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BRCGS Certification – Delivering Improved Regulatory Compliance

BRCGS

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Food safety is essential at all levels of the manufacturing supply chain



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1 Acknowledgements

The findings of this report draw on data provided by the Nederlandse Voedsel-en Warenautoriteit¹ (NVWA - The Netherlands Food and Consumer Product Safety Authority) as part of its annual evaluation of the collaboration with BRCGS. The data covers the monitoring results of audits of Food Businesses (FBOs) for the 2015-2021 period. BRCGS is grateful to NVWA for permission to access the data and to publish the subsequent findings.

2 Foreword by NVWA

Legislation states that Food Business Operators (FBOs) are responsible for providing safe products. In order to produce, process and distribute safe foodstuffs, companies usually require assurances from their suppliers in the form of certificates based on private standards and independent assessments. The NVWA wants to encourage this form of self-regulation.

We do this, among other things, by collaborating with providers of private certification and control systems that, like the NVWA, monitor compliance with (parts of) legislation. It is important to realise that private control systems cannot replace NVWA supervision, but they can support it. The NVWA wants to enter into a sustainable partnership with these providers in order to work together to promote FBO compliance to legislative requirements, by making agreements about sharing information and coordinating each other's activities. The NVWA sees the collaboration

as a continuous process of improvement, in consultation with the certification program owner. The aim is to place responsibility where it belongs, to strengthen mutual trust, to organize efficient information exchange, and to realise a more effective deployment of resources based on risk analyses. Ultimately, all parties involved (government, business and consumers) will benefit from this. Since 2016, we have been successfully collaborating with several GFSI recognised Certification Programme Owners (CPOs) active in the food sector. Without altering the division of responsibilities, this public-private partnership has led to better outcomes in safeguarding the general public interest of safe foodstuffs. Both nationally and internationally, public-private partnerships are becoming increasingly important in our changing society. The NVWA would like to contribute to this and sees GFSI recognised CPOs as reliable partners for jointly safeguarding food safety now and in the future.



Partnering with CPOs has led to better outcomes in safeguarding the general public interest of safe foodstuffs (NVWA)



3 Introduction

Food safety is essential at all levels of the manufacturing supply chain, which has been a driving factor in the adoption of third-party certification programmes such as ISO 22000² and GFSI benchmarked certification programmes³, such as BRCGS.

The Nederlandse Voedsel- en Warenautoriteit (The Netherlands Food and Consumer Product Safety Authority, NVWA) is the competent authority responsible for the supervision and enforcement of food safety regulations. As part of its inspection regime, the Regulator has monitored the results of the audits of Food Business Operators (FBOs) for the 2015-2021 period. This information records compliance performance against the food-associated regulations and whether the business is certified to a recognised food safety management system. This report explores the interplay between regulations and certification, and whether third-party certification results in improved compliance, and therefore a means to ensure that food manufactured into the market in the Netherlands is safe for consumers.

BRCGS certification programmes are increasingly considered as a benchmark for best food safety practices⁴. A majority of Brands, Retailers and Quick Service Restaurants are now requiring BRCGS certification from manufacturers of branded food products⁵. BRCGS certification helps to promote consistency across the supply chain for food manufacturers, wholesalers, and distributors.

4 About BRCGS

BRCGS is the operator of the world's most rigorous third-party quality and safety certification schemes that help build confidence in the supply chain. Its Global Standards for Food Safety, Packaging and Packaging Materials, Storage and Distribution, Consumer Products, Agents and Brokers, Retail, Gluten Free, Plant-Based and Ethical Trading set the benchmark for good manufacturing practice, and help provide assurance to brands and consumers that products are safe, legal and of high quality.

5 About NVWA

NVWA monitors animal and plant health, animal welfare, and the safety of food and consumer products, as well as enforcing nature legislation in the Netherlands. It is an independent agency in the Ministry of Agriculture, Nature and Food Quality⁶ and a delivery agency for the Ministry of Health, Welfare and Sport⁷.

It is the competent authority responsible for the supervision and enforcement of regulations. It supervises businesses operating within the food supply chain and monitors their compliance with the legal requirements for safe food. This supervision covers the entire food supply chain, focusing on both plant-based and animal-based food production.

While there are approximately 250,000 businesses⁸ operating within the food supply chain, the data used for this analysis relates only the supervision of industrial production locations of food and food storage locations, which represent approximately 14,000 locations.

