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Régime de responsabilité des importateurs et approches volontaires de gestion de la sécurité sanitaire.

Karine Latouche, Elodie Rouvière

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Importers' liability regime and food safety voluntary approaches

Elodie ROUVIERE (AgroParisTech)

&

Karine LATOUCHE (INRA)

Motivations (1/2)

- ❑ Evolution of food safety regulations : more involvement of food operators in managing safety in supply chains
 - ❑ Emergence & Development of new programs to monitor and enforce food safety regulations
 - ❑ Voluntary initiated and designed by private agents & Monitored and enforced provided by private or public agents
 - ❑ Impact of private standards on small producers from developing countries specialized on produce dedicated to European markets.. (*Swinnen and Maertens, 2007; Jaffee et Henson, 2005*)
-

Motivations (2/2)

- ❑ This question has been rarely issued for food operators in Northern countries who import or export products in/from European Union
 - ❑ They face the same requirements from retailers
 - ❑ PS should have led to a more integrated supply chain
- ... but they also face liability issues in case of safety defect – Food safety Act in 1990..

Motivations (2/2)

- ❑ This question has been rarely issued for food operators in Northern countries who import or export products in/from European Union
 - ❑ They face the same requirements from retailers
 - ❑ PS should have led to a more integrated supply chain
- ... but they also face liability issues in case of safety defect – Food safety Act in 1990..
- & it is really difficult to assess the impact of liability rule.*

Our contribution

How liability regime would shape the whole the supply chain ?

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supply chain ?

Is the liability regime more predominant than
PS?

Our contribution

- Because natural experiment are difficult to implement
- Develop a case study on the French import industry of fresh produce.

Importing F&V in France

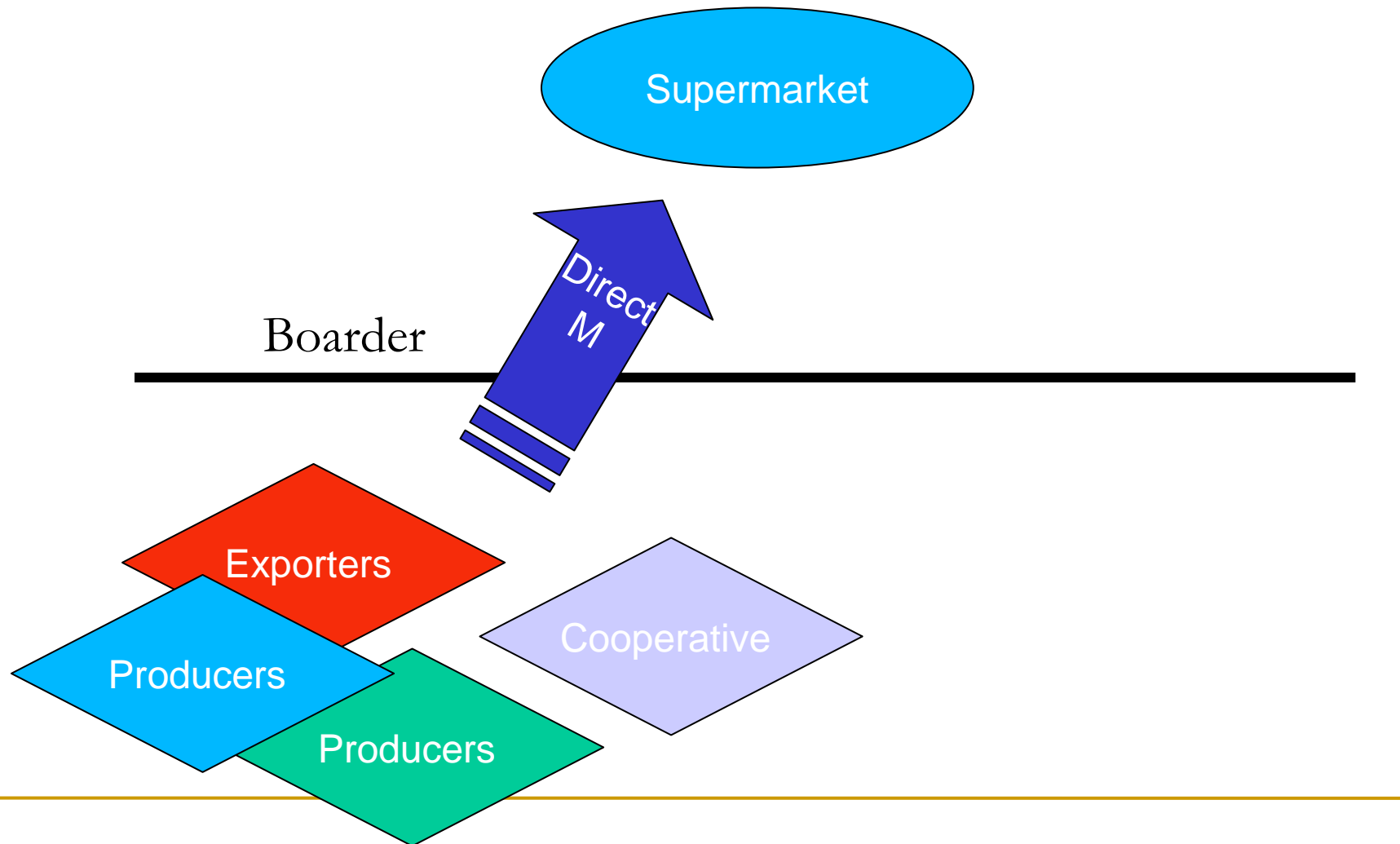
- ❑ PS are very well developed and used in F&V ind.
Global- gap
- ❑ Quality of fresh produce is dependent on weather conditions, seasonality, grower's competencies
 - ❑ "Perishability": product value deteriorates post-harvest
= Strain on logistics and quality management
 - ❑ Food safety issues: Chemical and microbial contaminations

