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

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### ► To cite this version:

Karine Latouche, Elodie Rouvière. Régime de responsabilité des importateurs et approches volontaires de gestion de la sécurité sanitaire.. Sécurité sanitaire des aliments, commerce et développement -AFD INRA, Dec 2012, Paris, France. hal-02748497

**HAL Id: hal-02748497**

**<https://hal.inrae.fr/hal-02748497>**

Submitted on 3 Jun 2020

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# Importers' liability regime and food safety voluntary approaches

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## 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*)
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## 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..

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## 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.*

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# Our contribution

How liability regime would shape the whole the supply chain ?

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How liability regime would shape the whole the  
supply chain ?

Is the liability regime more predominant than  
PS?

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# Our contribution

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



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# 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**

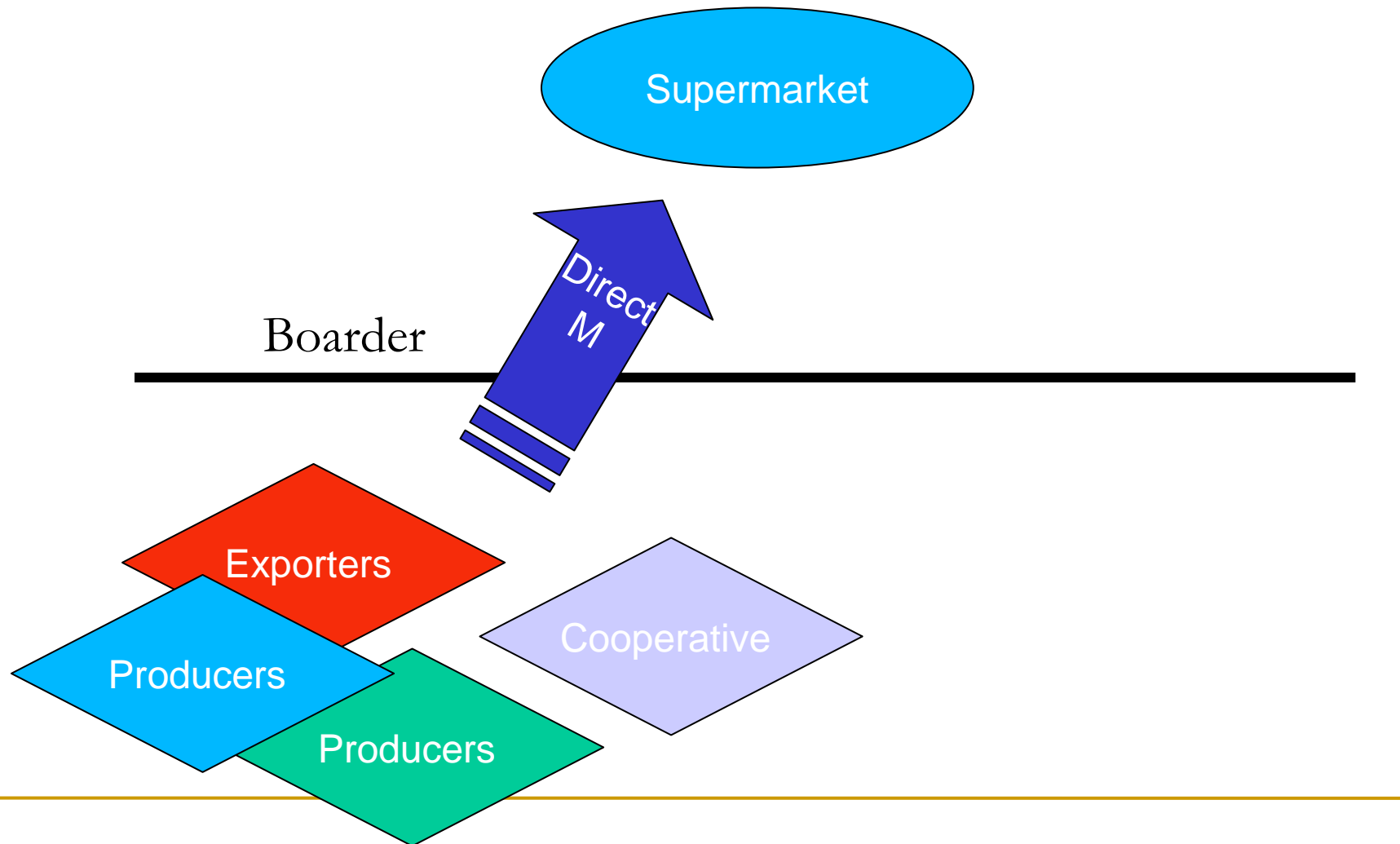
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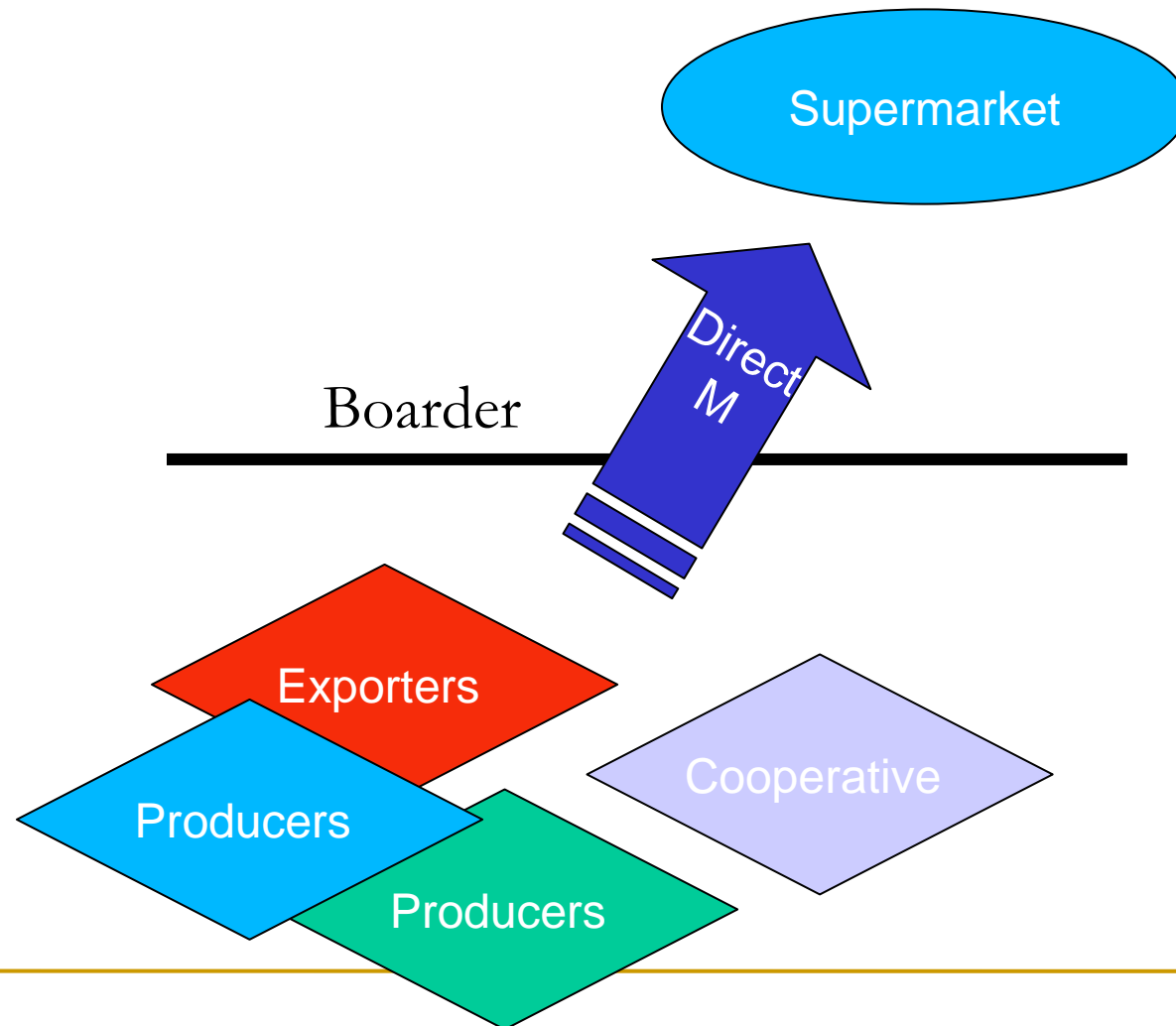
# French Legal Framework