6 Regulation and standards

In general, approaches to ensuring food is safe for consumers include:

- regulations, requiring suppliers to meet specific conditions or to follow specific practices and
- standards or codes of practice, which are voluntary and set out best practices in aspects of food processing and distribution.

In some markets, certification programmes⁹ can provide earned recognition where regulatory bodies factor in certification as part of their inspection programmes. But where public health issues are important, as in food processing and distribution, regulations are common. Standards demonstrate due diligence and a method of meeting regulations, for example by setting out the processes needed to supply safe food where the conditions for achieving that purpose are specified in a regulation.



7 Food standards and regulations in the Netherlands

Food safety rules in the Netherlands are set in National and EU legislation. The latter is embodied in the General Food Law¹⁰. The relevant EU Regulations are (EC) 852/2014¹¹, (EC) 853/2004¹² and (EC) No 2073/2005¹³ which relate to Food Hygiene and micro-biological criteria and cover all stages of the production, processing, distribution and placing on the market of food intended for human consumption. The underlying principle is that food companies are responsible for complying with regulations and supplying safe, edible foods. If they discover some form of contamination or hazard in foods that they have placed in the supply chain they must immediately withdraw the products and inform customers, consumers and the relevant authorities of the affected foods.

The types of hazard that underly the legal basis for encouraging safety in food, in Europe and elsewhere are:

- Chemical
- Micro-biological
- Physical

The regulations are designed to prevent these hazards entering the food supply chain and to ensure the rapid withdrawal of affected foods. Between 2015-2021, there were a total of 496 safety alerts of food products entering the Dutch market¹⁴, of which 457 were identified as serious.

The relevant EU regulation requires FBOs to set up food safety processes based on HACCP principles as set out in the Codex Alimentarius¹⁵.

Standards for food processing, handling, packaging and labelling are based on HACCP. They offer more detailed, practical guidance, supported by regular audits, on how to ensure that the organisation and management of all processes in the supply chain prevent contamination or untoward risks from any of these hazards.

7.1 Regulation

Supervision and enforcement for most foods are the responsibility of the NVWA.

7.2 Monitoring

The NVWA undertakes systematic monitoring of FBOs food safety processes, through programmes of testing and audits of the safety of FBOs processes¹⁶.

Testing - Samples of food products from domestic sources and imports are tested for Chemical and Biological contamination and for the presence of physical hazards.

Audits - Samples of Food Business Operators (FBOs) are audited against the requirements of the legislation. Remedial action is required from those who do not meet the criteria.

7.3 Standards

In a previous report published in 2018¹⁷, NVWA emphasised that compliance with the legislation can be materially supported by certification to a third-party standard. It was noted that compliance with third party standards usually involves annual audits, compared with less frequent risk-based inspections that the regulator may undertake. As a result, the NVWA perceives that standards and regulation can be complementary in promoting food safety.



8 Standards and food safety indicators

The findings of this paper draw from a selective analysis of data from the results of audits of FBOs by the regulator against the requirements of National and EU laws, which records if the FBO is certified to one of the recognised Global Food Safety Initiative¹⁸ (GFSI) third-party certification programmes. GFSI, a part of the Consumer Goods Forum (CGF)¹⁹, brings together 39 retailers and manufacturers from across the CGF membership and an extended food safety community to oversee food safety standards for businesses.

The data covers a period between 2015 and 2021, and reports on an average of 3,300 inspections per year from a population of 14,000 industrial business-to-business and cold store FBOs. In general, these companies produce, import, process, store, distribute and transport vegetable, animal (including fish) and composite foodstuffs. 2,500 of these FBOs are industrial food producers, of which 600 are approved by the European Commission for exporting.

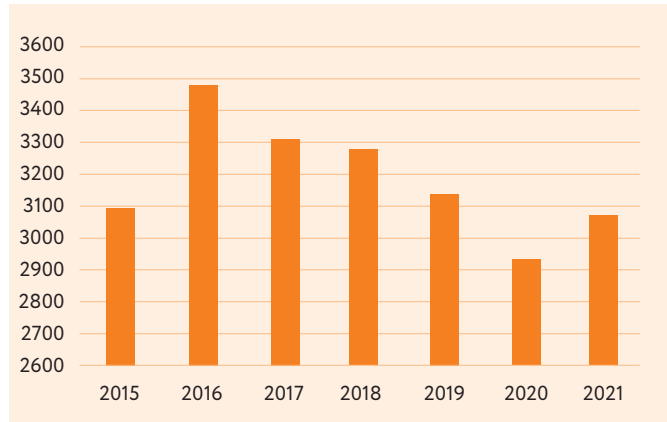


Figure 1: Number of industrial business-to-business and cold store FBOs inspected by NVWA per year 2015-2021.

