

# Technical assistance for the development of rules of business for implementation of the Food Authority Act (FAA) 2016, and strengthening of the Food Control Authority (FCA) for Government of the State of Azad Jammu & Kashmir and Balochistan province of Pakistan

## Terms of Reference (ToRs)

Nutrition International is committed to the fundamental principles of equal employment opportunity. Women are encouraged to apply.

## Background

Technical Assistance for Nutrition (TAN) is a project supported by UK aid from the UK government, which seeks to improve the capacity of SUN countries to design, deliver, and track the progress of nutrition programs and to generate, learn from and adopt knowledge of what works. Nutrition International is contributing to TAN by coordinating the provision of technical assistance to help national SUN focal points in select countries to overcome gaps in capacity for the design and delivery of multi-sectoral national nutrition plans, tapping into its global hub to source and deploy the expertise needed.

Food safety has always been an issue of concern globally. Given that food intake is the fundamental pre-condition for survival, food safety issues were recognized and prioritized by many countries as an important area for legislation. To ensure that people obtain safe food, countries have adopted multi-dimensional approaches targeted at all levels of the food chain - production, storage, supply, distribution, and consumption, etc.

Food safety standards in Pakistan were first established and published in the Pakistan Pure Food Laws (PFL) of 1963, and revised in 2007. The PFL is the basis for the existing trade-related food quality and safety legislative framework in the country.

In 2011, Pakistan's 18<sup>th</sup> constitutional amendment devolved most of the government functions including agriculture and health sectors to the State of Azad Jammu & Kashmir (AJ&K) province, bringing the issue of food safety under the aegis of multiple ministries at the federal level, and departments of Health at AJ&K level. The AJ&K government is responsible for enforcing food standards and regulations for domestically produced products, although they do not have enforcement authority over imported food.<sup>1</sup>

The Government of the State of Azad Jammu and Kashmir (GoAJ&K) has enacted the AJ&K Food Authority Act (FAA) 2016 to provide for the safety and standards of food in the AJ&K, and establishment of the AJ&K Food Authority (FA) under the Department of Food (DoF). The FAA puts in place

<sup>1</sup>Food and Agricultural Import Regulations and Standards (FAIRS) Country Report Pakistan; GAIN; December 2016



comprehensive regulations to improve the quality of food sold and consumed in the AJ&K and provides for strict punishments to these individuals/companies who violate these regulations. The FAA is comprehensive in its scope, and defines firms/ food operators as those entities which produce, sell, transport, store, distribute, import or export food.<sup>2</sup>

FCA under the FAA to provide for the safety and standards of food, improve quality of food to help nutrition status of masses, and prevent malnutrition and other food related illnesses. The FCA is to regulate and monitor food businesses to ensure provision of safe food, and includes Administrative Secretaries of agriculture and livestock, health and other departments as its members.

Though the FAA (Act) and FA (Authority) are in place, there are no rules of business to guide the GoAJ&K with implementation of FAA 2016. In addition, the FCA needs to be strengthened in terms of its authority, responsibility and accountability.

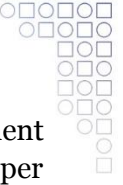
Food testing plays imperative role to ascertain the safety, nutritive value, true nature and wholesomeness of food and food products. Food testing and allied facilities are also important to implement the regulatory framework related to food whether locally produced, imported, or intended to be exported. Role of food testing laboratories in the implementation of food safety and quality management cannot be under-emphasized as testing facility is one of the basic building blocks of any effective food regulatory authority. Adulteration and quality issues in food can only be addressed if they are adequately traced through laboratory testing. The Government of AJ&K, owing to its commitment to food safety and household food security, is committed to ensure safe food availability and has taken an initiative to establish 'Food Quality Control Laboratory at Muzaffarabad under the "AJ&K Food Authority Act 2016". At present most of the food samples are sent for examination outside AJK while Livestock department has facility of testing milk in some districts.

Department of Food has developed a PC-1 proposal for establishment of Food Control Laboratory in AJK comprising microbiological, chemical and water testing facilities with allocation of funds in the development budget however requested for technical assistance before its implementation due to limited in-house technical capacity and technical gaps in the project proposal (PC-1).

Similarly, Government of Balochistan enacted Balochistan Food Authority Act (BFA) in 2014. Under the provision BFA act, Balochistan food authority will formulate standards, procedures and guidelines in relation to any aspect of food, including food business, food labelling and food additive and also specify appropriate enforcement systems; accreditation of food laboratories; method of sampling; analysis of samples and reporting of results. Moreover, it will specify licensing and prohibition orders; recall procedures, improve notices and prosecutions; determine the terms and conditions of service for its employees; provide scientific advice and technical support to the government in matters related to food besides collecting relevant scientific and technical data. It will also establish a system of network of food operators and consumers to facilitate food safety and quality control besides organizing training programs in food safety and standards. Additionally, it will promote general awareness and levy fee for

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<sup>2</sup> Dawn article; New food safety law; April 21, 2017; <https://www.dawn.com/news/1101241>



registration, licensing and other services with prior approval of the government. In order to implement Baluchistan Food Authority Act, rules of business and food standards are required to be framed as per national and international regulations.

