

## The ASEAN Food Safety Regulatory Framework (AFSRF)

### 1. Introduction

The ASEAN Leaders' at the 27<sup>th</sup> ASEAN Summit on 21<sup>st</sup> November 2015 in Kuala Lumpur, Malaysia, stated that *"We were committed to intensify our economic cooperation to create a deeply integrated and highly cohesive regional economy as well as a competitive, innovative and dynamic community that sustains high economic growth and robust productivity while enhancing connectivity and sectoral cooperation. We were determined to achieve a more resilient and inclusive community that engenders equitable development and inclusive growth as well as a global ASEAN that fosters a more systematic and coherent approach in our external economic relations"*.

The ASEAN Economic Community (AEC) Blueprint 2016-2025 adopted the objectives of developing a highly integrated and cohesive economy. It envisions the development of the Food and Agriculture sectors to be competitive, inclusive, resilient and fully integrated with the global economy with the goal of ensuring food security, food safety and better nutrition. The Blueprint further calls for the strengthening of the implementation of ASEAN Trade in Goods Agreement (ATIGA) in order to minimise trade protection and compliance costs in dealing with non-tariff measures.

The ASEAN Socio-Cultural Community (ASCC) Blueprint for 2016-2025 includes, as its Strategic Measures, the adoption of measures to increase resilience to better respond to health related hazards by strengthening health systems, promote regional standards to strengthen regional institutional and human capacities, and support effective implementation of strategies and programmes in responding to health related hazards in ASEAN Member States.

The ASEAN Food Safety Policy was adopted in 2015 by the Ministerial Bodies responsible for health, trade and agriculture with the objective of providing basis for ASEAN Member States to facilitate the free flow of food and enhance protection of consumers' health within ASEAN and ensuring the safety of food<sup>1</sup>. As ASEAN establishes an integrated market for food, the ASEAN Food Safety Policy provides the basis for coordination and establishes a common purpose across the relevant ASEAN Sectoral Ministerial Bodies and their subsidiary bodies. The agreed principles of the ASEAN Food Safety Policy serve as guidance and facilitate the development of a sustainable and robust food safety regulatory framework within the region.

The ASEAN Food Safety Regulatory Framework (AFSRF) provides for a coherent an integrated approach and links the initiatives in new legal framework, closing gaps and ensuring that food safety is implemented across the food chain. The AFSRF shall build upon the existing commitments in order to provide a structure and the instruments to realise the free flow of safe food in the region.

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<sup>1</sup> Food in this context includes feed for food producing animals in cases where it could impact food safety

## **2. Objectives of the ASEAN Food Safety Regulatory Framework**

The AFSRF is intended to:

1. Ensure the protection of consumer's health;
2. Facilitate the free flow of safe food within ASEAN by:
  - (i) Enhancing the harmonisation of sanitary and phytosanitary measures and standards for food;
  - (ii) Minimising technical barriers to *intra*-ASEAN trade in food; and
  - (iii) Reducing discrepancies of national food control systems among individual ASEAN Member States.

## **3. Scope of the of the ASEAN Food Safety Regulatory Framework (AFSRF)**

The AFSRF will encompass principles, requirements, processes and a coordinating mechanism for implementation of the ASEAN Food Safety Policy. The AFSRF shall address food safety assurance and control from primary production to consumption.

Matters concerning food quality, organic food, animal welfare, sustainability, food security, environmental protection, climate change, *inter alia*, which do not cause food to be injurious to health or unfit for human consumption, fall outside of the scope of the AFSRF.

## **4. Integrated approach**

A comprehensive and integrated overall approach to food safety is defined in the “*ASEAN Food Safety Regulatory Framework (AFSRF)*”, and shall provide the legal basis for achieving the objectives. The AFSRF shall provide the integrated and horizontal approach necessary for ASEAN Member States to implement coherent food safety control systems. The integrated approach will ensure that all relevant ASEAN subsidiary bodies across the Economic, Health and Agriculture sectors are engaged effectively.

## **5. Principles**

The AFSRF shall operationalise the 10 principles of ASEAN Food Safety Policy and define responsibilities of relevant ASEAN subsidiary bodies and authorities in Member States, including principles relating to the need for scientific basis for food safety, institutional arrangements and procedures required for assuring food safety.

## **6. Outline of the instruments within the Food Safety Regulatory Framework**

All instruments adopted within the scope of the Food Safety Regulatory Framework shall be based on the provisions outlined in the table below. This systematic approach, independently of the type of instrument, is intended to ensure consistency and homogeneity of approach, facilitate the achievement of the objectives of the Food Safety Regulatory Framework, align regulatory initiatives with the principles of the ASEAN Food

Safety Policy, and strengthen the institutional landscape and coordination among relevant ASEAN subsidiary bodies.

