

Food Safety Regulation in Georgia:
Assessment of the Government's Reform
Efforts in 2013
(Report Summary)

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Overview

This report has been prepared as a result of interviews with stakeholders – government representatives, specialists, consumers, entrepreneurs, and civil society organizations. This allowed researchers to cover a wide spectrum of serious problems and to collate as much as possible the positions of representatives of various sectors. The report reviews and evaluates the activity of the Georgian government with regard to the state regulation of food safety in 2013, including the implementation of the Comprehensive Strategy and Legislative Approximation Program in Food Safety. The report also offers recommendations designed to tackle detected problems.

In 2013, Georgia continued its approximation with EU standards. In particular, the year 2013 saw the drafting of amendments to the new Code of Food/Feed Safety, Veterinary and Plant Protection, which is expected to significantly contribute to the preparations for free trade with the EU. The National Food Agency (NFA) enhanced market control. The scales of monitoring and inspection broadened. The animal registration program was enacted for the first time ever in Georgia and a state-funded campaign of vaccination against anthrax and murrain was conducted. The new government identified vocational education and training as priorities in 2013.

Resources allocated to the NFA in 2014 increased: there was a planned enhancement of the powers of the NFA's regional services, which will help strengthen state control and increase efficiency in the regions in future. It is noteworthy that the EU provides significant support to the reformation of the sphere of food safety control.

Despite a certain progress, problems remain unsolved in a number of areas.

It must be noted that last year the authors of this report also prepared a report concerning the state regulation of food safety in 2012.¹ This year's report does not discuss the same problems in detail but is more focused on other issues.

Among the problems observed in 2013 the following shall be noted:

- The Comprehensive Strategy and Legislative Approximation Program in Food Safety has not been implemented. The progress of the program lags far behind the plan.
- Activity needs to be continued to ensure the transparency of the results of food safety control and to encourage a higher degree of social involvement in the reform process.
- Risk assessment in food safety, which must be a basis for state control in this area, has not yet been implemented at a proper level.

¹ Ketevan Dadiani, Rezo Kobakhidze, *Food Safety Regulation in Georgia: Assessment of the Government Reform Efforts in 2012*, Tbilisi, 2013.

- State control of food safety still falls short of desirable levels.
- As the government entities have stepped up their activities to ensure food safety, they appear to compete with private consulting and conformity assessment entities (testing laboratories, goods and services certification bodies, auditing firms, private inspection bodies), which jeopardizes the interests of the private sector operating in this sphere.
- Even though instances food safety requirement breaches are frequent, controlling bodies lack efficient sanction mechanisms. On the one hand, in 2013, the legislation did not envisage sanctions on a number of serious violations. On the other hand, the efficiency of the existing penalizing mechanisms is questionable because the sanctions envisage neither a scale of violation nor the financial capacities of the violator.
- The cooperation between the National Center for Disease Control and Public Health and the National Food Agency needs further improvement.
- Needs for and possibilities of education and the technical assistance of entrepreneurs have not been identified and developed.

Given the above, one may conclude that the establishment of an effective system of food safety in Georgia, that will gain a high level of trust among larger society and stakeholders and will lead to notable improvement in the food safety in the country is still a long way off. We hope that if the transparency of the above-mentioned reforms is ensured (attempts at which are apparent), the priorities are correctly identified and bold reforms implemented, the activity of the Georgian government in the food safety sphere will become more effective.

Brief description of research methodology

The research involved the following activities:

1. In-depth interviews with 14 respondents (in Tbilisi) from the following target groups:

- Government representatives
- Civil society organizations
- Entrepreneurs

2. Focus groups:

- Two groups (one each in Tbilisi and in Gori) of entrepreneurs who have been inspected (eight persons in each city)
- Two groups (one each in Tbilisi and in Gori) of consumers who have faced problems with food consumption (eight persons in each city)
- One (control) group (in Tbilisi) of ordinary consumers (eight persons)

3. Internet interviews with the following target groups:

- Businessmen (15 persons)
- Consumers (50 persons)

4. The research and analysis of written documents: public information was sought from various entities.

Conclusions and Recommendations:

Comprehensive Strategy and Legislative Approximation Program in Food Safety

Conclusions

- The Comprehensive Strategy and Legislative Approximation Program in Food Safety is not yet implemented. This means that the normative framework for the regulation of food safety saw virtually no improvement in 2013. Measures envisaged by the program were not fulfilled, not only for 2013, but for 2012 as well. Moreover, the Ministry of Agriculture drafted a revised program rescheduling the timetable for the implementation of measures which were unfulfilled in 2012 and 2013 to cover the period from 2014 to 2020. Such postponement, however, is not sufficiently justified by the terms of implementation². Moreover, the terms set by the Ministry of Labor, Health and Social Affairs for the revision of the already adopted technical regulations are unrealistic.
- When amending legislative acts in the area of food safety, the process of implementation of existing acts is not evaluated in a deep, comprehensive and systemic way and the results of the evaluation are not considered in drafting a new legislation.