Figure 2 shows the breakdown of industrial business-to-business and cold store FBOs that have been inspected between 2015-2021. It demonstrates that a total of 3,605 were certified to BRCGS, 7,277 certified to other GFSI programmes, and 15,004 not certified at all.

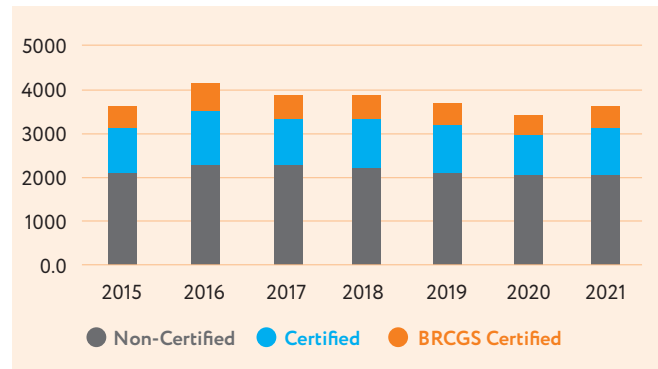


Figure 2: Breakdown of certification status of industrial business-to-business and cold store FBOs inspected per year 2015-2021.

8.1 The indicators

A set of indicators are derived which provide insight into the compliance of FBOs against food related regulations. Regulation (EC) 852/2004 and Regulation (EC) 853/2004 relate to hygiene of foodstuffs and food of animal origin. Regulation (EC) No 2073/2005 sets out the microbiological criteria for food. The regulations also cover packaging, by-products, storage and transportation.

The analysis uses NVWA monitoring data to summarise FBOs found to be in breach of these regulations to some degree, and therefore require remedial action and / or intervention. The report will identify differences in compliance levels between FBOs that are certified to a

recognised third-party GFSI management system, and FBOs that are not certified. Further analysis will be carried out to determine whether regulatory compliance and the levels of intervention differ between FBOs certified to BRCGS to those on other GFSI programmes.

For most indicators, the observations used are the percentages of FBOs that experienced an NVWA intervention.

8.2 FBOs with a form of intervention 2015-2021

Figure 3 sets out the percentage of industrial business-to-business and cold store FBOs found to be in breach of the food safety laws to some degree and therefore requiring remedial action.

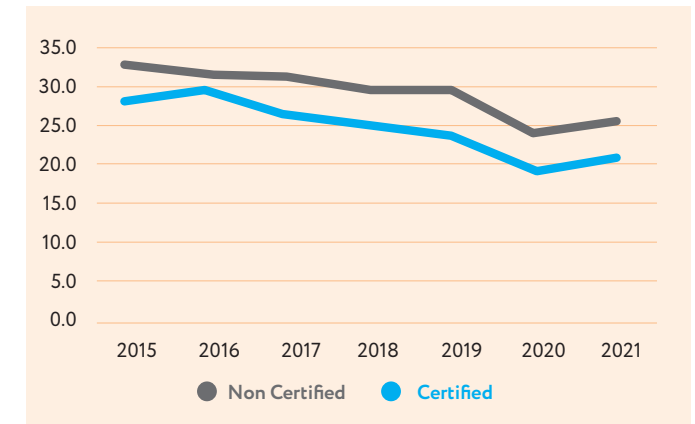


Figure 3: Percentage of certified and non-certified FBOs subject to a form of intervention.

On average across the period, 25% of all FBOs were subject to an intervention. This consisted of 28.5% of FBOs without certification, and 23.1% of FBOs with GFSI certification.

For each year of the period from 2015 to 2021, FBOs certified to a third-party standard were materially less likely to require an intervention than those that relied only on their own resources to meet the regulations.

