

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
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ORGANIZATION



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ALINORM 05/28/30

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION

Twenty-eighth Session

Rome, Italy, 4 – 9 July 2005

**REPORT OF THE THIRTEENTH SESSION OF THE CODEX COMMITTEE ON
FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS**

Melbourne, Australia, 6 – 10 December 2004

Note: This report includes Codex Circular Letter CL 2004/59-FICS

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CL 2004/59-FICS
December 2004

To: Codex Contact Points
Interested International Organizations

From: Secretary,
Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme
Viale delle Terme di Caracalla
00100 Rome, Italy

Subject: **Distribution of the Report of the Thirteenth Session of the Codex Committee on Food Import and Export Inspection and Certification Systems (ALINORM 05/28/30)**

The report of the Thirteenth Session of the Codex Committee on Food Import and Export Inspection and Certification Systems will be considered by the 28th Session of the Codex Alimentarius Commission (Rome, Italy, 4 – 9 July 2005).

A) MATTERS FOR ADOPTION BY THE 28TH SESSION OF THE CODEX ALIMENTARIUS COMMISSION

Proposed draft Principles for Electronic Certification, advanced to Steps 5/8 of the Codex Procedure, with the omission of Steps 6 and 7 (ALINORM 05/28/30, Appendix II). See also para. 37 of this report.

Governments and interested international organizations in observer status with Codex are invited to comment on the above document and should do so in conformity with the Uniform Procedure for the Elaboration of Codex Standards and Related Texts and the Guide to the Consideration of Standards at Step 8 of the Procedure for the Elaboration of Codex Standards including Consideration of any Statements relating to Economic Impact (see *Codex Alimentarius Procedural Manual*). Comments should be forwarded to the Secretary, Codex Alimentarius Commission, Viale delle Terme di Caracalla, 00100 Rome, Italy (fax +39 06 57054593; e-mail codex@fao.org), ***preferably by e-mail, not later than 31 March 2005.***

B) REQUEST FOR COMMENTS

Proposed draft Principles and Guidelines for Risk-based Inspection of Imported Foods, at Step 3 (ALINORM 05/28/30, Appendix III). See also paras 79-80 of this report.

Governments and interested international organizations in observer status with Codex wishing to submit comments should do so in writing in conformity with the Uniform Procedure for the Elaboration of Codex Standards and Related Texts (at Step 3) (see *Codex Alimentarius Procedural Manual*). Comments should be forwarded to Codex Australia, Australian Government Department of Agriculture Fisheries and Forestry GPO Box 858, Canberra ACT, 2601 (fax: 61.2.6272.3103; E-mail: codex.contact@affa.gov.au), with a copy to the Secretary, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, Via delle Terme di Caracalla, 00100 Rome, Italy (Fax No + 39.06.5705.4593; E-mail: codex@fao.org) ***preferably by e-mail, not later than 31 March 2005.***

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SUMMARY AND CONCLUSIONS

The Thirteenth Session of the Codex Committee on Food Import and Export Inspection and Certification Systems reached the following conclusions:

Matters for Adoption by the 28th Session of the Commission

The Committee:

- Agreed to advance the proposed draft Principles for Electronic Certification to Steps 5/8, with the omission of Steps 6 and 7, for adoption by the 28th Session of the Commission and to recommend the Commission to attach the Principles as an Appendix to the Codex *Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates* (CAC/GL 38-2001) (see para. 37 and Appendix II).

Matters for Approval of the 28th Session of the Commission

The Committee:

- Agreed on the need to develop Principles for the Application of Traceability/Product Tracing in the context of Food Import and Export Inspection and Certification Systems and to forward a project document for new work on the development of these Principles, through the Executive Committee, to the 28th Session of the Codex Alimentarius Commission for approval as new work. The Committee agreed that a Working Group would prepare proposed draft Principles for circulation for comments at Step 3 and consideration at its 14th Session (see paras 92, 94, 98 and Appendix IV);
- Agreed to forward a project document for new work on the revision of the Codex *Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates* (CAC/GL 38-2001) through the Executive Committee, to the 28th Session of the Codex Alimentarius Commission for approval as new work. It also agreed that a Working Group would prepare a proposed draft revised Guidelines that, pending the approval of the Commission, would be circulated for comments at Step 3 and considered at its 14th Session (see paras 108-109 and Appendix V);
- Agreed to recommend to the 28th Session of the Codex Alimentarius Commission to footnote to paragraph 35 of the Codex *Guidelines for Food Import Control Systems* (CAC/GL 38-2001) the reference to the WTO Decision WT/MIN (01)/17 which *inter-alia* specified that ‘a reasonable interval’ “ shall be understood to mean normally a period of *not less than six months*” (see para. 114).

