



BELGIAN APPROACH OF THE SAFETY OF THE FOOD CHAIN :
The Federal Agency for the Safety of the Food Chain (FASFC) from
2002 to 2006

Gil Houins, Chief Executive
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1 ORIGIN OF THE FASFC

The Federal Agency for the Safety of the Food Chain (FASFC or Food Agency) was established as a reaction to a series of food crises in Europe and in Belgium, and more in particular after the dioxin crisis. It was founded by the Act of 4 February 2000 (Moniteur belge of 18 February 2000).

The competence for the safety of the food chain was shared by several services until 2002 when the Agency was actually set up by the merger of staff members of the following entities :

- the Ministry of Agriculture, including DG 4 (plants and raw materials) and DG 5 (veterinary inspection and animal products),
- the Ministry of Public Health, including the General Food Inspection and
- the Institute for Veterinary Inspection.

In practice, these services worked separately although bridges were frequently thrown between them. When incidents or crises occurred, each service developed its own approach of the issue. This situation resulted in a substantial loss of time and poor efficiency; it also gave rise to criticism and distrust from consumers and led to huge economic losses.

1.1 Dioxin crisis (1999)

During the dioxin crisis of 1999 hundreds of stock farms were sealed and primary production sector products (such as eggs and poultry) representing an overall value of some 250 million euros were destroyed. In addition, huge amounts of meat (93 148 tons) including 45.000 tons of pork and 12.500 tons of poultry meat were also destroyed. In all, the financial loss was estimated at 437,5 million euro.

However, the harm done by the dioxin crisis was by no means limited to a purely financial loss. The Minister of Public Health and the Minister of Agriculture had to resign. With respect to trade, the international media attention given to the crisis seriously damaged the image of all Belgian food products. The effects of this crisis of confidence on the trade relations with certain third countries were felt for a long time.

A parliamentary inquiry commission was established which made recommendations for the organisation and the working of food safety management. The FASFC took these recommendations into account, viz. by attaching great importance to communication, negotiation with all stakeholders (business sectors and consumers) as well as to transparency.

1.2 European reaction

Consumers are very sensitive to food safety. The recent crises undermined consumer confidence in the food industry and in public authorities. The European Commission gave top priority to the food safety issue. The White Book on Food Safety of 12 January 2000 draws the outlines of a prevention oriented policy, including a modernisation of legislation with a view to making rules more coherent and more transparent, increased controls “from farm to table” and an increased capacity of the scientific opinion system in order to ensure a high protection level of consumers and of human health.

The priorities established in the White Book include :

- establishing a European Food Safety Authority,
- laying down a more coherent legislation, covering all stages from raw materials to consumer products,
- establishing the principle that the primary responsibility for food safety rests with food business and feed business operators ; the Member States must ensure monitoring and inspection of these operators and the Commission must verify the effectiveness and the control capacity of the Member States by conducting audits and inspections.

Regulation (EC) No 178/2002 of the European Parliament and the Council of 28 January 2002 lays down the general principles and requirements of food law, establishes the European Food Safety Authority and lays down procedures in matters of food safety (OJ of the EC L 31/1). According to this regulation, which is also known as the « General Food Law », the **operator** (producer, processor, distributor) must in his business set up his own checking system and assume the responsibility for this system.

In 2004, in the context of a review of food hygiene law (the so-called hygiene package), the European Parliament and the Council adopted 4 Regulations that came into force on 1 January 2006. These Regulations concern (1) the hygiene of foodstuffs, (2) specific hygiene rules for food of animal origin, (3) official controls on products of animal origin intended for human consumption and (4) official controls on feed and food.

- H1 Regulation : Regulation (EC) No 852/2004 of the European Parliament and the Council of 29 April 2004 on the hygiene of foodstuffs emphasises the setting of targets to be attained in the field of food safety, food business operators being held responsible for adopting safety measures that must be applied in order to guarantee the safety of foodstuffs.

- H2 Regulation : Regulation (EC) No 853/2004 of the European Parliament and the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin