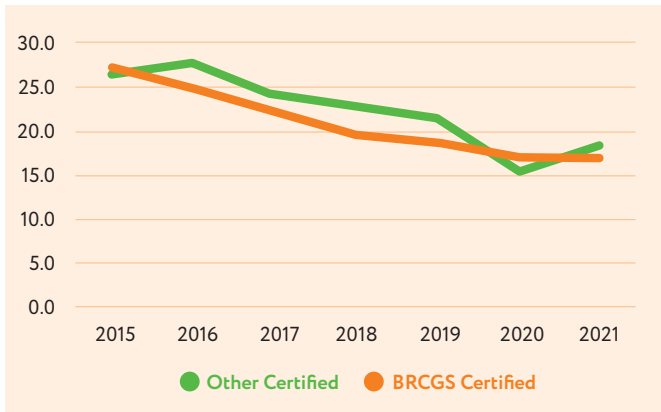


Figure 4: Percentage of FBOs with BRCGS certification compared to other certification programmes subject to a form of intervention.

Considering the data for certified FBOs only, in five of the seven years, those with BRCGS certification were less likely to trigger an intervention than those holding other certifications. Taking the period as a whole, 21% of BRCGS certified businesses experienced an incident compared to 22.4% on other certification programmes.

8.3 FBOs requiring a major intervention 2015-2021

An average of 7% of non-certified industrial business-to-business and cold store FBOs were subject to major interventions against all food-related regulations. This compares to an average of 5.8% for FBOs with a certified management system.

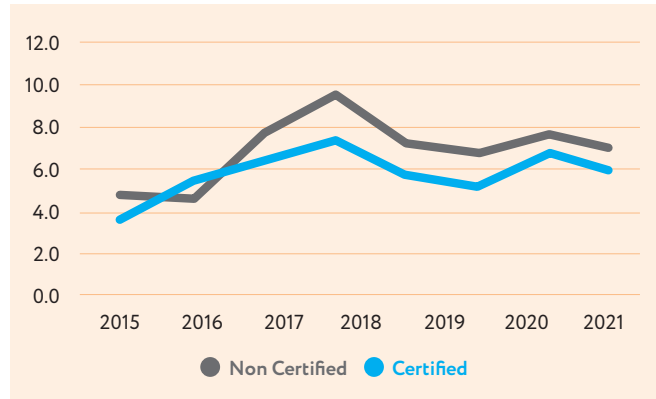


Figure 5: Percentage of certified and non-certified FBOs subject to a major intervention.

In each year of the period, while a similar share of certified businesses in general were subject to major interventions, BRCGS certified FBOs were less likely to trigger major interventions in five of the seven years. An average of 5.8% FBOs certified to other certification programmes were subject to a major intervention, compared to 5.0% of BRCGS certified organisations.

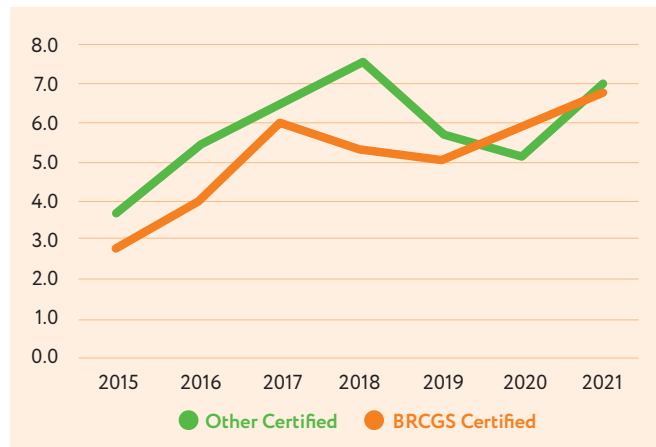


Figure 6: Percentage of FBOs with BRCGS certification compared to other certification programmes subject to a major intervention.

8.4 FBOs with an intervention on EC reg. 2073 (Micro-Biological Criteria)

For microbiological issues, a more serious health hazard, certification is associated with a substantially lower probability that an intervention will be required.

