



Canadian Food
Inspection Agency

Agence canadienne
d'inspection des aliments

Foreign Food Safety Systems Recognition: Proposed Framework

Canadian Food Inspection Agency

DRAFT

Canada

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Introduction & Context

While Canada has a well-developed food safety system, it has also recognized that continuous improvement is needed to ensure that Canadians maintain access to safe food. The Canadian Food Inspection Agency (CFIA) has embarked on a change agenda designed to strengthen how food commodities are regulated in Canada. Change initiatives include the new *Safe Food for Canadians Act* (SFCA), regulations to be made under the *Act*, and the Integrated Agency Inspection Model. The SFCA, when fully in force, establishes a modern legislative framework for food safety. Recognizing the challenging import environment, the SFCA significantly strengthens import oversight authorities.

Canada currently uses a range of tools and approaches for import control, based on its legislative and regulatory framework, to target inspection resources and verify compliance with requirements, including: pre-border (e.g., arrangements with an exporting country; certification), at border (e.g., admissibility of shipments) and post-border activities (e.g., inspection, sampling and testing), or a combination thereof.

As the CFIA modernizes its food safety regulatory system, it has an opportunity to make greater use of tools that could optimize its risk management activities for imports. Many of Canada's trading partners have mature food safety control systems with public health outcomes that are broadly comparable to Canada's system. Others have commodity-specific export control systems that can provide confidence that Canadian requirements will be met. CFIA can better leverage these systems in its risk management approaches for imports using tools such as systems recognition.

This document elaborates on the use of foreign food safety systems recognition as an import control tool.

Objective

This framework describes foreign food safety systems recognition (FFSSR), and identifies its benefits, guiding principles and a process to guide the implementation of this approach.

What is Foreign Food Safety Systems Recognition?

FFSSR is the recognition that two countries' food safety control systems can achieve comparable public health outcomes, based on comprehensive legislative frameworks, implementation and oversight programs, and monitoring of regulatory performance.

How can Systems Recognition be Used?

Under the *Canadian Food Inspection Act*, the CFIA has authority to enter into international arrangements within its mandate. Also, some existing legislation such as

the *Meat Inspection Act* and the *Fish Inspection Act* require recognition of systems as a pre-requisite to importation into Canada. For example, the *Meat Inspection Act* prohibits importation of a meat product into Canada unless it originates from a country with meat inspection systems and the relevant establishment in the country are approved in advance of importation.

FFSSR is also used where there is experience, knowledge and confidence between the importing and exporting country, based on a history of trade and high level of compliance. For example, a reciprocal foreign food safety systems recognition initiative is under development between Canada and the U.S. Food and Drug Administration.

Canada will build on these authorities and existing requirements with its new food safety legislation. Under the CFIA's proposed SFCA regulatory framework for federal food inspection, systems recognition will continue to be used as an import control tool. The SFCA provides regulation-making authority "*respecting the recognition of systems of inspection, certification, manufacturing, preparation, storage, packaging, labelling or testing*".

Recognition of an exporting country's meat inspection system will continue to be a pre-requisite to trade. Imports of other commodities may also be identified as requiring systems recognition prior to admissibility, based on risk, e.g., shellfish.

In addition, systems recognition can be developed with an exporting country with a mature domestic food safety control systems (which include oversight authority for imports and exports), or where the exporting country's domestic food safety control system is in development, but it has established commodity specific export control systems, with infrastructure and oversight elements that provide confidence that Canadian requirements are met.

Applicable animal and/or plant health import requirements are not within the scope of the systems recognition framework, and must be met in order for food products to be imported into Canada.

Benefits of FFSSR

FFSSR is one tool in the Agency's import control toolbox. The recognition of an exporting country's food safety system as comparable can offer benefits to Canada as an importing country. It signals Canada's confidence in that country's food safety control system and enables the CFIA to take into consideration the oversight of the exporting country's competent authority and prioritize inspection activities at import, hence, facilitating allocation of inspection resources based on risk.

Systems recognition can also advance cooperation and confidence building between regulatory counterparts, including sharing of best practices and leveraging resources (e.g., joint audits, reliance on each other's audits) to inform food safety risk management activities and enhance the safety of food in trade.

With respect to industry, this approach could provide additional means to Canadian importers in conducting verification activities when importing from a country with which the CFIA has a systems recognition arrangement. Further, under the proposed SFCA framework, the CFIA is considering whether to allow importers who do not have a fixed place of business in Canada to obtain a CFIA importer license if they operate from the country with which CFIA has establish a FFSSR arrangement and are importing food from that country into Canada. In both situations, the imported food must be within the scope of the recognition arrangement, and the importer must have a satisfactory compliance history.