Matters of Interest to the 28th Session of the Commission

The Committee:

- Agreed that work on the appendices to the Codex *Guidelines on the Judgement of Equivalence of Sanitary Measures Associated with Food Inspection and Certification* (CAC/GL 53/2003) should be carried out in a step-wise prioritized fashion. It agreed that a Working Group would prepare proposed draft Appendices on “Documentation for evaluation of submissions of requests for equivalence determinations”; “Determining an ‘objective basis of comparison’”; and, “More details on the process of judging equivalence” for consideration at its next session. The development of Appendices on “Assessing which measures are to be the subject of an equivalence determination” and “Terms for on-site visits by importing country authorities undertaking a determination of equivalence” would be carried upon completion of the first three appendices. As regards the Appendix on “Information relating to the need for technical assistance and cooperation between the importing countries to exporting countries”, the Committee agreed that the United States would prepare a discussion paper with a view to identifying which requirements could be developed by the Committee in this regard for consideration at its next Session (see paras 23-25);
- Agreed to return the renamed proposed draft “Principles and Guidelines for Risk-Based Inspection of Imported Foods” to Step 3 for circulation and comments. It further agreed that a Working Group led by the United States would revise the proposed draft Principles and Guidelines on the basis of the written comments requested at Step 3 and the discussion at the present session, for circulation, comments at Step 3 and further discussion at its 14th Session (see para. 80 and Appendix III);

- Agreed that a Working Group would revise the discussion paper on the revision for the Codex *Guidelines for the Exchange of Information between Countries on Rejection of Imported Foods* (CAC/GL 25-1997) to clearly justify a need for revision of the guidelines so that the Committee at its 14th Session could decide on whether to initiate this new work (see para.102);

Matters of Interest to other CommitteesCodex Committee on General Principles

The Committee:

- Supported the Definitions of Risk Analysis Terms related to Food Safety that were adopted by the 27th Session of the Codex Alimentarius Commission on an interim basis. In this regard, it was noted that these definitions were helpful to the work of the Committee, especially the work related to equivalence and that the development of a definition for “process criteria” might be added in the future to assist with the practical implementation of food control systems (see para. 7).

LIST OF ABBREVIATIONS USED IN THIS REPORT

ALOP	Appropriate Level of Protection
CAC/GL	Codex Alimentarius Commission / Guidelines
CCASIA	FAO/WHO Coordinating Committee for Asia
CCFICS	Codex Committee on Food Import and Export Inspection and Certification Systems
CCLAC	FAO/WHO Coordinating Committee for Latin America and the Caribbean
CL	Circular Letter
CRD	Conference Room Document
EC	European Community
FAO	Food and Agriculture Organization of the United Nations
ISO	International Organization for Standardization
IT	Information Technology
SPS	Sanitary and Phytosanitary Measures (WTO Agreement)
TBT	Technical Barrier to Trade (WTO Agreement)
UN/CEFACT	United Nations Centre for Trade Facilitation and Electronic Business
US	United States of America
WHO	World Health Organization
WTO	World Trade Organization

OPENING OF THE SESSION

1. The 13th Session of the Codex Committee on Food Import and Export Inspection and Certification Systems was held from 6 - 10 December 2004 in Melbourne, Australia, at the kind invitation of the Government of Australia. The Session was chaired by Mr Gregory Read, Executive Manager, Australian Quarantine and Inspection Service, Australian Government, Department of Agriculture, Fisheries and Forestry. The Session was attended by delegates from 49 Member countries and 1 Member organization and Observers from 11 international organizations. The list of participants is attached to this report as Appendix I.

ADOPTION OF THE AGENDA (Agenda Item 1)¹

2. The Committee adopted the Provisional Agenda as its Agenda for the Session. The Committee agreed to discuss Agenda item 6 "Discussion Paper on the Revision of the Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates" immediately after Agenda item 3b "Proposed draft Principles for Electronic Certification" due to the relationship between the two items. It was further agreed that the Delegation of Norway would provide information on a project on "Equivalence and Mutual Recognition in Trade Arrangements of Relevance for the WTO and the Codex Alimentarius Commission" under Agenda item 8 "Other Business and Future Work".

3. The Delegation of the European Community presented CRD 4 on the division of competence between the European Community and its Member States according to Rule II.5 of the Rules of Procedure of the Codex Alimentarius Commission.

MATTERS REFERRED/OF INTEREST TO THE COMMITTEE ARISING FROM THE CODEX ALIMENTARIUS COMMISSION AND OTHER CODEX COMMITTEES AND TASK FORCES (Agenda Item 2)²

4. The Committee noted several of the general decisions by the 27th Session of the Codex Alimentarius Commission in relation to: Amendments to the Procedural Manual; Strategic Planning of the Codex Alimentarius Commission; Action Plan for Codex-wide Development and Application of Risk Analysis Principles and Guidelines; Review of the Mandates of Codex Committees and Task Forces; FAO/WHO Project and Trust Fund for Enhanced Participation in Codex; Relations between the Codex Alimentarius Commission and other International Organizations; Discussion on Traceability/Product Tracing in other Codex Committees, Task Forces and Coordinating Committees.

5. The Committee's attention was drawn to the ISO paper (CRD 1)

6. The Committee noted that the 27th Session of the Codex Alimentarius Commission had adopted with amendments the Proposed draft Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations and had approved the elaboration of three new texts as proposed by the 12th Session of the Committee (see Agenda items 3a, 3b and 3c).

Definitions of Risk Analysis Terms related to Food Safety

7. The Committee supported the Definitions of Risk Analysis Terms related to Food Safety that were adopted by the 27th Session of the Codex Alimentarius Commission on an interim basis. In this regard, it was noted that these definitions were helpful to the work of the Committee, especially the work related to equivalence and that the development of a definition for "process criteria" might be added in the future to assist with the practical implementation of food control systems.