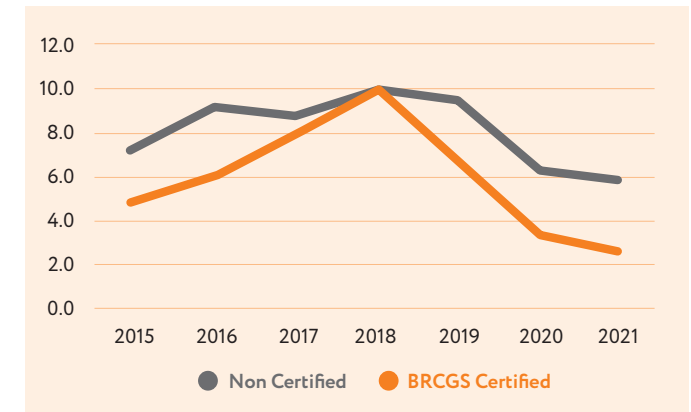


Figure 7: Percentage of certified and non-certified FBOs with an intervention on EC reg. 2073 (Micro-Biological Criteria)

Intervention was required for an average of 7.9% of industrial business-to-business and cold store FBOs. For certified businesses, this reduced to 5.8%.

Looking at certified FBOs only, interventions are lower for businesses with BRCGS certification, with an average of 4.7% fewer interventions than 5.8% for other certification programmes.

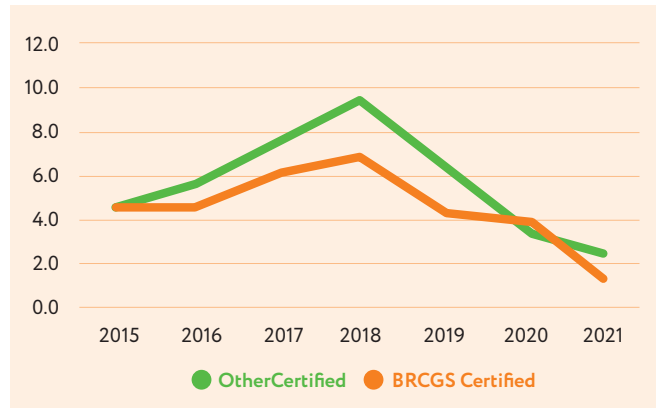


Figure 8: Percentage of FBOs with BRCGS certification compared to other certification programmes with an intervention on EC reg. 2073 (Micro-Biological Criteria).

8.5 FBOs with an intervention on EC reg. 852/853 (Food hygiene)
 For EC regulations 852/853, concerned with food of animal origin, certified industrial business-to-business and cold store FBOs were substantially less likely to face an intervention in each reported year.

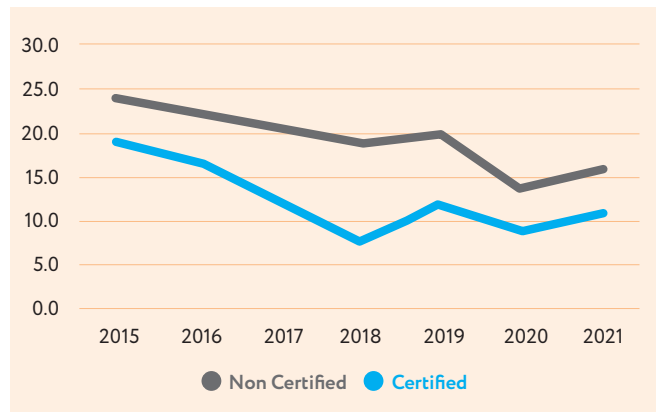


Figure 9: Percentage of certified and non-certified FBOs with an intervention on EC reg. 852/853 (Food hygiene).

19.2% of non-certified businesses were subject to a remedial intervention, compared to 12.6% of FBOs with certification.

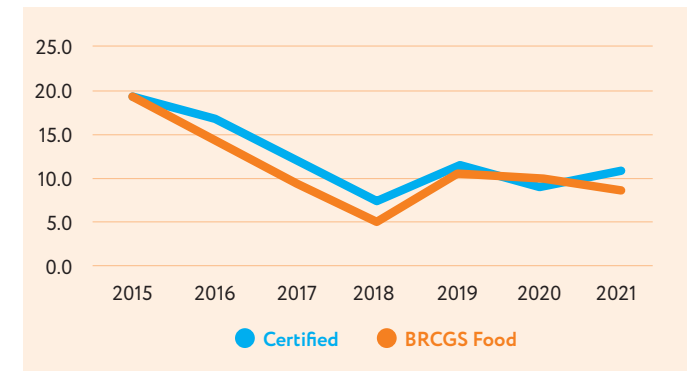


Figure 10: Percentage of FBOs with BRCGS certification compared to other certification programmes with an intervention on EC reg. 852/853 (Food hygiene).