The specific requirements for the numerous and diverse aspects of food safety shall be defined in dedicated Protocols appended to the AFSRF. The Protocols shall include the existing initiatives on food safety and shall be developed and adopted as necessary.

No.	Provision	Content
1	Introduction	Refer to section 1 above
2	Objectives	Refer to section 2 above
3	Scope	Refer to section3 above
4	Principles	Refer to Section 5 above.
5	Definitions	"Definition for food, food safety and related terminology based on standards harmonised in ASEAN and international standards"
6	General provisions	Statements on the rights and obligations of Member States with respect to the provisions of the Framework Agreement, the implementation of the protocols and harmonised ASEAN standards and guidelines
7	Recognition of results of inspections, certifications and SPS measures	Specific general obligations on recognition of results to facilitate intra ASEAN trade of food
8	Institutional arrangements	Provisions for the governance of the ASEAN Food Safety Regulatory Framework through the establishment of the <i>ASEAN Food Safety Coordinating Committee</i>
9	ASEAN bodies for food safety	Identify ASEAN Bodies and their role in the AFSRF and define the links of the Bodies with the <i>ASEAN Food Safety Coordinating Committee</i> .
10	Domestic legislation and competent authorities in Member States	Definition of the obligations for the Member States to ensure consistent with the AFSRF
11	Protocols to the ASEAN Food Safety Regulatory Framework	Provisions for the development of protocols, including incorporation existing commitments and ongoing initiatives. The protocols are developed by the relevant subsidiary bodies under the coordination of ASEAN Food Safety Coordinating Committee. The Protocols are to be an integral part of the AFSRF
12	International affairs	Definition of the relationship to international agreements and managing ASEAN engagement in international bodies
13	Transparency	Obligations to ensure transparency of domestic legislation for food safety
14	Implementation	Definition of the process for implementation of the AFSRF. Definition of the Process for the development and implementation of the Protocols
15	Disputes settlement	Reference to ASEAN EDSM
16	Final provisions	Provisions for the coming into force of the AFSRF and the protocols and for amendments to the framework.

## 7. Arrangements for development of the AFSRF

The subsidiary bodies under AEM, AMAF and AHMM will undertake the development of the instruments for implementation of the AFSRF. The Prepared Foodstuffs Working Group under the direction of the AEM will coordinate the development of implementation instrument of AFSRF jointly with other relevant Sectoral Bodies under AMAF and AHMM through establishment of a Task force.