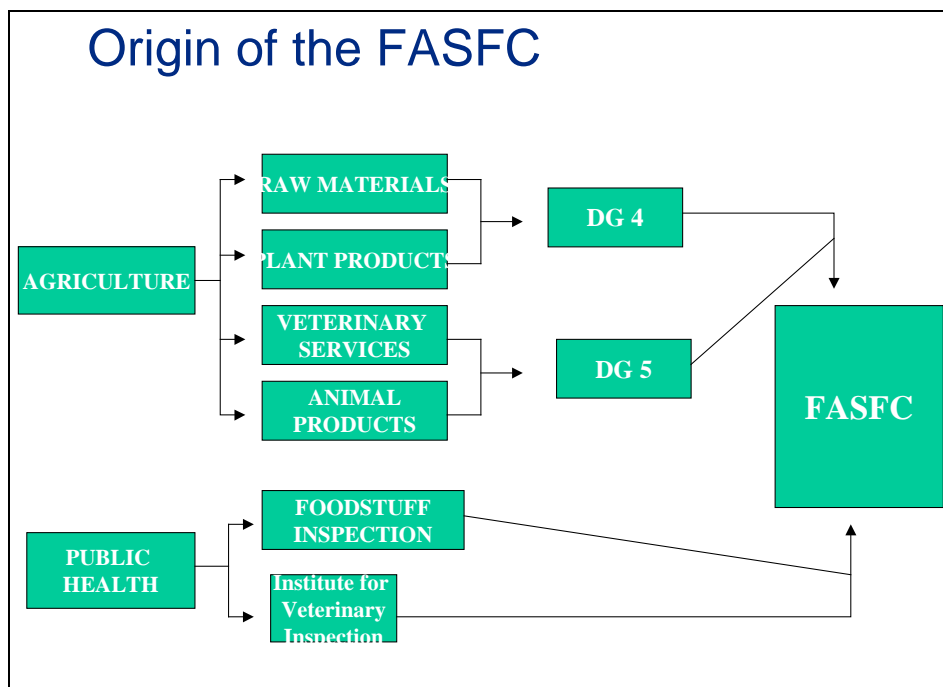
lays down rules the aim of which is to guarantee a high level of food safety and public health for these sensitive foodstuffs.

- **H3 Regulation : Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption** establishes a Community framework for the official controls on products of animal origin intended for human consumption and contains specific rules with respect to fresh meat, bivalve molluscs, milk and dairy products.

- **Regulation (EC) No 882/2004 of the European Parliament and the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules** aims at filling the gaps existing in the current legislation on the official control of food and feed through a harmonised approach of the laying down and the implementation of national control systems.

On the other hand, new standards have come into force, e.g. with respect to the microbiology of foodstuffs (Regulation (EC) No 2073/2005 of the Commission of 15 November 2005 on microbiological criteria for foodstuffs.)

1.3 Belgian political decision



Within the context of the reform of inspections in the food chain, the Belgian authorities developed a food safety policy that is built upon four cornerstones for which the establishment of the Federal Public Service of Public Health, Safety of the Food Chain and Environment (FPS) and of the FASFC was a prior condition. On the other hand, efforts were focused on the safety of the entire chain and consumers interests were given full attention when the objectives of the new organisation were set.

The pursuit of the complete integration of food safety inspired the decision to make one Minister – the Minister of Public Health - responsible for both entities.

With a view to the effectiveness of public services, the FASFC was also given the competence to perform the controls related to animal health and plant health.

In short, the responsibilities of both major organisations may be described as follows :

1. the FPS Public Health, Safety of the Food Chain and Environment is in charge of preparing policymaking and is responsible for establishing product standards (for veterinary medicinal products, pesticides, feed, ...) and standards related to animal disease control and plant protection as well as for defining the parameters that must be taken into account in the fields of animal welfare, and veterinary medicine.
2. the FASFC is a federal (i.e. with authority on the whole Belgian territory) executive body into which all inspection and control services for the agricultural and food sector have been incorporated. Its task is to guarantee the safety of the food chain and the quality of our food, so as to protect the health of humans, animals and plants.

2 THE FASFC AS AN ORGANISATION

2.1 Staff

In 2006, the Food Agency employed some 1300 fulltime equivalents, ± 700 of whom worked in the decentralised services of DG Control and 162 worked in the 5 FASFC laboratories. In addition, the FASFC calls upon the services of 800 independent veterinarians, mainly in slaughterhouses and cutting plants.

2.2 Advisory body

To achieve its policy of openness and participation, the Agency created an Advisory Committee consisting of representatives of all partners of the FASFC, i.e. bodies for the defence of consumers interests, business associations, animal protection associations and representatives of the public authorities involved (Regions, Communities, the FPS Economy and the FPS Public Health). The Committee gives its advice on the policy that should be pursued in the field of food safety (risk management, self-checking, financing, communication...). The Committee holds at least 10 meetings per year. Meetings may be

held at the initiative of the Committee itself or at the request of the Minister in charge or the Food Agency, e.g. when there is a crisis.

As mentioned above, the business sector and the administrations are largely represented, which contributes to the importance of the Committee and guarantees his objectivity.

2.3. Scientific Committee

The Scientific Committee consists of some twenty scientific top experts who are independent from the Agency and are employed by universities and research centres in Belgium and abroad. The Committee is completely autonomous and is in charge of risk assessment. It gives its opinion on draft regulations and on the control plans. Moreover, it sees to it that the Food Agency work proactively. It must identify problems in time and report them to allow the Agency to take the measures that are required, e.g. providing for an adequate survey system

2.4. Financing

The financial resources of the Food Agency mainly consist of the credits allocated each year by the federal government (annual allocation), the contributions and retributions paid by the actors of the food chain, revenues from the European Union, the return of administrative fines and voluntary or contractual contributions (such as receipts of the laboratories).