BRCGS certified businesses were less likely to require an intervention in Five of the Seven years between 2015-2020. On average, 12.6% of businesses with other certification programmes required an intervention compared to 11.3% on BRCGS's programme.

9 Conclusions

Third-party food certification programmes and regulations are both based on HACCP, good manufacturing practice and quality management system principles and can act together in a complementary way to support the supply of healthy food to retailers and consumers.

Data from the NVWA's interventions under various aspects of the regulations indicates that FBOs with certifications to third party food safety standards are substantially less likely to experience an intervention than those without.

FBOs with BRCGS certification in place performed well and reported fewer non-compliances with the regulation than both non-certified organisations, as well as those operating on other certification programmes. The improved performance level of BRCGS certified FBOs may be attributed to a number of factors in the framework, management and operational delivery of the programme. The requirements of BRCGS's standards extend beyond those set by GFSI. They are rigorous and use prescriptive language which provide a clear framework for global application. BRCGS's compliance programme provides control over the operational delivery of its certification programmes to strive for consistent outcomes. This includes delivery partner performance management, management of auditor competence based on exams and training, analytics to benchmark performance, and a confidential reporting system to register issues.

The steady increase in the take up of certification schemes is based on their effectiveness in raising FBOs ability to provide safer and higher quality food to world markets. They also provide a valid basis for businesses to be rewarded with true 'earned recognition' in the form of lighter touch regulatory oversight.

The findings of this report mirror those found in an independent study carried out in 2021 by the University of Birkbeck, which demonstrated the widespread effects and reach on multiple aspects of their business operations and performance for FBOs. As well as driving increased competitiveness via investment and modernisation, BRCGS certification enables increased competitiveness amongst food suppliers by providing incentives to investment in facilities and in human capital and through modernisation of the production organisation and operations. The study shows that BRCGS standards have similar positive impacts to ISO and other technical and management standards, in relation to enabling product and process innovation, and thus growth in output and productivity. However, BRCGS certification goes further than these by stimulating modernisation and investment – broad innovation.

BRCGS will continue to work with the Regulators such as NVWA to ensure that BRCGS certification continues to support improved regulatory outcomes, and ultimately safe food for consumers.



10 List of References

- ¹ Nederlandse Voedsel-en Warenautoriteit (The Netherlands Food and Consumer Product Safety Authority) <https://english.nvwa.nl/>
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- ⁴ Food Certification Market Global forecast to 2025, Markets and Markets
- ⁵ QSM Magazine, Deloitte
- ⁶ <https://www.government.nl/ministries/ministry-of-agriculture-nature-and-food-quality>
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- ⁸ <https://www.nvwa.nl/documenten/nvwa/organisatie/jaarplannen/2019/verantwoordingsrapportage-2019>
- ⁹ <https://www.nao.org.uk/wp-content/uploads/2014/06/Using-alternatives-to-regulation-to-achieve-policy-objectives1.pdf>
- ¹⁰ https://ec.europa.eu/food/safety/general_food_law_en
- ¹¹ EC 852/2014 concerning the authorisation of L-methionine as a feed additive for all animal species <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014R0852&from=PL>
- ¹² EC 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32004R0853>
- ¹³ EC 2073/2005 on microbiological criteria for foodstuffs <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32005R2073>
- ¹⁴ RASFF – the Rapid Alert System for Food and Feed.
- ¹⁵ <http://www.fao.org/3/Y1579E/y1579e03.htm>
- ¹⁶ <https://www.nvwa.nl/onderwerpen/hygiencode-haccp/rol-nvwa>
- ¹⁷ The Food Safety Statement <https://english.nvwa.nl/binaries/nvwa-en/documents/consumers/food/safety/documents/food-safety-statement/food-safety-statement.pdf>
- ¹⁸ <https://mygfsi.com/who-we-are/overview/>
- ¹⁹ <https://www.theconsumergoodsforum.com/>
- ²⁰ https://www.researchgate.net/publication/355710552_THE_CONOMIC_IMPACT_FOR_MANUFACTURING_SITES_OPERATING_TO_BRCGS_CERTIFICATION



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