¹ CX/FICS 04/13/1 and CRD 4 (Division of Competence between the European Community and its Member States)

² CX/FICS 04/13/2; CRD 1 (Submission from ISO); CRD 6 (Comments of the European Community)

PROPOSED DRAFT APPENDICES TO THE GUIDELINES ON THE JUDGEMENT OF EQUIVALENCE OF SANITARY MEASURES ASSOCIATED WITH FOOD INSPECTION AND CERTIFICATION (Agenda Item 3a)³

8. The Delegation of the United States introduced the document as lead country of the Working Group. The Delegation suggested the Committee should consider work item 6 – technical assistance in light of principle “n” of Section 4 of the *Codex Guidelines on the Judgement of Equivalence of Sanitary Measures associated with Food Inspection and Certification* (CAC/GL 53-2003) namely “*an importing country should give positive consideration to a request by an exporting developing country for appropriate technical assistance that would facilitate the successful completion of an equivalence determination*” and the recommendation of the 54th Session of the Executive Committee to reword paragraph 3 of the project document in order to make it more consistent with other Codex texts in the area of food inspection and certification as “*...matters related to technical assistance were not covered in Codex texts, as they were the responsibility of FAO and WHO. It was however noted that this was an essential issue for developing countries and that other Codex texts on inspection and certification included general references to the need for technical assistance and cooperation between the importing and exporting countries*”⁴.

9. The Committee noted that the document contained proposals on the scope of the six appendices agreed to be prepared at its 12th Session and approved as new work by 27th Session of the Commission. It agreed to prioritize the work as the six work items could represent a substantial level of effort and technical complexity to be undertaken as a whole.

Prioritization of work items

10. The Committee agreed that work on the appendices should be carried out in a step-wise prioritized fashion and noted the following comments on the prioritization of work items: (1) Assessing which measures are to be the subject of an equivalence determination; (2) Documentation for evaluation of submissions of requests for equivalence determinations; (3) Terms for on-site visits by importing country authorities undertaking a determination of equivalence; (4) Determining an “objective basis of comparison”; (5) More details on the process of judging equivalence; and (6) Information relating to the need for technical assistance and cooperation between the importing countries to exporting countries.

11. The Delegation of Australia indicated that work item (4) should be given priority followed by work items (5) and (2). The Delegation considered that work item 4 was the essential element underpinning the other elements of the remaining items, while (5) was the logical sequence to assist in the development of (4). These work items could be developed at the same time in a working group while work items (1) and (3) could be deferred to a later stage until more clarity arrived from the completion of work on items (4), (5), and (2) and the work could be carried out in the same or another working group. The Delegation also considered that work item (6) should be reworded as recommended by the 54th Session of the Executive Committee and considered at a later stage if necessary. This view was shared by the Delegation of New Zealand.

12. The Delegation of the Netherlands, speaking on behalf of the Member States of the EC present at the Session, indicated that priority should be given to practical issues that could easily be addressed by work items (2), (3), and (5). While work on items (1) and (4) were linked to issues of definitions and principles, which might be difficult to complete, could be dealt in a second stage after completion of work items (2), (3), and (5). The Delegation was of the view that work with item (6) was out of the Codex mandate and was indeed addressed in other frameworks.

13. The Delegation of the Republic of Korea expressed the view that work items (1), (4), and (5) could be developed in the first year following by (2), (3), and (6) in the second year. The Delegation, as the Coordinator of CCASIA, expressed the view that most countries of Asia favoured further development of work item (6).

³ CX/FICS 04/13/3 and comments submitted by Argentina, Bolivia, Canada, Honduras, Mexico, New Zealand, Norway and the United States (CX/FICS 04/14/3-Add.1); India (CRD 7); Consumers International (CRD 8); and the EC (CRD 10)

⁴ ALINORM 04/27/4, paras 18-19

14. The Delegation of Norway concurred with Australia concerning work on items (4) and (5) and with the EC regarding work item (6). It further noted that in building-up “experience, knowledge, and confidence” there might be a need for guidance on quality assurance of export inspection and certification authorities and that this matter could be taken up in the elaboration of the relevant work items or as a standing-alone document that could be considered under Agenda Item 8 “Other Business and Future Work”.

15. The Delegation of Canada recommended that work items (1), (4), and (5) be undertaken as a matter of priority followed-up with items (2) and (3). The Delegation explained that these items would have an impact on the remaining ones and that until a better understanding of the issues surrounding the process used to establish equivalence was reached (1, 4, and 5) it would be difficult to establish principles around documentation required (2) and on-site visits (3). The Delegation concurred with the suggestion of the US Delegation related to work item (6) (see para.7).

16. The Delegation of Indonesia proposed that work items (1), (2) and (4) be undertaken as the first stage followed by work on items (3), (5) and (6). This proposal was supported by some delegations. Other delegations favoured initial work on item (1), (4), and (5) followed by (2), (3) and (6). Some delegations stressed that point (4) should be given highest priority among the prioritised items. All these delegations strongly supported development of work item (6) as a second step in the elaboration of the Appendices.

17. In view of the above discussion the Committee identified that work items (2), (4) and (5) should be given priority and had an exchange of views on their scope as in working document CX/FICS 04/13/3.

Scope of work items

Work Item (2)

18. The Delegation of Australia was of the view that the extent of documentation required for the evaluation of submissions on requests for equivalence determinations would depend on completion of work on items (4) and (5) and proposed the following alternative text for paragraph 13:

NEW PARAGRAPH 13

The extent of documentation will be determined following the assessment framework or criteria established as a result of work items (4) and (5).