Some products are more difficult to handle, to transport and are more sensible (risky) than others → PS might be useful

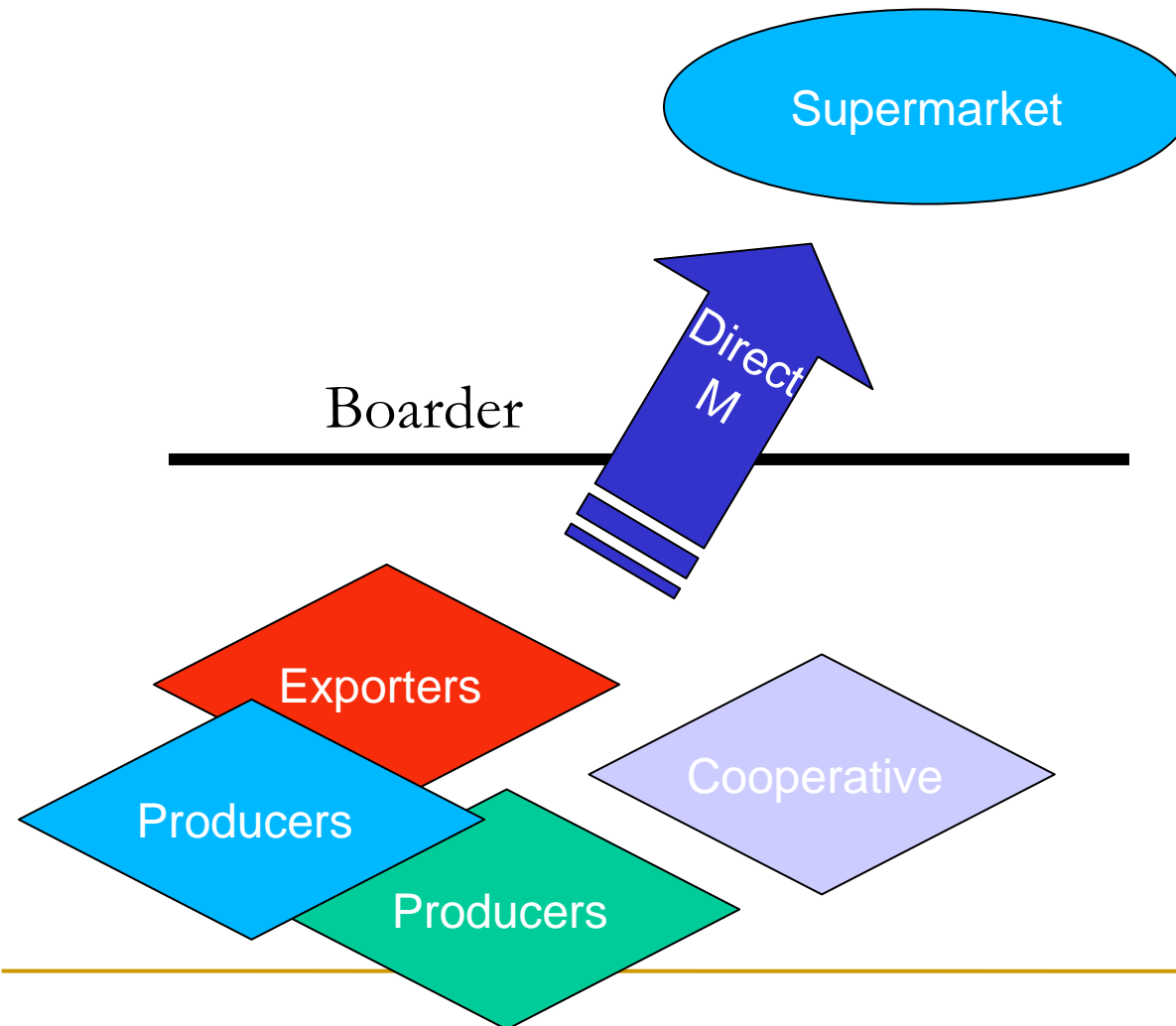
French Legal Framework

- ❑ According to French Law, the first importer is first supplier in domestic market
 - ❑ He is considered as a producer