The 2007 budget amounts to 162,4 million euros. The allocation of the federal government makes up 43.5% of the financial means of the Food Agency. The share of the sector in the financing of the Agency amounts to 22.3% in terms of contributions and to 32,4% in terms of retributions. Contributions must be paid by each operator on an annual basis. They must be seen as an effort to spread costs of the general control programme within the food chain on a basis of solidarity. Retributions are due for the services rendered by the Food Agency. The share of the European Union amounts to 1.8% and consists mainly of the co financing of programmes related to animal and plant health. Together, all other sources make up 2.7 % of the budget

The new financing system of the Agency is based upon two Royal decrees of 10 November 2005, i.e. the RD on retributions referred to in article 5 of the Act of 9 December 2004 on the financing of the Food Agency and the RD on contributions referred to in article 4 of that Act. The system, which came into force on 1 January 2006, did not result in a change of the financing package as such. The amount of the contribution to be paid varies according to a bonus/malus system that is based upon the existence or the non-existence of a certified or a validated self-checking system at business level.

The distribution of the total number of approximately 180 000 operators over the various sectors is as follows :

•sectors making supplies to agriculture	900
•agricultural sector	50.000
•processing	15.000
•wholesale trade	8.000
•retail trade	41.000
•hotels, restaurants, pubs	62.000
•transport	4.000
Total	+/- 180.000

2.5. DEVELOPMENTS : « BUSINESS PLAN 2005-2008 »

Why a new business plan ?

The first business plan of the FASFC of the Chief Executive at that time was adopted by the Government on 22 November 2000. This plan outlined the development of the Food Agency in the first years of its existence. In 2002, it was taken over by the next Chief Executive Officer

The goals mainly related to the development of the structure of the Agency, the integration of the various services within the new organisation and the extension of a global survey of the food chain. The other goals related to the development and the implementation of the concept of self-checking and the introduction of an analytical accounting system.

Most of these objectives have been achieved in the previous years. At the extraordinary Council of Ministers of 20 and 21 March 2004, the federal government examined the working of the FASFC and instructed the Chief Executive to draft and submit a new business plan. This new business plan for the FASFC was submitted to the federal government on 3 December 2004 and adopted the same day.

Summary

The line of policy of the FASFC takes into account the expectations of the various partners and aims to create an added value in five result-oriented fields :

- establishing a safe food chain by reducing exposition to the lowest level possible and by limiting incidents and crises,
- creating a reliable image that increases the confidence of consumers and the competitiveness of our businesses,
- ensuring a stable legal framework by contributing to administrative simplification,
- pursuing complementation with the sectors,

- attaining an excellent operational service by bringing about an effective public service with transparent working methods.

In the first stage of its development the Food Agency was focused on internal integration. Now that this stage has been completed, the FASFC must focus on the development of a reliable and effective organization in the coming years. This means that processes must be organized and optimized. In addition, the implementation of self-checking in the businesses will result in shifting activities from the usual controls to audits of self-checking systems.

The future working of the FASFC is described starting from the policy targets and is based upon the realization of a certain number of projects in the years to come : the implementation of self-checking in the businesses, the implementation of the conclusions of the BPR exercise known as "food@work" and the introduction of Foodnet, the new informatics system.

The comprehensive working of the FASFC is projected on a high level activity model that represents the core business, the supporting activities and the activities commissioned by third parties. The staffing related to each of these activities is defined on the basis of the staffing plan of 2005. A first ideal scenario shows what will be the impact of the implementation of validated self-checking systems by all the operators in the various sectors by 2008. There will be a decrease of the number of control officers and a shift in the activities related to the control plan to deal with non compliances. A second scenario shows the shifts that will take place when assuming that only half of the food business operators will have a validated self-checking system by 2008.

Finally, a calculation is made of the future financing of the budget for each of these scenarios that is based on the following elements :

- an allocation in the budget of the FPS Public Health, Safety of the Food Chain and Environment
- retributions due by the operators for services rendered by the FASFC
- contributions due by the sectors for financing the activities that cannot be charged to operators
- and other receipts, such as allocations of the EU, the return of administrative fines and financial investments,...

The 2008 budget is a projection taking into account the new financing and the change of activities of the FASFC, including the new staffing. The budget was made up for both scenarios, assuming e.g. that the allocation of the federal government remains constant and that the contribution due by the sectors will decrease with the introduction of self-checking

systems that make it possible for them to achieve a higher level of food safety without any extra costs.

The different scenarios with respect to the future functioning of the FASFC are based upon the following assumptions :

