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS  
Rome, 2005

FAO  
LEGISLATIVE  
STUDY

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## 4. Key elements to protect consumers and ensure fair trade in the region

The key elements to follow is " Farm to Fork (F2F) Approach"

From "Farm to Fork" traces the different stages of the food chain system that can compromise the quality and safety.

It examines the practices and procedures that ensure the safety of our food.



## 4. Key elements to protect consumers and ensure fair trade in the region

Therefore in Model Food Law there should be Embed farm to Folk approach in **General Food Law** and those related to **inspections,import,export and other administrative provisions to be included.**

Contents of General Food Law (FAO):

- General Principles
- General Provisions
- Inspections
- Import and Export



# 4. Key elements to protect consumers and ensure fair trade in the region

## General Principles of Food Law (based on FAO Model)

### General Objectives

- High level of protection of human health.
- Free movement of food and feed according to the general principles and requirements.
- Food safety standards based on the principles of risk analysis (i.e. risk assessment, risk management, risk communication).

### General Obligations of Food Trade

- Compliance of food and feed imported/exported with the relevant requirements of food law.

### International Standards

- Contribution of countries to the development of international technical standards for food and feed.

### Public consultation and information

- Open and transparent public consultation and access to documents in the law development process.

# 4. Key elements to protect consumers and ensure fair trade in the region

## General Principles of Food Law (based on FAO Model)

- Responsibilities of food and feed business operators**  
Ensuring that the food it supplies is safe at any stage of production, processing and distribution.
- Traceability and recall**  
Ensuring traceability of food at all stages of production, processing and distribution.
- Horizontal standards rather than vertical**  
Setting limits in the presence of additives, contaminants and residues in food or animal feed.
- Food Safety Management**  
Hazard Critical Control Principal -HACCP or similar approach

## Key concepts

- ❖ **Authority reference labs**
- ❖ **Separate regulations for individual topics (e.g. hygiene, chemical contaminants, food contact materials, residues, additives, sampling & food analysis, animal feed).**
- ❖ **Horizontal regulations VS commodity standards**
- ❖ **Most requirements are covered by Private certifications (e.g. ISO 22000, GFSI benchmark schemes,...)**
- ❖ **Registration of premises vs product registration**

# 4. Key elements to protect consumers and ensure fair trade in the region

## Inspections , Import & Export (based on FAO Model)

### Risk-based inspection

- Inspections carried out with respect to food businesses, food ingredients, additives, disinfectants, manufacturing or handling of food, personnel employed at the food business, packaging material, cleaning, disinfecting, etc.

### Key concepts

- Focus more on the process approach (farm to fork) than product approach (product registration)
- Recognition of FS controls of an exporting country by importing one

### Requirements for imported food

- Application of food import control systems.
- Recognition of food safety controls of an exporting country by importing country (e.g. mutual recognition agreements).
- Application of controls during the production, manufacture, importation, processing, storage, and transportation of the food products and verification of the export food control system.

### Inspection and sampling

- Application of inspection systems → particular commodities and processing methods in proportion to the assessed risks.
- Conduction of risk assessment or application of the principles of equivalence.

# Conclusions

An ideal World is a world governed by Codex Standards

Developing and adopting a comprehensive Food Law based on FAO model and Codex Standards is the way to close gaps in the region

Countries should establish an open and transparent public consultation in the law development process, involving all stakeholders.

Some Food Business Operators are implementing key principles of the FAO model law (e.g. Food safety management, traceability, ...) via private certification schemes (e.g. GFSI)

Therefore CCAFRICA should initiate EWG to come up with Discussion paper and project document.

# **Advancing Food Safety in Africa**

Agenda 3b: Prioritization of needs of the region and possible approaches to address them

**FAO/WHO Coordinating Committee for Africa**

**Nairobi, Kenya**

**16<sup>th</sup> January, 2017**

**Wamwari Waichungo, PhD**



# Presentation Outline

- **Current Reality** of Food Safety in Africa
- Key opportunities to **Advance Food Safety** in Africa
- Role of **FAO/WHO Coordinating Committee for Africa** in advancing Food Safety
- Responsibility of **Member States** in advancing Food Safety
- Leveraging Food Safety to enable **Food Security**

# Food Safety Opportunities

- Prevalence of food borne illnesses
- Old rudimentary standards
- Need for regional and international harmonization
- Lack of scientific basis and risk assessment principles
- Enable regional and international trade
- Limited capacity and capability
- Enforcement challenges
- Inadequate investment

# Advancing Food Safety in Africa

- Harmonization and alignment with global standards
- Capability building opportunities
  - Training for food safety officials and regulators
  - Build food safety networks for knowledge sharing
  - Engaging industry particularly SMEs and informal sector
  - Leverage academic institutions to further science based risk assessment, testing facilities, etc
  - Food safety and regulatory consumer awareness programs

# Role of CCAfrica

- Enable and empower member states
  - Provides a framework for regulatory alignment and assuring consumer safety
  - Uses a risk based approach for establishing food safety policies
  - Policies are developed through a transparent and evidence-based process
  - Leverages stakeholder engagement and participation of observer organizations
  - Codex standards are the basis for industry quality and safety standards
  - Harmonization enables effective and efficient trade
-

# Responsibility of Member States

- Develop and implement national food safety policies and adequate food safety standards
- Clear mandate and authority to relevant agencies to develop and enforce food safety standards
- Regional, Pan-African and global harmonization and alignment
- Investments for food safety capacity and capability building
- Consultations with relevant stake holders; Academic institutions, Industry, Consumers, informal sector, etc

# Enabling Food Security

- Reduce food loss post harvest through processing and preservation
- Value add and commercialization of agricultural produce
- Food processing must be under pinned by food safety policies and regulations

# In Summary

- There are many **challenges and opportunities** to advancing Food Safety in Africa
- CCAfrica can play a key role in **enabling and empowering member states to advance Food Safety and leverage Codex standards to promote Food Safety** across the food chain
- Member States must **commit to advancing national Food Safety policies and regional/global harmonization**
- We must **leverage Food Safety to enable Food Security**