 - ❑ He is liable under criminal law if imported produce are unsafe or have a bad quality
 - ❑ Still in force under the General Food Law

Two modes of imports for supermarket (M1)



Two modes of imports for supermarket



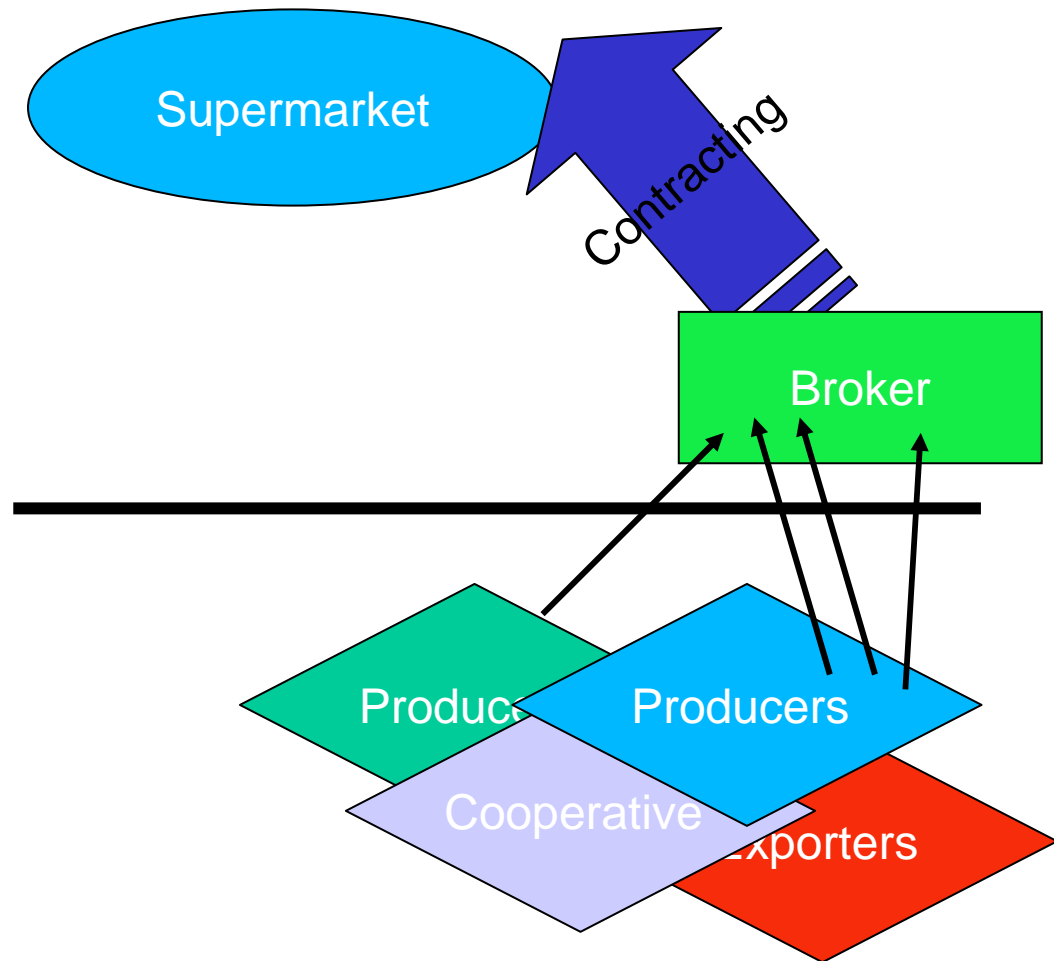
**Integrating imports:
Supermarkets are
liable under
criminal law if
unsafe products are
imported**

