

CONSULTATION ON DRAFT PROVISIONS IN THE FOOD SAFETY AND SECURITY BILL

SEGMENT D: STRENGTHENING RESILIENCE OF FOOD SUPPLY

Background

1 Under Part 2 of the FSSB, legislation will be included to (a) mandate the stockpiling of essential food items and agri-food production inputs to ensure a certain level of in-country stocks to increase the resilience of Singapore's agri-food supply against potential supply disruptions, and (b) collect information from the agri-food supply chain and those closely connected to the agri-food supply chain to support sensemaking and mitigation of food supply disruptions.

Proposed Provisions

2 Mandated stockpiling of food is not new in Singapore. Rice importers are currently required to stockpile rice as part of an import licence condition under the Rice Stockpile Scheme. Under the FSSB, while rice importers would still be licensed separately, the requirement to stockpile will be a standalone legal obligation called the "Minimum Stockholding Requirement (MSR)".

3 The MSR will be imposed on selected entities (each called an "MSR entity") which undertake a specified activity ("MSR activity") along the agri-food supply chain (e.g. import and manufacturing) involving a certain food item or agri-food production input (called an "MSR product"). The MSR entity will be required to:

- a. Minimally hold an average quantity of the MSR product that is designated for a relevant period (e.g. a month). This will be known as the "average MSR". The average MSR is to be met at the end of each relevant period (e.g. end of each month); and
- b. Minimally hold a designated daily quantity of stock of the MSR product ("daily MSR"). The designated daily quantity will be sized as a proportion of the average MSR.

4 The MSR will apply to selected food items and/or agri-food production inputs. What these are and the sort of activity which may attract an MSR will be designated by law by subsidiary legislation. Rice is envisaged as continuing under the FSSB as an MSR product.

5 An entity is made subject to an MSR regarding an MSR product only when the entity is given a written notice ("trigger notice") from the Director-General, Food Security who will be administering the new scheme. The trigger notice will specify the average MSR, daily MSR, the relevant period or days for which the notice is in force, and the storage location(s). An MSR entity will have at least six months to comply.

6 Not every entity undertaking an MSR activity involving an MSR product will be given a trigger notice. Only entities that undertake MSR activity exceeding a minimum threshold fixed by subsidiary legislation for that MSR activity and MSR product may be given a trigger notice.

This is to ensure that the MSR scheme binds entities that could significantly affect domestic levels of food or agri-food production input.

7 The FSSB will include powers to collect data and information in order to administer the MSR scheme, monitor or analyse markets connected with agri-food supply chains, and to monitor the resilience of the agri-food supply chain in response to natural or manmade disasters, climate change, severe disturbances in agricultural markets and other disruptions.

8 Persons who may be asked to provide data/information include agri-food supply chain participants and persons closely connected with an agri-food supply chain. The person need not be subject to an MSR but must come within a class of persons prescribed by the Minister by subsidiary legislation.

9 If any entity fails to comply with MSR, civil and/or criminal penalties may be imposed. Specifically, non-compliance with the daily MSR on any day would attract civil and/or criminal penalties, while non-compliance with the average MSR at the end of the relevant period would attract a civil penalty. Criminal penalties will be imposed for non-compliance of information collection requirements.

Monitoring and Enforcement

10 The FSSB will include clear and proportionate powers for authorised personnel to monitor, investigate and enforce against non-compliances. For example, this includes the power to enter premises at a reasonable time, to observe activities within the premises, record observations or require provision of documents, samples or information. The authorised personnel will also be empowered to detain or seize materials if he or she reasonably believes the material is relevant to any offences being committed. Obstructing these authorised personnel in the discharge of their duties will be offences.

Appeals

11 The FSSB will include an appeal mechanism to the Minister of Sustainability and the Environment, against discretionary decisions made by Director-General (Food Security), where such decisions can adversely affect livelihoods or business viability. This would allow businesses and individuals aggrieved by the decisions to bring fresh evidence and ask the Minister, as an independent authority, to re-assess the merits of the decision taken.

12 In deciding on an appeal, the Minister can confirm or revoke the decision appealed against. Minister can also substitute or vary the decision appealed against. The Minister's decision on appeal (including a substituted decision) will be final.

Request for Comments

13 SFA invites feedback and comments on the proposed provisions. Please refer to the explanatory notes as well as the draft provisions of Parts 2, 12 and 13 in **Annex I**.

14 All submissions should be clearly and concisely written. They should provide a reasoned explanation for any proposed revisions. Please submit your feedback at

<https://go.gov.sg/fssbreachpart2>. Alternative, please send in your feedback to [FSSB Engagement 2@sfa.gov.sg](mailto:FSSB_Engagement_2@sfa.gov.sg) using the template in [Annex V](#).

Submission of feedback

15 All feedback should reach SFA no later than 6:00 p.m. (Singapore time; UTC+8), 29 August 2024.

16 We will not be able to address or acknowledge every feedback or comment received. However, the feedback or comments will be consolidated, and a summary will be published, together with SFA's responses, on the SFA website after the close of the consultation exercise. The summary will not disclose the identity of person(s) or organisation(s) providing the feedback and comments.