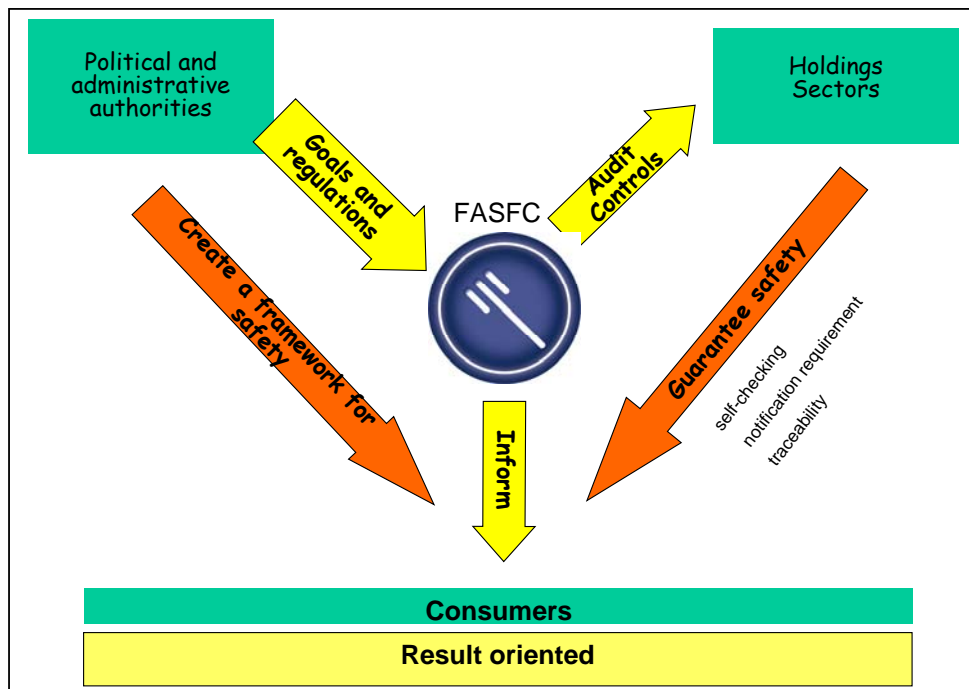
- the task of the FASFC remains unchanged,
- the various sectors meet the legal requirements on self-checking, and
- the planned automation projects are successfully materialized.

There are also other elements that may have an impact on these scenarios, e.g. the so-called emerging risks (which are not necessarily known at this moment), the strategic choices with respect to the presence of the FASFC in the distinct sectors and the changes in the international framework (both geographically and with respect to regulations).

3. ROLE OF THE FASFC

3.3. Tasks and responsibilities

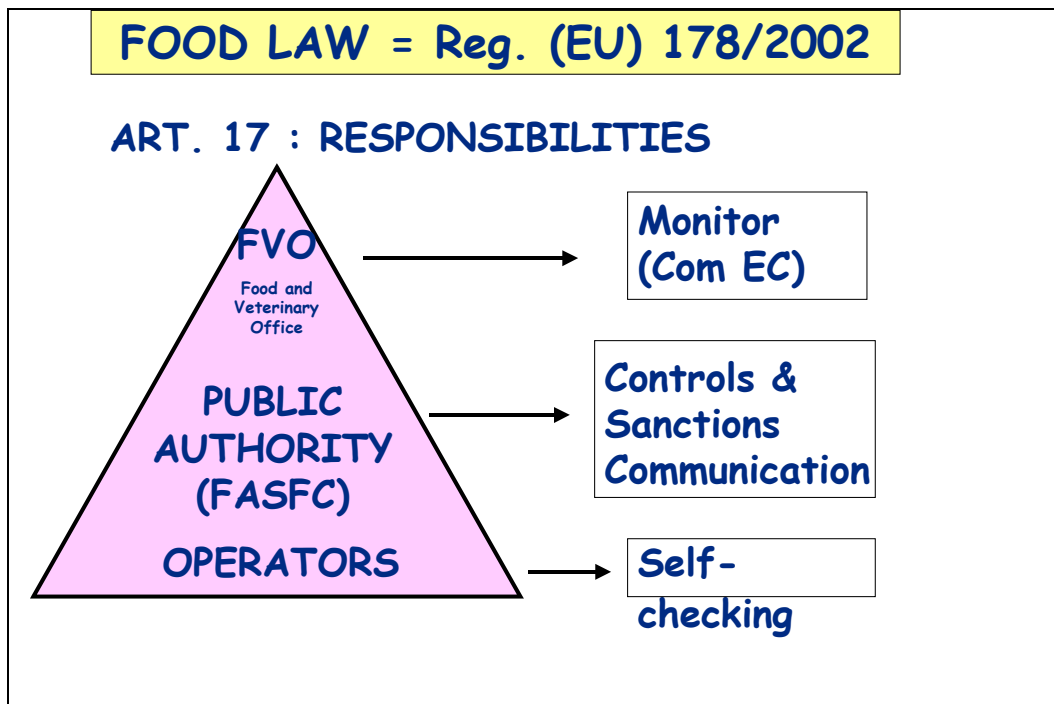
The FASFC integrates into one single body all control and inspection services dealing with the food chain. It is the task of the FASFC *to guarantee the safety of the food chain and the quality of our food, to protect the health of humans, animals and plants*. The FASFC comes directly under the authority of the Minister of Public Health and performs its controls in a completely independent manner. Hence, the 4 major aspects are : food safety, animal diseases, plant diseases and animal welfare.



Concretely, the controls, analyses and inspections of foodstuffs and of their raw materials at all stages of the food chain as well as the control of operators in the production, the storage, the transport, the trade, the import and the export of foodstuffs and the places where those activities are located, constitute the core business of the Agency.

The responsibilities of the Food Agency are very comprehensive : from defining operational regulations (establishing standards for operators) to a risk based surveillance of the distinct segments of the food chain (production and production process) by means of inspections, checks and audits and by organising the identification and the registration of animals and of the traceability of products. Furthermore, the FASFC deals with the approval, the authorisation and the registration of operators that are active in the food chain as well as with export certification, defining preventive, awareness and information measures and the approval of "third" laboratories.