Two modes of imports for supermarket (M2)

**Buying the service
of imports:**

**Supermarkets
contract with
brokers**

**Brokers are liable
under criminal law if
unsafe products are
imported**



Importing F&V in France

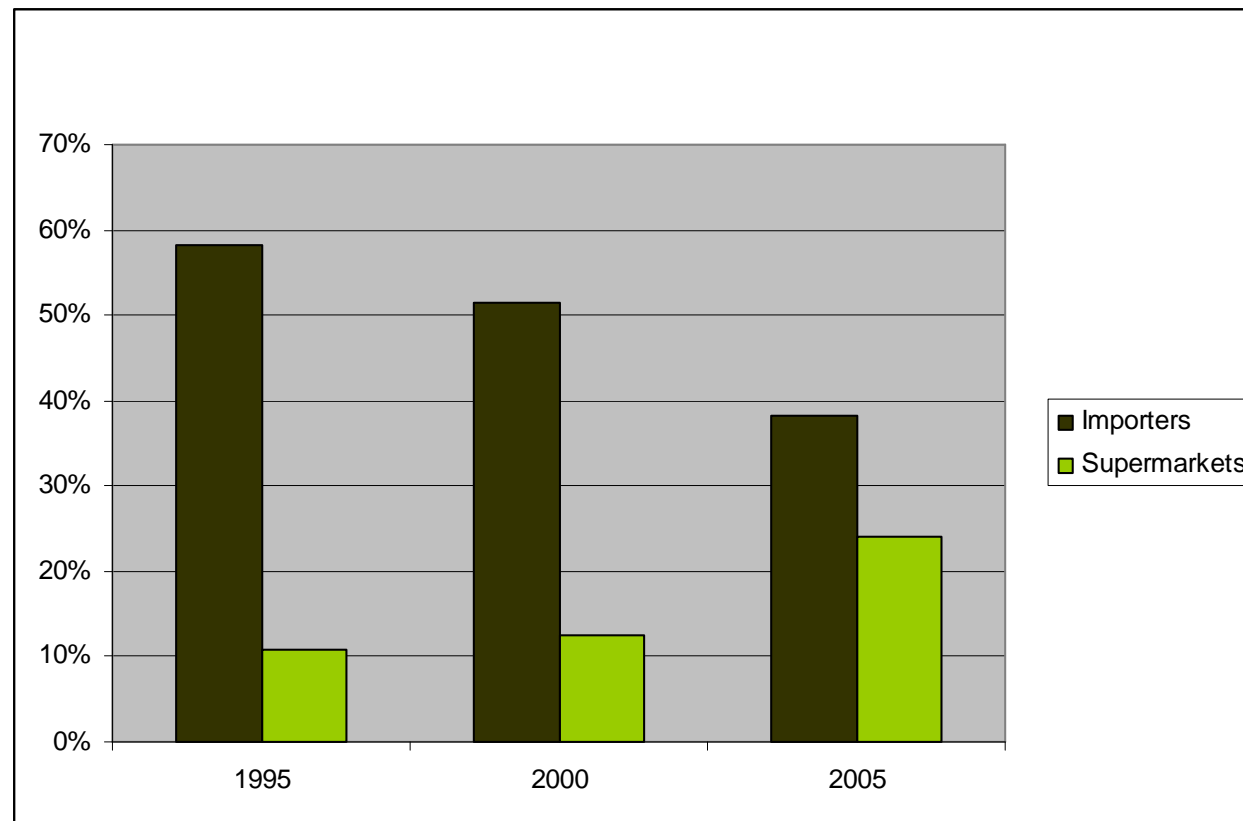
- ❑ For Supermarkets they have two modes of imports
 - ❑ M1: Direct imports from foreign producers to their own supply chain (Make) and **BEARING the liability**
 - ❑ M2: Deals with brokers who import produce for supermarkets and **DELEGATING the liability**
 - ❑ Up to now, brokers are still present in transactions
 - ❑ PS might be not enough for some product-countries transactions
 - ❑ **Liability rule is also an issue**
- ➔ The decision of supermarkets will shape the supply chain through the liability rule

Data

- 2005 data from French Customs about imports of fruit and vegetables
 - We distinguish between trade operators (firms whose main activity is trading) and other firms importing produce according to French customs data.
 - Merge those data with datasets which allow distinguishing imports flows made by brokers and by supermarkets.
 - Final sample is made of 190 firms, of which 100 are supermarkets and 90 are importers. -
Representative sample -
-