- ❑ 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



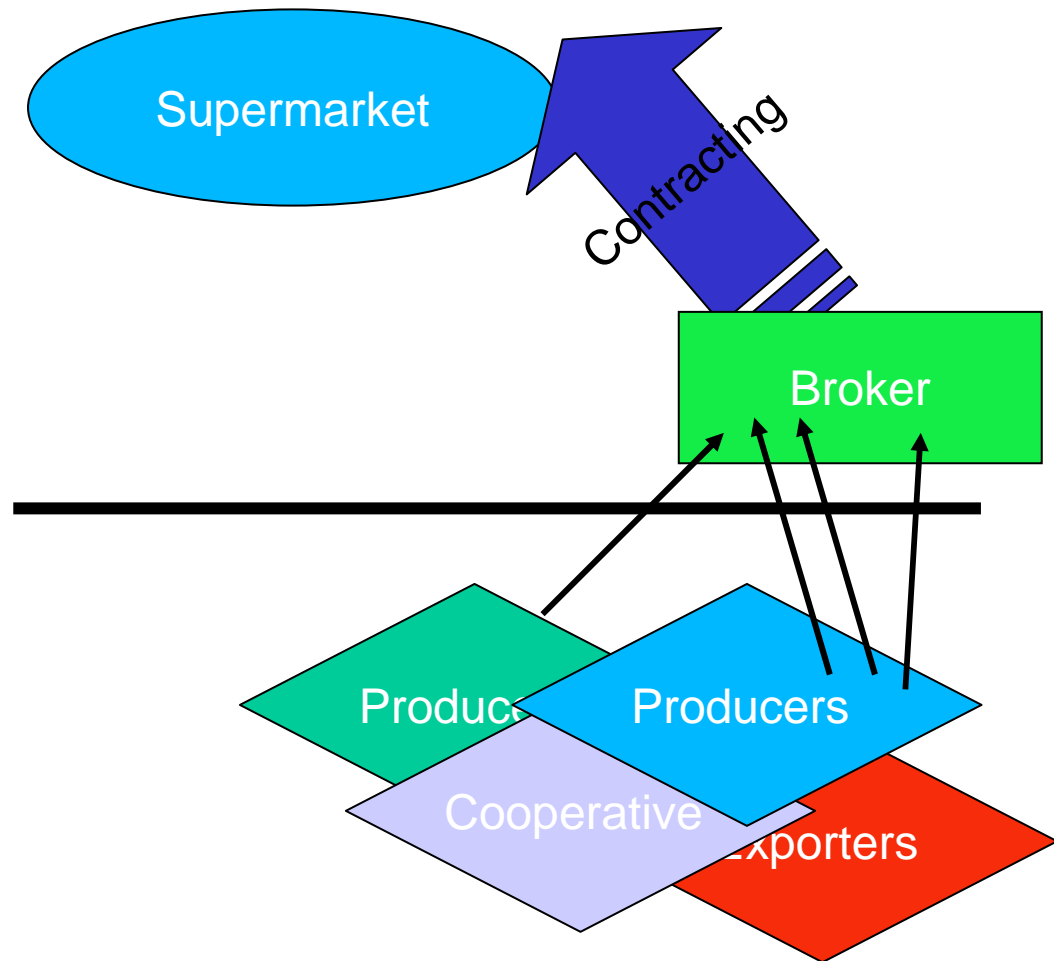
**Integrating imports:  
Supermarkets are  
liable under  
criminal law if  
unsafe products are  
imported**

# 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**



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# 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

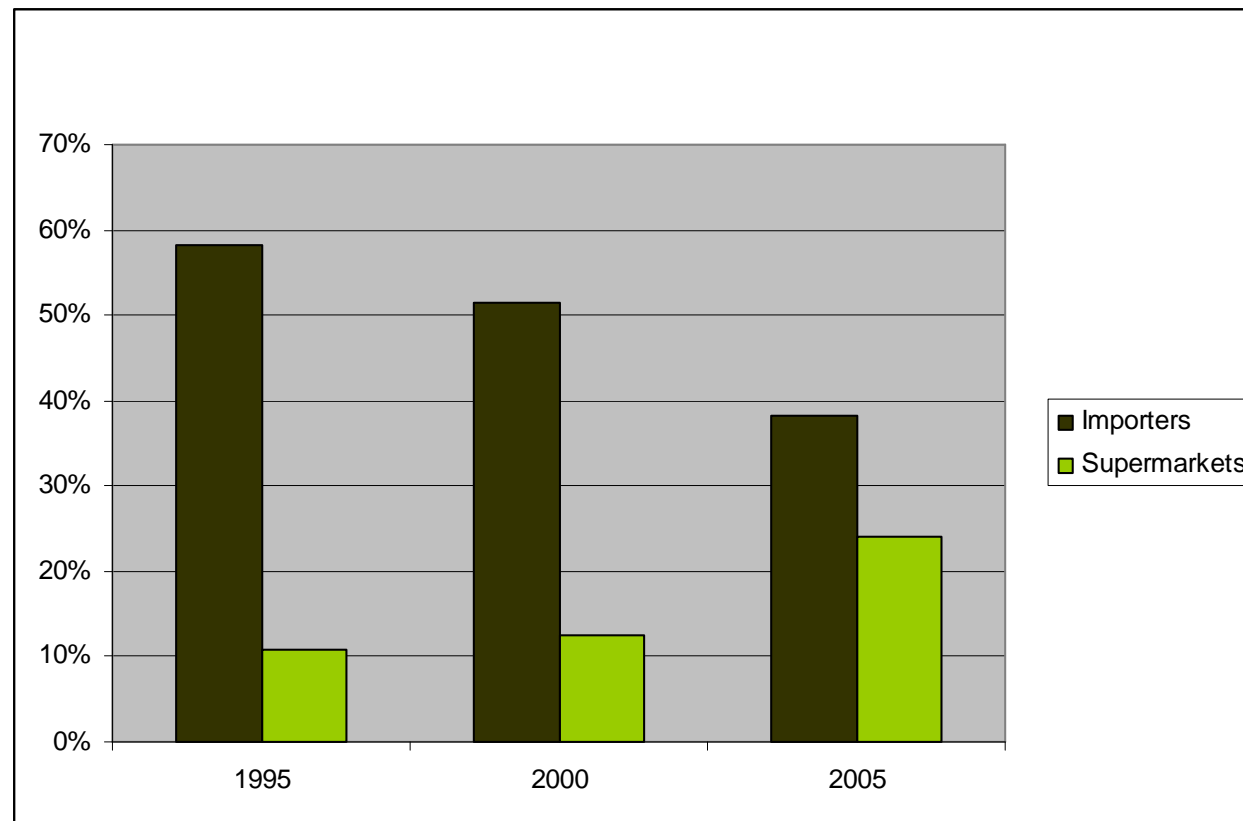
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# Data