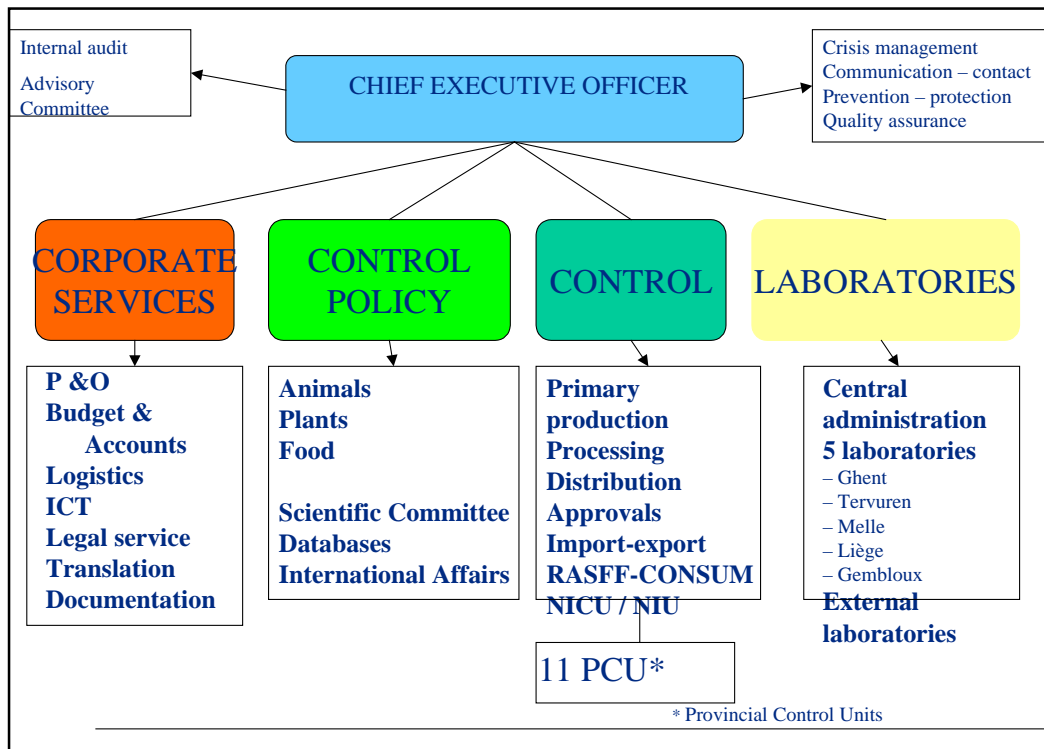
The Agency may also conclude agreements by which it accepts other (e.g. economic) control missions.



In accordance with the *General Food Law* (Regulation (EC) No178/2002) the FASFC inspects and checks the correct observance of all requirements by each individual operator. The FASFC is placed under the supervision of the FVO (Food and Veterinary Office), a control body of the European Commission - DG SANCO.

In Belgium, the Royal Decree of 14 November 2003 on self-checking, notification requirement and traceability in the food chain (*Moniteur belge of 12/12/2003*) came into force on 1 January 2005. By virtue thereof producers must guarantee themselves the safety of the products they place on the market by means of a reliable self-checking system. The system introduced in each business may be evaluated by means of an audit by the FASFC or an accredited certification body approved of by the FASFC. However, the overall supervision of the food chain by means of inspections remains a prerogative of the FASFC.

The drafting of guides for self-checking by the sector is strongly encouraged, e.g. by applying a bonus/malus system when defining the financial contribution due by businesses. The draft guides must be approved of by the FASFC, following an advice of the Scientific Committee. The guides written by the sectors must help operators to implement their own self-checking systems and must be suitable to be used as a reference by auditors. These guides are special by being unique for each sector, simple and based on risk analysis and on the legislation in force. Although they are mainly focused on food safety and traceability, they may also contain certain quality related items.



3.4. Structure

The Food Agency is a federal administration (an A status semi-public institution) headed by a Chief executive (CE) who is assisted by four directors general. This structure is completed by two advisory bodies : an advisory committee and a scientific committee.