19. The Observer from Consumers International indicated that all documentation submitted in the application for a determination of equivalence should be translated into an/the official language of the importing country. In paragraph 12 the Delegation of Canada proposed to delete “legal basis” and to refer only to “legislative basis” for consistency. The Delegation of Chile indicated that paragraph 14(e) was too broad and should focus on information on the food safety infrastructure of the exporting country in relation to the sanitary measure that was to be subject of the equivalence agreement.

Work Item (4)

20. The Delegation of Australia proposed the following changes: rewording of paragraph 18; insertion of a new paragraph 19 which picked up on paragraph 11(b), point 3 of work item (1); and revision of former paragraph 19 (new paragraph 20) condensing some provisions from the original paragraphs 18 and 19. These changes were supported by some delegations:

NEW PARAGRAPH 18

The importing country should specify as precisely as possible the objective basis of comparison. This should include a detailed elaboration of a-e above and define the contribution of the measure or measures to achieving the importing country’s ALOP.

NEW PARAGRAPH 19

Prior knowledge, experience, and confidence of the importing country with the exporting country’s food control system may permit a determination of equivalence of certain measures (e.g. legislation, programme design, implementation, monitoring) without further consideration.

NEW PARAGRAPH 20

The Scope of this work would consist of the elaboration of real or hypothetical examples of the determination of an objective basis of comparison for equivalence determinations of sanitary measures. Examples of these measures which might be considered for inclusion in the work could include: (a) food safety objectives, performance objectives and performance criteria established with respect to food hygiene, (b) microbiological criteria; (d) maximum residue limits for pesticide residues and residues of veterinary drugs in foods; (d) maximum levels for contaminants in foods; and (e) the application of statistical verification procedures to verify that the process control with respect to a hazard has been achieved.

21. The Delegation of India pointed out that paragraph 18 did not clarify how the examples could assist countries in understanding the application of an objective basis of comparison.

Work Item (5)

22. The Delegation of Canada was of the view that the intent of paragraphs 20 (c) and (e) needed greater clarity and that, in this respect, it would be more appropriate to develop mechanisms or establish some broad concepts around the issues of evaluating data packages and dealing with data uncertainty rather than developing specific mechanisms for this purpose.

Status of the proposed draft Appendices to the Guidelines on the Judgement of Equivalence of Sanitary Measures associated with Food Inspection and Certification**Work items (2), (4), and (5)**

23. The Committee agreed that work on items (2), (4), and (5) should be given priority. In order to carry out this task, the Committee decided to reconvene the Working Group under the leadership of the United States in cooperation with Argentina, Australia, Brazil, Canada, Chile, China, Denmark, EC, France, India, Italy, Japan, Malaysia, New Zealand, Norway, Republic of Korea, South Africa, Thailand, and Consumers International. The Committee also agreed that the Working Group would primarily work by correspondence and consider the possibility of a physical meeting in light of the discussion held among its members. The Committee further agreed that, when elaborating the appendices, the Working Group should also take into account the written comments submitted and the comments made at this Session. The Appendices would then be circulated for comments at Step 3 and consideration by the next Session of the Committee.

Work items (1), (3) and (6)

24. The Committee agreed that work on these items would be deferred until completion of work on items (2), (4) and (5). As these items were approved by the Commission as new work and in view of the new management function of the Executive Committee and the Critical Review, the Committee agreed to inform the Executive Committee of this decision.

25. As regards work item (6), the Committee agreed that the Delegation of the United States would prepare a discussion paper based on the recommendation of the Executive Committee and the need for technical assistance and cooperation referenced in other Codex texts on inspection and certification with a view to identifying which requirements could be developed by the Committee in this regard for consideration at its next Session.

PROPOSED DRAFT PRINCIPLES FOR ELECTRONIC CERTIFICATION (Agenda Item 3b)⁵

26. In introducing the proposed draft Principles for Electronic Certification, the Delegation of Australia as lead country of the Working Group highlighted that the principles aligned with the principles in the Codex *Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates* (CAC/GL 38-2001). The proposed draft principles: provided guidance to government export/import regulators that choose to exchange export certificates electronically; were technology neutral as they did not mandate a particular technology or Information Technology (IT) system; did not mandate countries to adopt electronic exchange nor the information to be exchanged between government regulators. It was also noted that there was a pressing need for these principles because quite a number of countries had adopted electronic certificate exchange and many others indicated their intention to follow this procedure in the near future and that governments were looking at Codex for guidance in this regard.

27. The Delegation of Australia also mentioned that the document referred to data elements set by the United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT) whose long-term goal was to standardize aspects of trade data elements. In this connection, it was noted that essential data dictionaries provided by UN/CEFACT incorporated ISO data standards; these dictionaries were updated on a regular basis and were accessible through the web site (www.unece.org/etrades.codesindex.htm) with no restriction and cost.

28. It was also noted that the document contained a number of widely accepted security measures, such as controlling access to the system, auditing access, digital authentication of sender and receiver and use of firewalls to protect data inside a secure barrier and that, in drafting the document, due consideration had been given to the implications for developing countries and to contingency arrangements to minimise disruption to trade in the event of system unavailability.

29. The Committee, in acknowledging that electronic certification was an alternative tool to facilitate the transmission of certificates, generally supported the proposed draft principles. The need for technical assistance and guidance to developing countries, which choose electronic certification, was also emphasised.

30. In considering the document in detail, the Committee agreed to the following changes:

Principles for Electronic Certification (para. 3)

31. The Committee agreed to refer to “the competent authorities of the exporting and importing countries” throughout the text for clarity and consistency with the terminology used in other Codex documents.