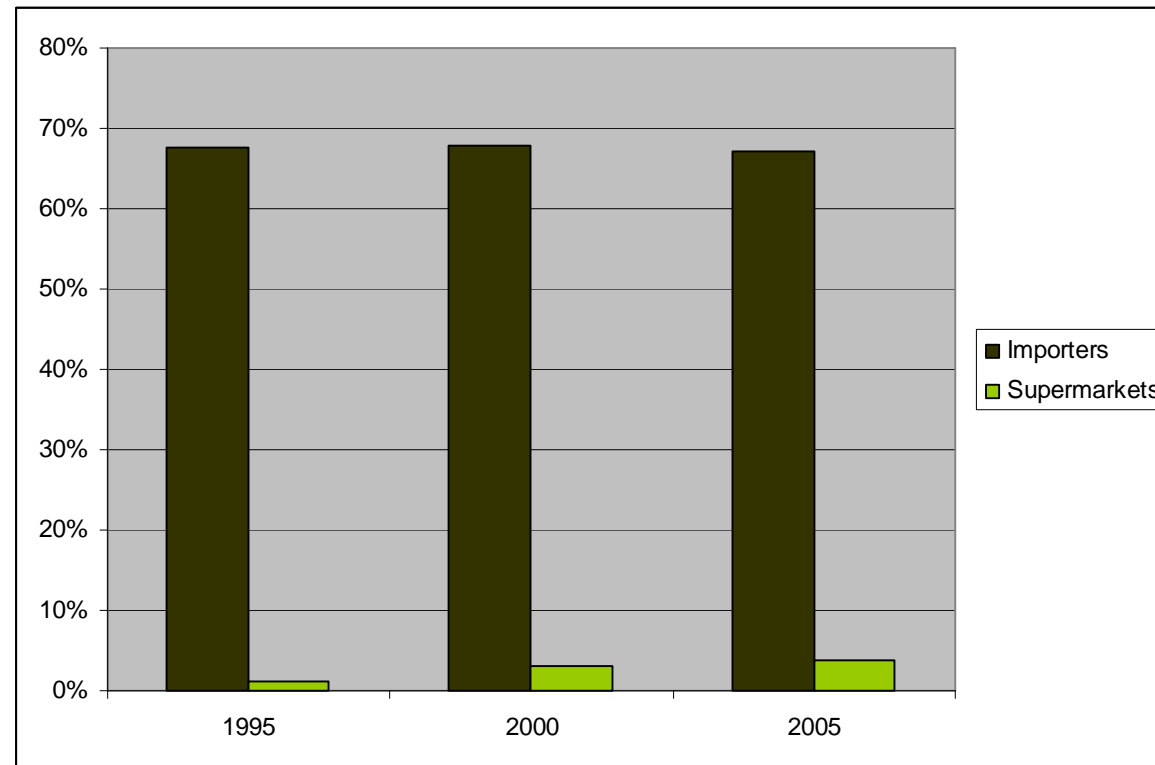
Results

- Customs Data in 1995, 2000 and 2005 imports from European Union countries



Results

- Customs Data in 1995, 2000 and 2005 imports from non European Union countries



Results

- **Imports from supermarkets and importers by country of origin – 2005**

Country	Total	Supermarkets (%)	Importers (%)
Spain	1642837	17,4%	35,4%
Morocco	441552,2	1,8%	54,5%
Belgium	361464,8	12,3%	1,6%
Italy	302102,2	6,4%	14,4%
Netherlands	269452,4	17,9%	3,7%
Israel	223405,1	0,0%	91,4%
United States	184070,5	0,0%	4,7%
Ivory Coast	168858,8	0,7%	64,1%
Turkey	105385,8	0,5%	6,6%
South Africa	98551,3	2,8%	45,8%
Germany	88859,77	18,0%	5,5%
Argentina	67010,5	10,0%	42,5%
Chile	67691,09	2,4%	29,9%

Results

- Brokers are more likely
 - to source products from remote market
 - to source products highly perishable and that might be sensitive to pesticides.
 - IMPORTS through brokers act as a filter for some country-product pairs that come from small and distant countries
 - High level of asymmetry of information
 - High probability of being held liable
-

To conclude

- The liability regime in Northern countries influence the development of the PS and their impact on supply chain
 - Great debate in the US on the liability regime for food importers / FSMA
 - Impact on small producers in DCs.
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To conclude

- PS might be not enough to internalize all asymmetries of information on quality
 - Indirect imports would still sustain some supply chain in DCs.
 - More research is needed in this direction
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Thank you for your attention

rouviere@agroparistech.fr