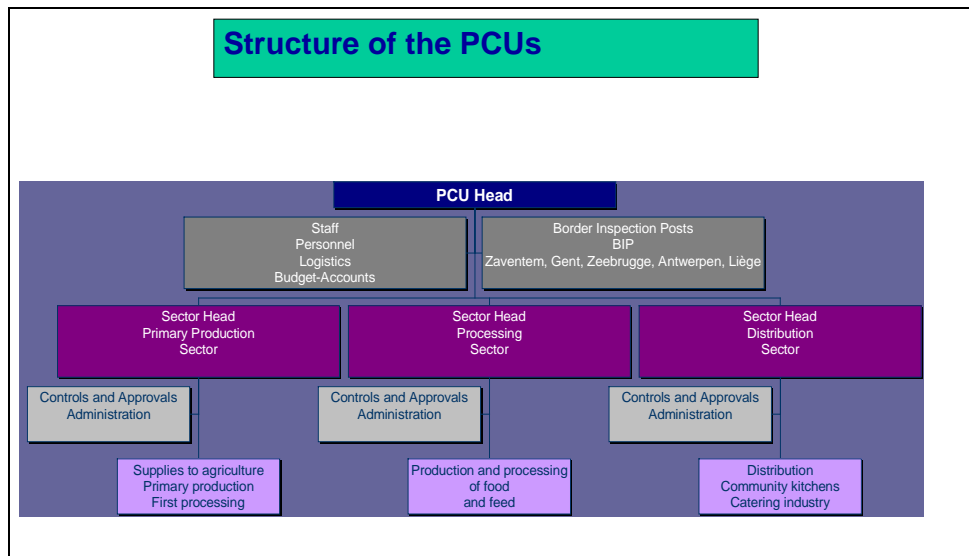
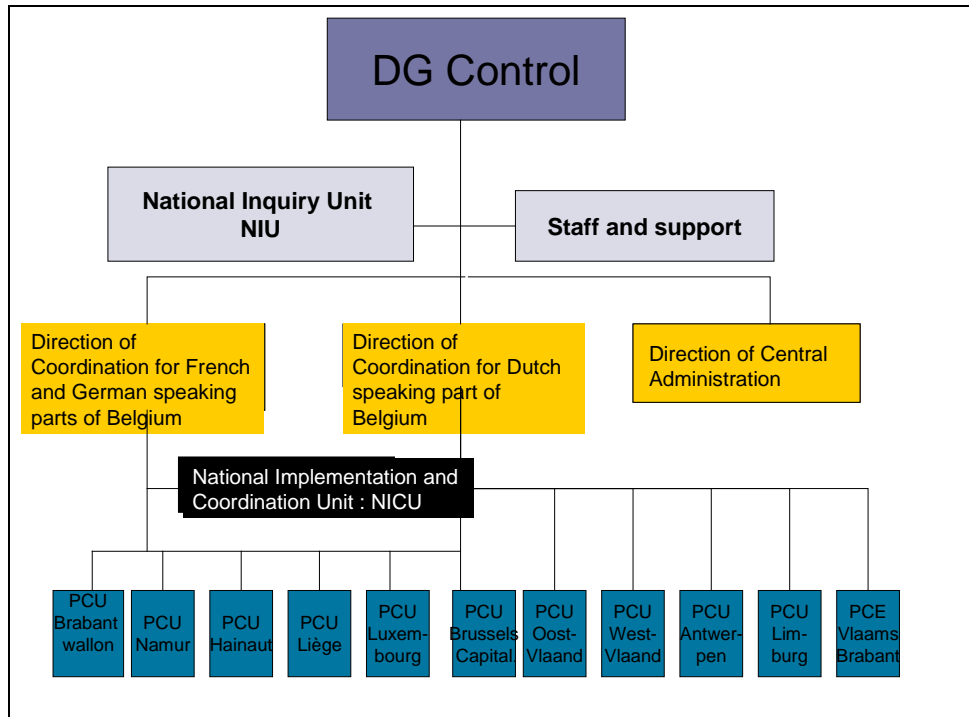
The staff services of the CE are in charge of the general administration of the Agency and also of the communication department and the call centre for the public, a crisis prevention and crisis management cell, the services for quality management, for internal audit and for prevention and protection at work. The secretariat of the Advisory Committee is also part of the staff services, the CE being the chairman of this Committee.

Directorate General (DG) of Control Policy is in charge of international affairs, and more specifically of the Belgian representation at the EU Standing Committee on the Food Chain and Animal Health. It is responsible for laying down operational rules and for defining control programmes, for organising the development of databases and for policy making. This DG also organises the contacts with the business sectors.

DG Control translates the annual control programme into control plans for each province. It consists of central services that are responsible for co-ordination and of decentralised services that are in charge of inspection. In each province has been set up a provincial control unit (PCU) that is managed by a PCU head. There are 11 PCUs.

DG Laboratories is responsible for the management of the five FASFC laboratories (located in Gentbrugge, Tervuren, Melle, Liège and Gembloux) and for the relationship with the external (private, university related, public, ...) laboratories that are partners of the FASFC. This DG is in charge of the approval of external laboratories.

DG General Services is responsible for the management of human resources, budget and logistics.



4. CONTROLS

Two directorates general (DG) are involved in controls. DG Control Policy defines the policy and the control programmes based on risk assessment for the plant sector (and the sectors that make supplies to agriculture – e.g. fertilizers, pesticides), the animal sector (and correlated sectors – e.g. veterinary medicinal products, animal feed) and the processing and distribution stages of the food sector. DG Control translates the annual control programme into control plans for each province. This DG consists of central services that are responsible for co-ordination and of decentralised services that are in charge of inspection. In each province has been set up a provincial control unit (PCU) that is managed by a PCU head. The responsibilities of the control units cover the vertical sectors of primary production, processing and distribution. Each vertical sector of production (farms, slaughterhouses, ...), processing (workshops, milling houses, breweries, ...) and distribution (shops, hotels, restaurants, pubs, marketplaces, ...) is headed by an inspector – head of sector.