First bullet

32. The verb “align” was substituted with “comply” for consistency with the language used in the Codex *Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates* and the last part of the sentence, i.e. “where they can be applied in an electronic environment” was deleted as it was considered to be redundant.

Second bullet

33. The bullet was amended to make it less restrictive and to allow flexibility between trading partners on the most suitable means of transmitting certificates or in the information contained in them when using electronic means. A new sentence was added to this bullet, to mention that importing and exporting countries had to agree on the data elements and standardised conversions fields.

Third bullet

34. The Committee amended the bullet to refer to the need for assuring the integrity of the certification system to protect from fraud, infections from viruses and other malicious software. The Committee clarified the last part of the bullet to include some examples of measures that would assure the integrity of the system; it also specified the first example to read “digital authentication certificates” and added an additional example “or any other specifically developed security measures”.

⁵ CX/FICS 04/13/5 and comments at Step 3 submitted by Canada, Colombia, Iran, Mexico, New Zealand, United States (CX/FICS 04/13/2-Add.1) and European Community (CRD 6)

Fourth bullet

35. For clarity, the Committee modified the first sentence to refer to the protection of the system being accessed through unauthorized entries.

Fifth bullet

36. The sentence was amended to refer to the limitations of infrastructures and capabilities of developing countries.

Status of the proposed draft Principles for Electronic Certification

37. The Committee agreed to advance the proposed draft Principles to Steps 5/8, with the omission of Steps 6 and 7, for adoption by the 28th Session of the Commission (see Appendix II) and to recommend the Commission to attach the Principles as an Appendix to the *Codex Guidelines for Generic Official Certification Formats and the Production and Issuance of Certificates* (CAC/GL 38-2001).

PROPOSED DRAFT GUIDELINES FOR RISK-BASED INSPECTION OF IMPORTED FOODS (Agenda Item 3c)⁶

38. The Delegation of the United States, as lead country of the Working Group, introduced the proposed draft Guidelines for Risk-Based Inspection of Imported Foods and informed the Committee that the document had been developed in line with the following points:

- The need for transparency and harmonization with international science-based requirements;
- The need to ensure consistency between import and domestic requirements;
- The importance of science based decision making to identify risk and appropriate checks;
- Consideration of the exporting country's inspection controls in determining the level of inspection needed at import;
- The need for expeditious processing of commodities at import; and,
- The importance of coordination among border control agencies to share information and reduce delays.

39. The Committee generally supported the development of the document. Some delegations expressed the view that the document should be an Annex to the *Codex Guidelines for Food Import Control Systems* (CAC/GL 47-2003) as it would ensure greater consistency, improve user friendliness and reduce repetitiveness; that the document should elaborate more the linkages of the categorization of risk and the intensity of inspection; and that the Committee should have a broader discussion on the meaning of "risk-based" in the context of the Guidelines and the degree to which a definition developed by the Committee should be aligned with that under development in the Codex Committee on Meat Hygiene.

40. With regard to whether the scope and content should be expanded to include the inspection of imported food regarding non-safety areas, some delegations expressed the view that the document should focus only on safety as the risk approach would be different for the inspection of safety and non-safety related issues.

Specific comments

41. The Committee considered the document (CX/FICS 04/13/3) in detail and, in addition to some minor editorial changes, including amendments to the French and Spanish translations, agreed to the following changes:

⁶ CX/FICS 04/13/5 and comments by Argentina, Canada, Colombia, Mexico, New Zealand, United States (CX/FICS 04/13/5, Add. 1), Brazil (CRD 5), European Community (CRD 6), China (CRD 9) and Indonesia (CRD 13)

Title

42. The Committee noted that the title of the document communicated very clearly the scope of the document; it included the term “Principles” to better reflect the content of the document and for consistency with the title of other texts developed by the Committee. Some delegations suggested reference to the term “health and programme” be made in the title.

Introduction

43. The Committee reversed the order of the first two paragraphs to more clearly establish the rationale for the document. In the renumbered paragraph 1, it was specified that the food safety risk presented by an “imported food” was dependent upon a number of factors.

44. In the renumbered paragraph 2, the term “conformance” was changed to “compliance” to add clarity and for consistency with the language of other Codex texts; the last part of the paragraph was amended to read “to ensure compliance of imported foods with the importing countries” health and food safety requirements”.

45. In recognizing that the information in paragraph 3 was already included in the Section “Designing a Risk-based Programme: Categories of Risk”, the Committee deleted the entire paragraph.

46. Paragraph 5 (renumbered 4) was rewritten to better specify that the implementation of a risk-based design increased the effectiveness of an imported food inspection programme to ensure greater attention to products presenting a higher level of risk to human health. The Committee added a footnote to “risk-based” to refer to the definition under development in the Codex Committee on Meat Hygiene. The footnote was put in square brackets to further consider how best to define “risk-based” in the light of the work in other Committees.

Scope

47. Paragraph 7 (renumbered 6) was moved under the “Scope”. The paragraph was rearranged to better highlight the relationship of the document with the Codex *Guidelines for Food Import Control Systems*. The Codex *Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations* (CAC/GL 19-1995, Rev.1-2004) was also added to the texts listed in the paragraph.