In this context, the Government of Pakistan SUN Focal Point has sought a joint TA from NI under the TAN project, for development of rules of business detailing the modalities for implementation of the FAA 2016, and strengthening of the FCA, to eventually help achieve objectives of the FAA, for GoAJ&K and Balochistan province.

## Objectives

### Overall objective

To support the development of rules of business detailing the modalities for implementation of the FAA 2016, and strengthening of the FCA, to eventually help achieve objectives of the FAA, for GoAJ&K and Balochistan province.

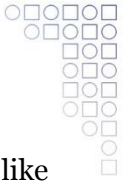
### Specific objectives

1. To develop comprehensive rules of business (technical and operational regulations) and food safety standards based on similar global and provincial experiences
2. To sensitize the key stakeholder departments / ministries by dissemination of technical and operational regulations and standards in AJ&K and Balochistan province
3. To develop and finalize phased PC-1 proposal for the implementation of Food Authority Act in AJ&K including Food Quality Control Laboratory (testing parameters, scope, equipment specifications, infrastructure for biosafety and operation, human resource and business model for sustainable operation).

## Expectations

This TA is expected to provide significant contribution to the Government of AJ&K Food Authority and Balochistan Food Authority's ability to effectively implement food safety legislation in the AJ&K and Balochistan. It is expected that this consultancy will lead to the following results:

- Rules of business and standards for FAA 2016 and BFA 2014 formulated are in line with the global and national standards, and accepted by stakeholders
- The rules of business developed in the legal formats of standalone regulations per subject as per the formats prescribed by the AJ&K law department and Balochistan law department
- The Expert/scientific committee is formed with appropriate representation from the relevant stakeholders and their mandates developed and agreed
- Phased PC- 1 drafted for establishment of Food Authority AJ&K including establishment of accredited Food Quality Control Laboratory
- Effective coordination and coherence established with other existing acts and bodies, including National standardization body (PSQCA), Ministry of Science and Technology.



The successful applicant(s) is expected to work closely with multiple government departments like commerce, industries, food, agriculture, law department etcetera, other relevant stakeholders and NI to ensure that the approach fits the desired focus of this TA at each step.

Consultations must be held with the Departments of Food, Agriculture, Health, Local Government and Rural Development, Law Department, Agriculture department, Planning and Development departments of Government of AJK and Government of Balochistan, Food business companies and trade unions and Local Academia.

## Gender

Nutrition International is committed to gender equality. Consultants are required to indicate how they will ensure that gender equality considerations are included in the provision of TA, including how they are incorporated into deliverables. Examples of integration of consideration for gender equality could include, but are not limited to: ensuring government departments responsible for women are included wherever possible, gender sensitive indicators are included, emerging data is sex disaggregated, and relevant documentation related to gender is reviewed. To this end, NI has developed the following tools which can be accessed using the links below:

- [NI integration of gender considerations checklist](#)
- [NI background document on gender and nutrition](#)
- [NI PowerPoint presentation \(Gender 101\)](#)

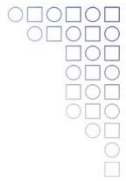
## Scope of Work

The purpose of the TA is to guide the Food Authority, Government of AJ&K and Balochistan Food Department in implementation of the AJ&K FAA 2016 and BFAA 2014 by framing the regulations and technical standards in relation to articles of food in general, with emphasis on fortified staple food item. The assignment will be for nine months duration.

The consultant will undertake the following tasks, with support from the SUN FP's office & Secretary Food Department, and any other activities as agreed upon with SUN FP and NI.

## Deliverables

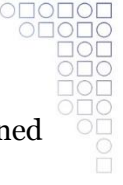
1. Inception report (to be submitted within 2 weeks from the date of signing of the contract) including the following information:
  - i. Detailed work plan with time lines.
  - ii. Risks and mitigation strategies.
  - iii. Tools for discussions with key stakeholders.
  - iv. plan to mainstream gender aspects into the assignment according to NI gender policies
2. Desk review report prepared, including learnings from analysis of global and other Food Act sand rules of business, Information of GoAJ&K FAA 2016 and other relevant state documents.