- 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

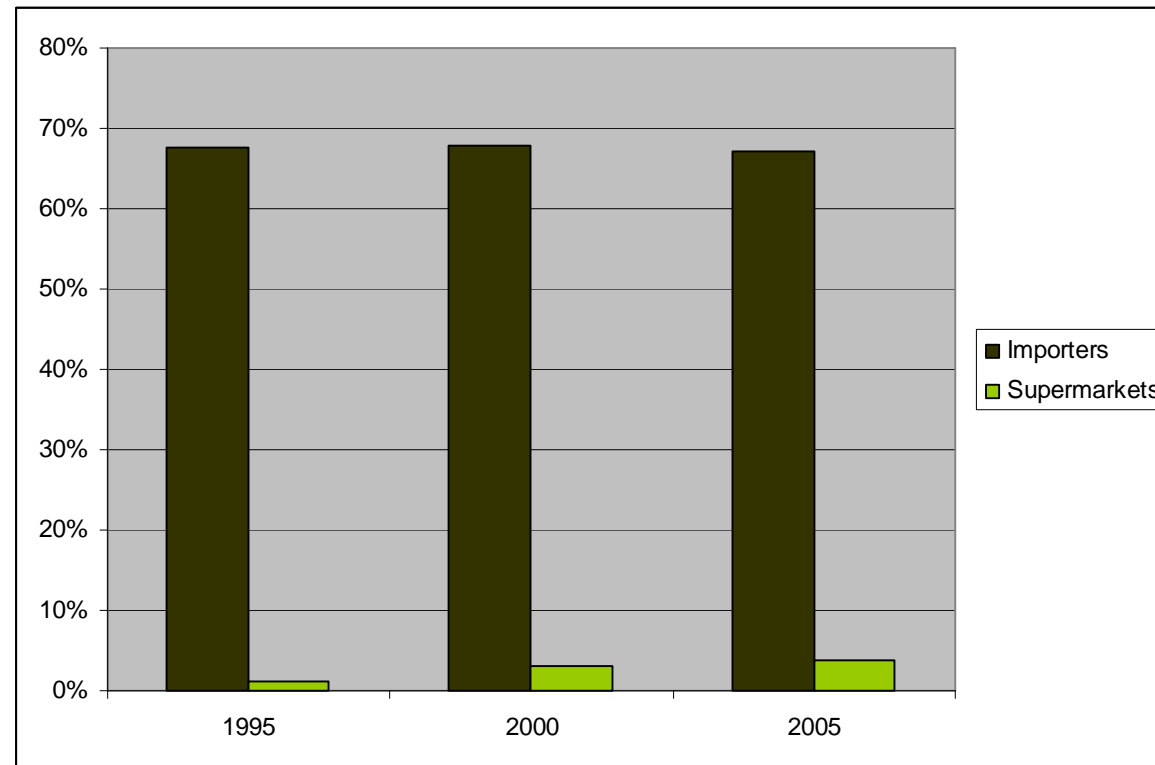
- Customs Data in 1995, 2000 and 2005 imports from European Union countries





# 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**

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

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# 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
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## 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

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