48. Paragraphs 8, 9 and 10 (renumbered 7, 8 and 9) were amended to refer to “principles and guidelines” for consistency with previous decision regarding the title. The Committee agreed that the scope of the principles and guidelines was food safety and deleted the second and third sentence of paragraph 9 referring to areas other than food safety. The Observers from Consumers International and 49P did not support this deletion as they considered that matters related to economic fraud were relevant to consumers’ protection.

Objectives

49. The Committee split paragraph 11 (renumbered 10) into two paragraphs to better separate the process of risk categorization related to the product *per se* from the reduction of risk expected from the various forms of assurances of compliance which could result in a reduction in the intensity of inspection. The text of the two paragraphs was amended for clarity. For consistency with previous decision, “conformity” was replaced by “compliance” and “threat” was changed to “risk” as defined by Codex⁷.

Principles

50. The Committee agreed that it was more appropriate to restrict the statements in the guidelines to the issue of controls of imported foods and amended the first bullet of paragraph 12 to indicate that the “requirements for the inspection of imported food should be developed using a risk analysis approach”.

51. The second bullet was amended for consistency with the decision regarding paragraph 11 (renumbered 10 and 11); the examples were deleted as they did not contribute to the understanding of the document and could give rise to interpretations that were restricted to the examples presented. As the term “intensity” was deleted in the revised bullet, the related footnote was moved to the renumbered paragraph 11, where the term first appeared. The footnote was revised to refer to “sampling plan” instead of “proportion of product examined” for clarity.

⁷ See Procedural Manual of Codex Alimentarius “Definitions of Risk Analysis Terms related to Food Safety”

52. The third bullet was clarified to point out that the intensity of inspection of a specific food should be correlated with the risk category attributed to it and for consistency with the revised paragraphs 10 and 11; the term “growers” was deleted as it was encompassed in “producers” and for consistency with the language used in the Codex *Guidelines for Food Import Control Systems*; “the food control systems in the exporting country” was added to the elements that the intensity of food should take into account.

53. A new bullet (fourth) was added to refer to sampling plan. As the new bullet was very similar to the fifth bullet, the latter was deleted.

54. The Delegation of Brazil suggested changing the wording of the fourth bullet to bring the text into conformity with paragraph 2.3 of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS) as follows: “The inspection system and related requirements should not arbitrarily or unjustifiably discriminate between exporting countries where identical or similar conditions prevail and border/point of control inspection of imported food should not result in disguised restriction to trade”. The Committee did not support the proposal. The fourth bullet was deleted and the concept of unnecessary delays/expeditious processing of commodities was incorporated in the sixth bullet (new fifth bullet).

55. In the sixth bullet (new fifth bullet) the term “checks” was replaced by “inspection” for clarity.

56. In the seventh bullet (new sixth bullet) “acceptability” was replaced with “compliance” as being more precise.

57. The Delegation of India suggested revising the eighth bullet to read “Border/point of control inspection procedures should ensure that rejections of imported foods are scientifically justified and correct” in order to ensure that inspection procedures of imported food are scientifically justified. Some delegations considered the proposal not specific to risk-based inspection and, due to the lack of consensus, it was not retained. The Committee amended the bullet to state that the information on sampling plans and risk categories attributed to foods, requirements used to determine compliance of food products and other information on clearance procedures should be transparent, easily accessible and up-to-date.

58. The last bullet of paragraph 12 was deleted as the exchange of information on rejections resulting from inspection was already included in the Codex *Guidelines for the Exchange of Information between Countries on Rejection of Imported Foods* (CAC/GL 25-1997).

Designing a Risk-based Programme

59. The Committee aligned the text in paragraph 13 with the text of the first bullet of paragraph 12.

Categories of risk

60. Paragraph 14 was moved under the Section “Designing a Risk-based Programme” as it reflected both the initial categorization and the consideration of additional factors. The terms commodity/ies was substituted with “food” or “products” for consistency with the terms used in the document; in the last part of the paragraph a reference was added to the type of production, to recognize that the production method used was important in determining the risk categorization. A last sentence “The intensity of inspection may be adjusted according to demonstrated compliance to food safety requirements” was added to refer to the consideration of additional factors.

Additional factors for assigning food to a risk category

61. Paragraph 15 was re-written to clarify the concept that the competent authority should use an evidence-based approach to design a risk-based programme which ensures that border/point of control checks for specific products are proportionate to the risk to human health. The Committee agreed that the use of terms related to risk categorization should be changed throughout the text for consistency with the revised paragraph and/or for grammatical correctness. Therefore, it agreed to put all these terms in square brackets in view of their revision. In the third bullet the term “growers” was deleted in accordance with previous decisions and a new bullet was added to refer to the “third party inspection bodies”.

62. The Committee agreed to the proposal of the Working Group to delete the sub-headings under the Section “Designing Risk-based Programme” because of the difficulty in making them consistent with the concepts highlighted in the revised paragraph 15.

63. In the first sentence of paragraph 16 the verb “should” was changed to “may” to allow for a less demanding provision; a new sentence was added to state that the risk category and the manner of establishing it should be fully documented.

64. The Committee amended paragraph 17 to refer to risk categorization for consistency with the language used throughout the document. Although the need to ensure transparency was considered very important, the Committee felt that a requirement for advanced notification of the risk categorization’s review to the authorities of exporting countries was too cumbersome and impractical to apply and that it was already adequately covered in paragraph 35 (renumbered 33).