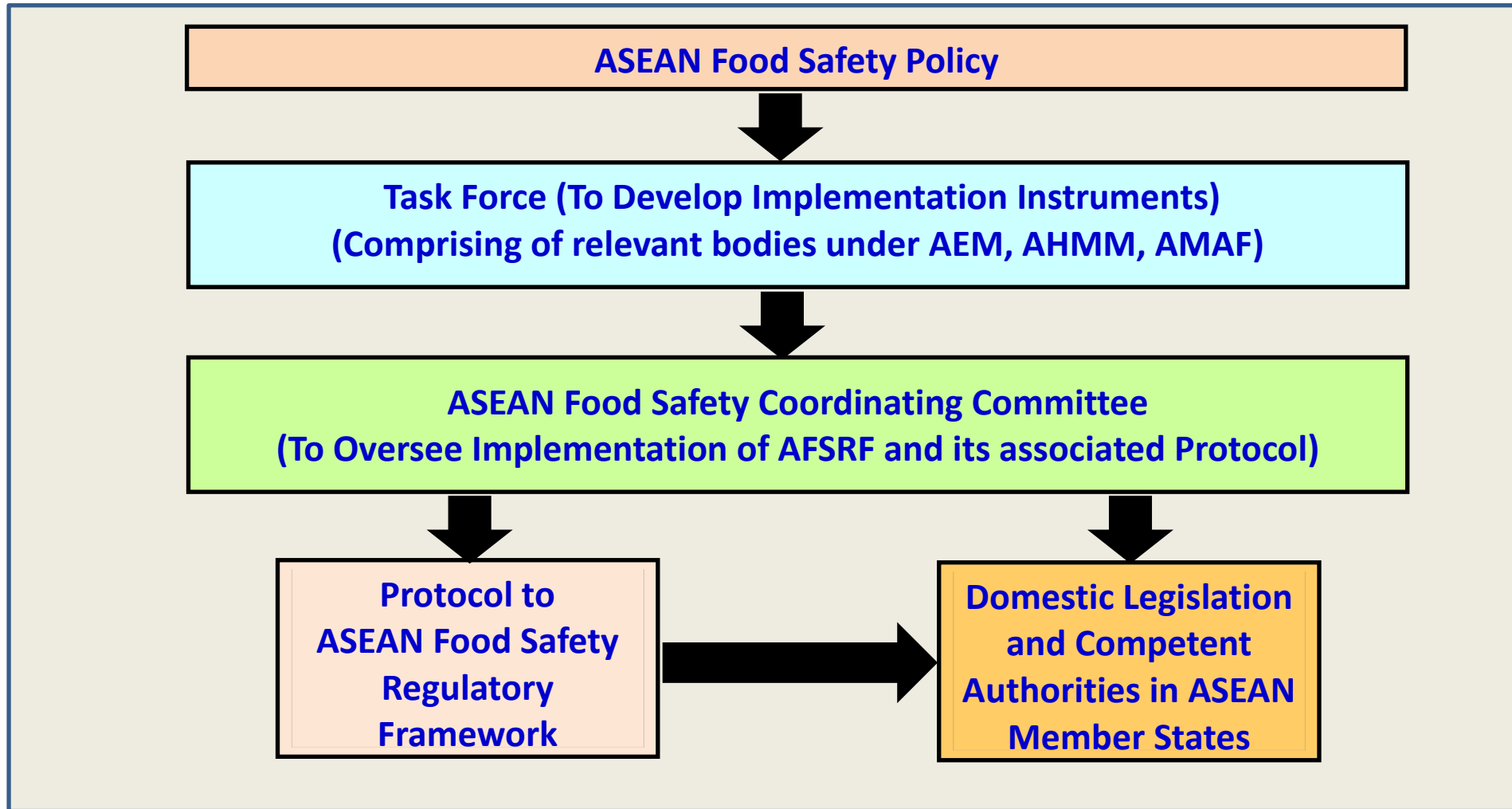
The “*ASEAN Food Safety Coordinating Committee*” will be established to oversee the implementation of AFSRF and its associated Protocols. The Coordinating Committee will commence its operations upon the finalisation of the instruments for implementation of the AFSRF by the PFPWG Task Force. The Task Force will be disbanded upon the completion of its tasks.

The *ASEAN Food Safety Coordinating Committee* shall undertake the following:

- i. Planning and overseeing the implementation of the AFSRF and its Protocol;
- ii. Liaising with the relevant Subsidiary ASEAN Bodies under AEM, AMAF and AHMM for the development of protocols to the AFSRF;
- iii. Periodic reporting of progress on the implementation of the AFSRF.

The planned schedule for progressing towards the development of the required implementation instruments forms **Annex 1**.

**Chart 1: Conceptual Representation for the Implementation of the ASEAN Food Safety Regulatory Framework**



## Annex 1

## Proposed Schedule for the development of the ASEAN Food Safety Regulatory Framework

## Schedule

Action	Output	Target Date	Responsibility
Circulation of the final Draft AFSRF for review and endorsement incorporating comments and development schedule.	Revised AFSRF circulated to ACCSQ, PFPWG, AEGFS and Agriculture WGs	18 June, 2016	ASEC
PFPWG, AEGFS and Agriculture WGs will submit their endorsement to 3 <sup>rd</sup> draft of the Framework	Endorsement by PFPWG, AEGFS and Agriculture WGs	23 June 2016	PFPWG, AEGFS and Agriculture WGs ASEC
Final version of the AFSRF submitted to SEOM or endorsement (copy to ACCSQ for information)	Final Version of the AFSRF	24 June, 2016	ARISE/ASEC
Endorsement of the AFSRF.	Endorsement of AFSRF by SEOM 3/47	28-29 June, 2016	ASEC
Final version of the AFSRF submitted and endorsed by SOM AMAF and SOM HD	Endorsement of AFSRF by SOM AMAF and SOM HD (ad-ref)	15 July 2016	ASEC
Final Version of the AFSRF submitted and endorsed by AEM, AMAF and AHM incorporating proposal for PFPWG Task Force for the development of the Implementation Instrument for AFSRF	Endorsement by AEM, AMAF and AHM AFSRF Task Force endorsed	15 August 2016	ASEC
PFPWG to consolidate for the establishment of Task Force on development of instrument for AFSRF	PFPWG	Nov 2016	PFPWG
Task Force commences the development of the implementing instrument for AFSRF	AFSRF Task Force established and commences work.	Q1 2017	PFPWG