Within the context of control, the control plan is evaluated by the Scientific Committee from a scientific point of view.

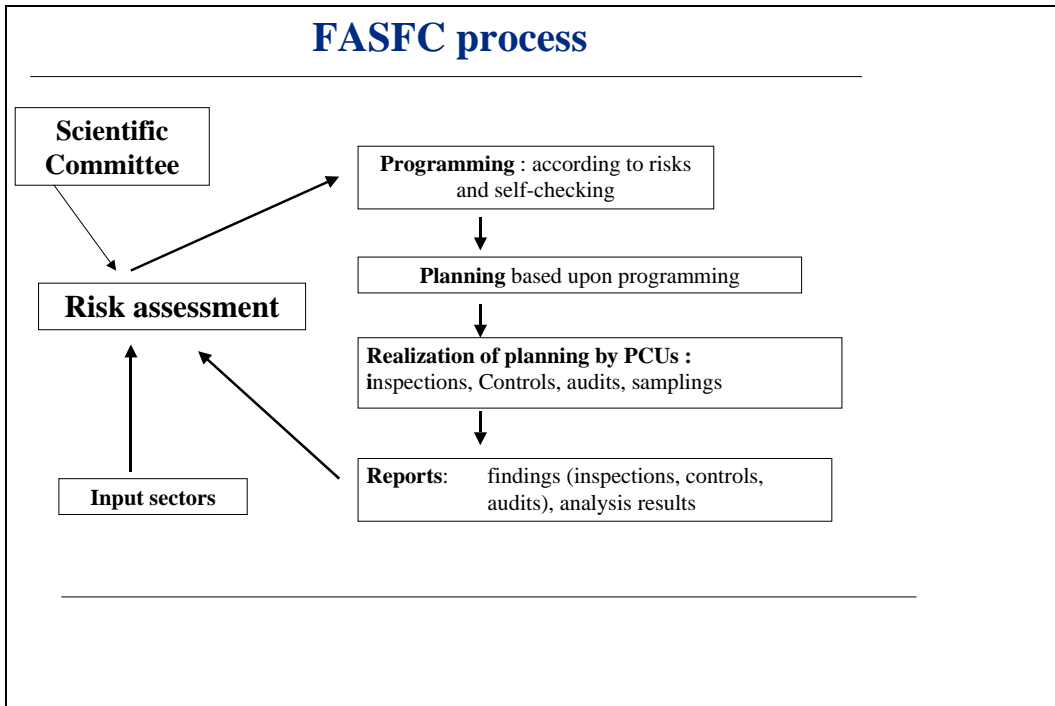
It is clear that when defining control plans, the FASFC takes into account the existence of reliable and validated self-checking systems. As it is, businesses having a validated self-checking system involve fewer risks than business without such a system. The priority of the FASFC will remain to intensify actions with regard to businesses that present more risks.

4.3. Control programme

The requirement to establish a control programme was laid down in Regulation (EC) No [882/2004](#) of the European Parliament and the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules. The official controls performed by the Member States must allow them to verify the compliance with national and Community feed and food law. To attain this goal, regular controls are performed, generally without prior notice and at any stage of the production, processing or distribution of feed or food. When planning these controls, account is taken of the risks identified, the experience and knowledge acquired on the occasion of previous controls, the reliability of the controls performed beforehand by the operators of the sectors concerned and the suspicion of possible non compliances.

The official controls performed by the FASFC are based upon a number of choices. Risk assessment is an essential factor when establishing a sampling programme, as it, particularly, takes account of the seriousness of the harmful effects of hazards (heavy metals, pesticide residues, Salmonella, ...) and of the findings made in the years before. In this context, the existence of a validated self-checking system, the results of previous inspections and the penalties inflicted on operators are a few of the risk defining elements for programming inspections. The legal provisions and the recommendations of some international institutions

and of the distinct committees (such as the Scientific Committee) are also criterions that may be considered when programming samplings and inspections.