3. Summary prepared for consultations with stakeholders concerned with implementation of the Food Authority Acts, to gain inputs for designing the structure, roles and responsibilities, and operational jurisdiction for FA.
4. Framework prepared outlining structure of and components to be included under rules of business for FAA 2016.
5. Draft rules of business (Technical and operational regulations) formulated including, but not restricted to:
  - Food Hygiene standard and SOPs
  - Product and processor licensing
  - Sealing and de-sealing
  - Appeals
  - Delegation of Powers
  - Appointment procedures
  - Expert committee
  - Operational jurisdiction
  - Finances and reports
  - Offences and penalties
  - Sampling and analysis
  - Prohibition, recalling and traceability procedure
  - Responsibilities of line departments
  - School Meal regulations
6. Implementation tools to be developed for the field operations including (but not limited to) license and product registration application forms, prohibition orders, sealing/desealing forms, license and product registration certificates, fine forms, seizing order forms, sample collection and analysis forms etc.
7. Food safety standards are developed for food items available in AJ&K and Balochistan including technical standards for all food additives, preservatives, coloring agents, antioxidants, antibiotics etc. The technical specifications and compositions of all food items in the major food groups available in the AJ&K and Balochistan Food markets (both indigenous production/processing and imported foods) are specified with their raw materials, percentage of permissible quantities of components etc. This shall also include the standards for labeling and food fortification.
8. Regulations and standards revised based on feedback received from stakeholders and validated through multi stakeholder platform review, and report prepared.
9. Final rules of business submitted to the DoF AJK & Balochistan and FCA, for further submission to the AJ&K and Balochistan Law Department for vetting.
10. Phased project proposal (PC- 1) for the establishment of Food Authority AJ&K including establishment of accredited Food Quality Control Laboratory with stakeholder's consensus including its scope, infrastructure, equipment specifications and Human Resource.
11. Advocacy plan for harmonization of Food safety standards and establishing linkage with the National standardization body (PSQCA), Ministry of Science and Technology.

## Duty Station/Location

The consultant will be based in Pakistan for this assignment. The AJ&K FA and Balochistan Food Department will provide official work space to the consultant to hold joint discussions, meetings and



reviews. The consultant can otherwise work from home and submit deliverables to the concerned authority and NI.

All travels required under this consultancy will be provided for by Nutrition International. Travel allowances maximums are based on standard rates of the organization.

## Timeline

This TA support would be for a period of up to 12 months, starting from September 2019.

## Management and Reporting/Coordination mechanism

- The consultant will report to the Secretary Food Department AJK and Balochistan. The consultant will also work closely with Chief Health, Go AJ&K and SUN Focal Person Government of Balochistan with other officials and specific divisions of DoF and NI.
- The AJK FCA and Baluchistan Food Authority will facilitate the operational linkages with all the other relevant sectors and stakeholders under this TA.
- The consultant is expected to work in close coordination and harmony with other consultants/development partners working with the FA.
- NI will provide the funding for the assignment, and payment will be subject to performance and reaching deliverables as agreed upon at the moment of contract signing.
- NI will be responsible for the technical guidance and quality assurance of the work being delivered by the consultant.
- The consultant shall also report to SUN Focal Person Pakistan progress on monthly basis.

## Profile/qualifications of consultant

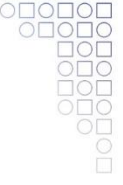
A Consultant or a team of Consultants with requisite local knowledge and skill set would be preferred for this TA.

The Consultant(s) will be selected following a competitive recruitment process. The profile of the Consultant(s) has been presented below.

### Education:

- i. At least Post-graduate level qualification experience in Law/ Food Law/ Food Safety/ Food Safety Law/ Food Regulatory Compliance/ any other related field(s).
- ii. Knowledge and experience related to Human Nutrition is preferred.

**Language Skills:** Fluency in written and spoken English and Urdu is mandatory.



## Experience:

- i. At least 10 years of relevant experience in formulating and/or implementing and/or reviewing Food Safety Acts and Regulations.
- ii. Experience of supporting the national/ sub-national government(s) in setting up and/ or strengthening and/ or managing food safety authorities/ control bodies.
- iii. Experience reviewing and analyzing global food regulations/ laws/ Acts and synthesizing relevant information to contextualize to national/ sub-national settings.
- iv. Experience of developing government's project planning documents (PC-1).
- v. Experience of working with Pakistan Standards and Quality Control Authority (PSQCA)/ Food Department/ Pakistan Council of Scientific and Industrial Research (PCSIR)/ law firms with expertise in food legislation would be an added advantage.
- vi. Proven experience in managing multi-stakeholder and multi-sectoral working groups in national and/or sub-national settings.
- vii. Experience of working in a multi-cultural environment is an asset.

## Application Process

Proposals should be submitted by email to [TechnicalAssistance@NutritionIntl.org](mailto:TechnicalAssistance@NutritionIntl.org) before close of business, 12<sup>th</sup> July 2019, 5.30pm EST (Ottawa, Canada). Only complete applications will be reviewed.

- Up-to-date curriculum vitae (CV)
- Technical proposal: not exceeding five pages, describing the consultant's understanding of the task, proposed methodology, responsibilities of key stakeholders and detailed work plan that breaks down activities and outputs.
- Financial proposal: including daily fee rate, suggested number of trips/days in-country and any other expenses required to fulfill the terms of the consultancy (field trips, meetings, materials, etc.).

Kindly mention '**PAK 08- Rules of Business for FAA**' in the subject line of the email.

NI is committed gender equality. Consultants are required to indicate how they will ensure that gender equality considerations are included in the provision of technical assistance.