Developing Requirements and Procedures

65. The Committee noted that the provisions outlined in the Section “Other Consideration” of the Codex *Guidelines for Food Import Control Systems* related to the agreements where the competent authorities assess the control that importers impose on suppliers were relevant to a risk-based inspection programme and included language in this regard to paragraph 18.

66. The last part of the first sentence of paragraph 18, the last part of paragraph 20 and the first sentence of paragraph 21 were amended for consistency with the revised text in paragraph 15 and for grammatical correctness.

67. In paragraph 22, the Committee expanded the list of factors leading to changes in the risk categorisation of a product to include: results of audits conducted in the exporting country; the detection of non-compliances at the point of import and detection of pathogens, contaminants and potentially harmful residues in imported food; and the results of border/point of control checks. The sentence was also modified to underscore the concept that a product was placed in a higher category of risk until it was confirmed that corrective measures had been introduced and were implemented effectively. In this regard, it was understood that an importing country should evaluate that corrective action had been put in place by the exporting country within a reasonable interval of time. The third sentence was clarified to state that the occurrence of further outbreaks should be prevented. The last sentence related to the inclusion in some instances of auditing of exporting countries procedures was deleted.

68. In paragraph 23, the Committee specified that audit results and results of border/point of control inspections demonstrated the conformance of foods with the importing country’s requirements.

69. Paragraph 25 was deleted in its entirety as it repeated the principle in sixth bullet of paragraph 12 (i.e. new fifth bullet).

70. The Committee removed the term “credible” in the first bullet of paragraph 26 (renumbered 25); it deleted the second bullet as information of epidemiological results was implicitly included in the meaning of risk assessment. In recognising that it was not realistic to aim at statistical validity of sampling plans at border/ point of control checks and there were no validated inspection procedures, the Committee agreed to refer to “scientifically based sampling plan” in the third bullet and to amend the fourth bullet point to “appropriate inspection procedures, appropriate sampling techniques and competent laboratories using validated analytical methods”.

71. The second sentence of paragraph 27 (renumbered 25) was removed as it left a margin for arbitrariness and a new paragraph was added to provide a list of procedures that can be used for the clearance of imported food. The new paragraph also highlighted that the intensity and type of inspection were related to the risk to the human health of the imported food and that a lot-by-lot inspection should be reserved for products that presented a significant and scientifically supportable public health risk.

72. Paragraphs 28 and 29 were removed, the first for consistency with the decision regarding paragraph 26 (renumbered 25) and the second as it was not specific to risk-based inspection and it was adequately addressed under the Section regarding Control and Inspection Procedures of the Codex *Principles for Food Import and Export Inspection and Certification* (CAC/GL 20-1995).

Implementing the Risk-based Import Inspection Programme

73. Paragraph 31 was deleted for the same reasons as paragraph 29.

74. The first sentence of paragraph 33 (renumbered 31) was made more specific to refer to training in the “importing country’s procedures for risk-based inspection of imported foods”; the second sentence was deleted as it added complexity to the paragraph.

75. The Committee clarified the third sentence of paragraph 34 (renumbered 32) to refer to testing from the country when “multiple processing establishments producing similar type of products” were involved. The term “extreme” in the last sentence was changed to “serious” as it is a more appropriate term. A last sentence was added to provide a procedure for appeal.

76. “Procedures for risk categorization” was added to the second sentence of paragraph 35 (renumbered 33), for completeness.

77. In paragraph 36 (renumbered 34) the Committee changed the term “exporter” with “importer” for consistency with provisions in paragraph 4 of the Codex *Guidelines for the Exchange of Information between Countries on Rejection of Foods* (CAC/GL 25/1997). As it could not reach a consensus on whether the importer and/or the food control authorities of the exporting countries should be notified when a shipment fails to meet the requirements, the Committee put “and/or” in square brackets for further discussion. The first sentence was modified to refer to “corrective and preventive action” instead of “correction of the problem”.

78. Paragraph 37 was entirely removed as it was covered adequately in the Codex *Guidelines for Food Import Control Systems*.

Status of the proposed draft Guidelines for Risk-Based Inspection of Imported Foods

79. The Committee agreed to return the renamed proposed draft “Principles and Guidelines for Risk-Based Inspection of Imported Foods” (see Appendix III) to Step 3 for circulation and comments. It further agreed that a Working Group led by the United States in cooperation with Argentina, Australia, Canada, Chile, China, Costa Rica, EC, France, Haiti, India, Iran, Ireland, Japan Malaysia, New Zealand, Republic of Korea, Singapore, Switzerland and Thailand would revise the proposed draft Principles and Guidelines on the basis of the written comments requested at Step 3 and the above discussion, for circulation, comments at Step 3 and further discussion at its 14th Session.

80. The Committee also agreed that the Working Group would primarily work by correspondence and consider the possibility of a physical meeting in light of the discussion held among its members.

DISCUSSION PAPER ON TRACEABILITY/PRODUCT TRACING IN THE CONTEXT OF FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS (Agenda Item 4)⁸

81. The Chairperson of the Committee introduced the discussion paper and informed the Committee that the document distilled the progress on the issue of traceability/product tracing in Codex since the last meeting. These included the comments in relation to the Circular Letter (CL 2004/6-FICS), adoption of the definition developed by the Codex Committee on General Principles by the 27th Session of the Commission and the exchange of views that had been expressed during seminars conducted in Mexico, Singapore, the Philippines and Samoa. He informed the Committee that there were other seminars planned before the next Session of the Commission, the first of them to be held in conjunction with the 16th Session of the FAO/WHO Coordinating Committee for Africa (January 2005).