Recommendations

- The Comprehensive Strategy and Legislative Approximation Program in Food Safety must define a reasonable timetable for the fulfillment of those activities which were not implemented in 2012 and 2013. The length of the five month term set for the revision of sanitary rules and norms that were approved as technical regulations at the end of 2013 must be increased. Concrete terms for their adoption must be set in consultation with experts of relevant fields. In order to avoid future failure to fulfill obligations assumed under the strategy, a strict monitoring of the compliance with the timetable for the implementation of these activities must be established.
- To ensure the timely and efficient implementation of the process of approximation of the Georgian legislation with the EU legislative acts, the state bodies must include in their future budgets the necessary expenses needed to engage, and motivate to engage, invited Georgian experts into working groups.

² The renewed program was approved in May 2014, during preparation of our report.

- Taking into account the experience of Western states, the Georgian government must establish a consistent system of evaluating the efficiency of legislation. Within this system a professional evaluation of the efficiency of existing legislation must be regularly carried out. Evaluation reports must be public and serve as a basis for future legislative changes.

Transparency and Public Involvement in the Reform Process

Conclusions

- The National Food Agency stepped up its cooperation with various stakeholders and, compared to 2012, made its activity more transparent. This improvement, however, mainly affected scientists, specialists, representatives of the non-governmental sector (including consumer rights organizations), independent experts, and entrepreneurs' associations. As for wider society, a number of problems in terms of transparency still remain. In particular, society lacks operative and comprehensive information about those concrete business operators and products in which violations were detected; as well as information on the reaction of the National Food Agency or the Revenue Service to detected violations or inconsistencies.
- Draft amendments to the program on the approximation of legislation have not been publicly discussed; nor were they discussed by specialists, the civil sector and other stakeholders, before the adoption of that draft.

Recommendations

- In order to boost trust towards the system of the state regulation of food safety and to improve the transparency of the regulation, the National Food Agency and the Revenue service must make information about detected violations public and regularly communicate such information to society. Society must have systematic access to the information compiled within the framework of the Rapid Alert System for Food and Feed (RASFF) regarding exported and imported goods, including the information regarding the reaction of the National Food Agency or the Revenue Service to concrete instances.
- The involvement of society, stakeholders in the process of drafting all normative acts must be ensured.

System of Control

Conclusions

- The risk assessment system did not see improvement in 2013. It remains weak and superficial. Health related risks are not properly taken into account. The legislation does not oblige relevant state agencies to obtain competent scientific conclusions for assessing risk in the food safety sphere; to develop risk assessment methodology, and; to search and

analyze scientific and technical data. Without these obligations a comprehensive risk assessment seems impossible.

- In 2013, although the scale of the state control of food safety performed by the National Food Agency was larger (in terms of monitoring, sampling, and inspecting) they still remain quite limited. At the moment, there are approximately 50,000 registered food business operators. In 2013, planned inspections were carried out at approximately 1.4 percent of enterprises which are registered as food business operators, whereas unplanned inspection was conducted in approximately 0.46 percent of such enterprises. If we also take into account that the tens of thousands of household farming entities and/or small farms which are represented on the consumer market are not registered as food business operators, the scales of conducted inspection remain small.
- The distribution of inspected business operators which fell under the state control was disproportionate between the Western and Eastern Georgia.
- Cooperation between the National Center for Disease Control and Public Health and the National Food Agency regarding food borne diseases is not perfect; it needs to be elaborated and the mechanisms of coordination need to be improved.
- In addition to its powers of state control, administrative effect, prohibition and restriction, the paid services rendered by the National Food Agency clearly functions under a conflict of interest and impedes the development of private consulting and conformity assessment accredited bodies (testing laboratories, products and services certification bodies, auditing firms, private inspection bodies).
- The amounts of fines envisaged for the breach of food safety requirements do not take into account the scale of violation or the financial capacities of the violator; this, in turn, strongly questions their efficiency.

Recommendations

- To accelerate the steps which will ensure compliance of the main aspects of food safety - including risk assessment, food safety legislation, the establishment of control systems, management or security standards and other important elements - with international requirements.
- To undertake a deep analysis of possible ways of enhancing scales of control and to revise approaches selected by the state in this regard.
- To revise the existing cooperation between the National Center for Disease Control and Public Health and the National Food Agency and eliminate shortcomings.
- To ensure the full access of the National Food Agency to the Electronic Integrated Disease Surveillance System (EIDSS), i.e. to enable it to not only use the information from it but to enter information as well.

- In parallel with the development of the food safety regulatory system, the state must work out such approaches which will support the development of private consulting and conformity assessment accredited bodies (testing laboratories, products and services certification bodies, auditing firms, private inspection bodies) instead of competing with them.
- To revise the mechanism of sanctions envisaged for violations of food safety requirements. Fine amounts must be set in accordance with the scale of violation and the financial capacities of the violator in order to ensure higher efficiency of sanctions.

Protection of Entrepreneurs' Interests in Conducting Food Safety Control

Conclusions

- Critical problems faced by food business operators have not been studied by separate fields within the industry; support and feedback mechanisms have not been developed; the needs and capacities for the education and technical assistance of entrepreneurs have not been identified according to developed and problematic fields of the industry.
- The access of entrepreneurs to accredited food safety and quality testing laboratories is limited, thereby posing technical and financial difficulties to entrepreneurs.

Recommendations

- The government of Georgia must study the critical problems faced by food business operators in separate fields of the industry. Proceeding from their needs, it must establish education, technical assistance and feedback mechanisms. Special emphasis in this regard must be placed on the regions.