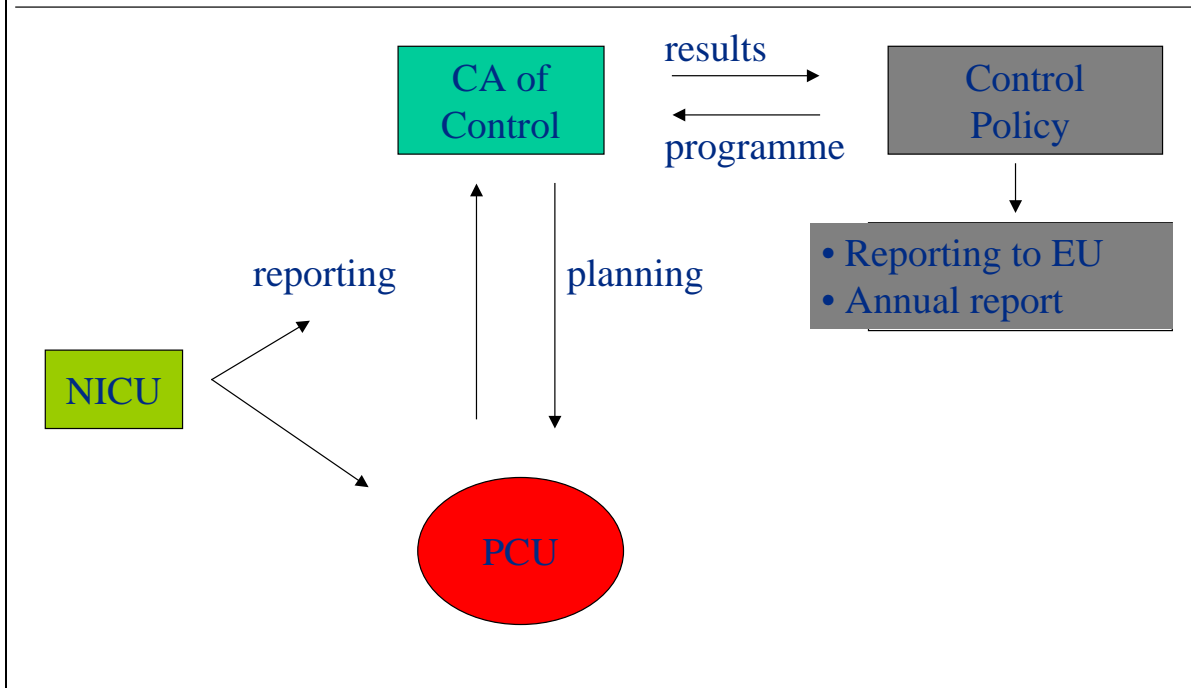
The graph above outlines the working of the FASFC.

As may be seen, this annual pre-defined process may be changed according to two major determining factors : 1° the compulsory programming imposed to each Member State by the European Authority and, 2° the use of the database on controls. The information gathered in connection with self-checking, the RAS, complaints, inspection reports and test results as well as risk assessment require daily, or even immediate, adjustments with a view to maximum risk management – in this respect, the expertise of the Scientific Committee may prove to be indispensable.

The PCUs are responsible for implementing the plans that have been drawn up on the basis of the updated programming (including inspections, samplings,...). The PCUs report the information with a view to risk assessment.

This shows that the working process is far from being static. In fact, it is constantly changing and the action that must be undertaken require a great effectiveness and ability to react from all staff members involved.

Information flows



4.4. Performing controls

4.4.1. *Planned controls*

Concretely, the planned controls are mentioned in the control programme. They include inspections (e.g on the identification of animals, of records, hygiene conditions) and tests (bacteriological tests, residue analyses, ...) that are mentioned in the sampling programme. For 2006, the sampling programme contained 2.604.360 tests.

The nature and the number of the tests referred to in the control programme take account of Belgian and European law, standards established by the FASFC in accordance with a risk based methodology and findings made in the distinct stages of the food chain (slaughtering, import, ...)

The methodology applied with respect to the control programme of the Agency is described in the annexed paper on « Food safety surveillance by a risk based control programming :approach applied by the Belgian federal agency for the safety of the food chain (FASFC). »

4.4.2. *Non planned controls*

In addition to the controls that have been planned, the Agency also performs controls “off plan” including e.g. controls that are conducted following a positive or dubious test result, an inquiry or an intervention at the border inspection posts.

4.4.3. Charter of the control officer

The Food Agency adopted a code of conduct for inspectors and control officers. This charter defines the rights and duties of the people concerned. Basic principles are mutual respect, equity, professionalism, integrity. The control officer introduces himself and explains what checks will be performed and why. If necessary, control activities may be postponed because of exceptional personal circumstances. Equal treatment of all those who are subject to checks, and discretion with regard to the facts and information related to the checks, are important aspects as well. Finally, all precautions should be taken to avoid the introduction during control operations of harmful factors which may cause damage to the business where checks are carried out. *The charter is available on the websites www.favv.be (Dutch version) and www.afsca.be (French version).*

5. VALUES OF THE FOOD AGENCY

The Agency cannot show real promptness of action in the absence of an organisation culture that is characterised by the adherence to certain fundamental values, such as professionalism, integrity, openness, transparency, versatility and participation. All these values are passed on day by day by all department heads. Besides, there is an internal communication service that focuses on the correct transmission of this new culture to all those concerned. From time to time, the will to achieve this goal is made very clear by means of direct contacts between management and staff, e.g. during the so-called *road shows* of the Chief Executive and the directors general, integration days, activities for staff members and their families, and so on.

6. CONCLUSION

Although the Food Agency is still a young organisation, it is completely operational within Belgian public health structures.

By choosing immediately for a proactive and consumer and public health oriented approach and by giving an immediate and full description of the tasks and responsibilities of all those involved, the Agency compels recognition as an official control and inspection structure, but also as a link between science, politics, consumers and business sectors as far as food safety and the protection of human, animal and plant health are concerned.

This shows that the Agency, without turning up its nose at the efforts made in the past, has decidedly opted for a new approach based upon risk management and upon the principles laid down in the European Regulation 178/2002.

7. CONTACT

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