Guiding Principles

Following are the principles that CFIA would apply in its approach to FFSSR:

- a) Food safety– FFSSR should contribute to Canada’s food safety objectives and enhanced food safety oversight.
- b) Outcome-based - different food safety control systems can achieve comparable public health and consumer protection outcomes.
- c) Evidence-based - FFSSR relies on a rigorous assessment of an exporting country’s legislation, programming, implementation and broad public health outcomes. Food safety standards of the importing country, for example microbiological criteria and maximum residue limits, must still be met.
- d) Confidence - FFSSR should build confidence in the exporting country’s oversight, including that it will proactively take action when non-compliance issues are identified, and provide information that could help enhance the importing country’s import risk management activities.
- e) Flexibility - as food safety systems continue to evolve, ongoing dialogue and information exchange between the importing and exporting country, and regular reviews should support the maintenance of systems recognition.
- f) Transparency - the rationale and criteria for the FFSSR approach should be documented and transparent.
- g) International consistency - the CFIA’s approach will be based on international standards, guidelines and recommendations, as appropriate, in the development and implementation of systems recognition arrangements, in line with international rights and obligations.
- h) Reciprocity – CFIA will pursue reciprocal FFSSR arrangements, where it is of mutual interest and benefit to the regulatory counterparts.

- i) Third party approaches - recognition of an exporting country's food safety control system may include third party providers, where these are officially recognized by the competent authority for the implementation of government controls (e.g., for testing and inspection).

FFSSR Process

The scope of a proposal for the determination of systems recognition should be agreed upon between Canada and the exporting country. The scope may include all elements making up a food safety control system and all foods or may be limited to specific elements within a system (e.g., export control) or specific food commodities.

Discussions towards FFSSR can be initiated by either the CFIA or the exporting country, and can be one way or reciprocal. The CFIA will engage with its partners, as appropriate, in the undertaking of a FFSSR arrangement, e.g., relevant Government of Canada departments and agencies. Further, capacity to enter into a FFSSR arrangement will be influenced by availability of resources.

The process for entering into systems recognition discussions includes:

Pre-assessment

- A pre-assessment against clear established criteria is conducted to determine whether there is an adequate basis to enter into discussions towards the recognition of an exporting country's food safety control system.
- Criteria include:
 - whether there is significant trade between the exporting and importing countries for the product(s) that will be within the scope of an arrangement;
 - the level of experience, knowledge and confidence in an exporting country's food control system;
 - whether resources could be optimized as a result of the arrangement;
 - the exporting country's compliance history.

Assessment

- If Canada and the exporting country decide to proceed with FFSSR, the process involves a documentation review, iterative exchanges with the foreign competent authority to ensure understanding and completeness of the documentary evidence, followed by in-country assessments in the exporting country to verify implementation of the food safety control system. The assessment focuses on pre-requisite elements which make up a strong regulatory food safety control system, including:
 - the legislative/regulatory foundation of the system;
 - organizational details (e.g., structure of the Competent Authority (ies));
 - food inspection programs;

- compliance and enforcement program;
 - program assessment and inspection audit;
 - food-related illness and outbreaks;
 - scientific capacity, including laboratories, information on the capacity; personnel, systems, evaluation and/or accreditation;
 - competency and training of personnel;
 - program resources;
 - transparency and engagement with stakeholders;
 - international communications and harmonization; and/or,
 - any other element that may be identified by the Minister.
- For meat and poultry products, where recognition of the foreign system is a pre-requisite to import into Canada, the assessment and recognition process are as described in Chapter 10 of the Meat Hygiene Manual of Procedures¹.

Maintenance of FFSSR

- FFSSR with foreign competent authorities will be maintained based on regular reviews of the foreign food safety system to verify its continued effectiveness and performance, and ongoing information exchanges with the foreign competent authority.
- Where the FFSSR with a foreign competent authority is no longer effective or where the CFIA no longer has confidence that the FFSSR meets its intended objectives, the status of the recognition will be re-assessed.

Feedback from Stakeholders

Feedback is requested on the proposed framework as well as any other commentary that may be important for CFIA to consider in the context of its approach to food safety systems recognition. Please send all feedback to: CFIA-Modernisation-ACIA@inspection.gc.ca

¹ <http://www.inspection.gc.ca/food/meat-and-poultry-products/manual-of-procedures/chapter-10/eng/1336189502007/1336258079585>