82. The Chairperson indicated that it was clear from his participation in these seminars that there were diverse views on this subject and a number of points to be debated and discussed in full in relation to the application of principles for traceability/product tracing and whether they should be developed for both food safety and fair trade together or separately. He said that this discussion could not take place at this Committee’s Session due to time constraints.

83. In order to comply with the request of the 27th Session of the Commission to “present a proposal for new work on principles for the application of traceability/product tracing as a matter of priority” the Chairperson pointed out that the Committee should agree to put forward to the 28th Session of the Commission a proposal for new work broad enough to allow for this discussion.

⁸ CX/FICS 04/13/6 and comments submitted in response to CL 2004/6-FICS by Argentina, Bolivia, Canada, Costa Rica, EC, Guatemala, Guyana, Honduras, Indonesia, Panama, the United States, Venezuela, Croplife International, Europabio, International Dairy Federation, 49th Parallel 49P (CX/FICS 04/14/6-Add.1); Mexico (CX/FICS 04/14/6-Add.2); and Brazil (CRD 2). Comments submitted by Consumers International (CRD 8); EC (CRD 11); and Indonesia (CRD 13); Discussion on Traceability/Product tracing in other Codex Committees, Task Forces and Coordinating Committees (CX/FICS 04/13/2, part 2)

Scope of the application of traceability/product tracing

84. The Committee noted that there was divergence of views on the scope of the application of traceability/product tracing. In this regard, the Committee recognized the broad application of traceability/product tracing covering food safety and non-food safety matters and the dual mandate of Codex to protect consumers' health and ensure fair practices in food trade.

85. The Delegation of Korea, as Coordinator of CCASIA, informed the Committee of the outcome of the discussion on this matter at the 14th Session of FAO/WHO Coordinating Committee for Asia (September 2004) indicating that the Committee favoured the elaboration of principles for the application of traceability/product tracing, that it should be implemented on a case-by-case basis taking into account the following criteria: the nature and extent of risk has to be determined on the basis of specific risk assessment and only after this assessment should a product be considered for traceability/product tracing; it should be demonstrated that traceability/product tracing was an effective management option for the identified risk and that there was no other more cost effective alternative to manage that risk; the extent of application of traceability/product tracing in the food chain should be clearly listed out on the basis of the risk assessment; practical applicability and the cost effectiveness; the cost/benefit analysis should be worked out in advance before traceability/product tracing is considered for a particular product; and there should be a clear demonstration of the fact that traceability/product tracing will not be used as a technical barrier to trade⁹.

86. The Delegation of Argentina, as Coordinator of CCLAC, also informed the Committee of the outcome of the discussion on this matter at the 14th Session of the FAO/WHO Coordinating Committee for Latin America and the Caribbean (December 2004) by quoting the view of the Coordinating Committee namely: *"The Committee also agreed that no reference should be made to the aspects of fair trade practices, since traceability/product tracing should be used only as a risk management tool for the purpose of ensuring food safety"*¹⁰. This view was supported by some other delegations.

87. Another Delegation was of the opinion that traceability/product tracing should apply to processed foods only as in most developing countries farming was carried out by a large number of small scale farmers unevenly distributed across the country and hence, facing difficulties in implementing traceability/product tracing for fresh product, especially food crops and horticulture. Some other delegations shared this view. It was also noted the linkages between matters surrounding traceability/product tracing and equivalence and the importance of working in parallel on these two subjects was highlighted.

88. Other delegations, while recognizing the dual mandate of Codex, were of the opinion that in order to progress work within Codex and in consideration of the great deal of agreement to develop principles for traceability/product tracing applicable to food safety, first priority should be given to the development of traceability/product tracing principles in food import and export inspection and certification systems related to food safety and, in a second step, consideration should be given to the development of principles related to non-food safety matters.

89. The Delegation of the EC indicated that the two main objectives of Codex, protecting consumers' health and ensuring fair practices in food trade could not be dissociated when dealing with traceability/product tracing. In addition, the Delegation indicated that traceability/product tracing was a tool that might be applied within a broader food inspection and certification system for different purposes, food safety but also to protect consumers against deceptive marketing practices and to ensure fair practices in food trade on the basis of accurate product description. Other delegations and Observers also held this view. These delegations felt that the same principles should apply in both cases while some specific provisions could be taken up when elaborating the Principles. It was also noted that there were other international standardization organizations, such as ISO, already working on this matter and that Codex as the internationally recognized food standardization body should take the lead in the development of the traceability/product tracing principles applicable to food safety and fair practices in food trade.

90. It was further noted that traceability/product tracing systems applying to both food safety and fair trade practices were already in place in a number of countries and it was important to share these experiences in addition to work in Codex, other international organizations and taking into account existing legislations.

⁹ ALINORM 04/28/15, paras 5-6

¹⁰ ALINORM 04/28/36

91. The Committee noted that the current proposal for new work in Annex 1 to CX/FICS 04/13/6 referred to “traceability/product tracing requirements”. In this regard, it agreed that the term “requirements” was too restrictive as traceability/product tracing was a tool that food control authorities could use as a risk management option to recall/withdraw foods when a problem in food arose. In view of this, the Committee agreed to delete the reference to “requirements” throughout the text. It was noted that, as a risk management option, the establishment of a traceability/product tracing system should not be imposed by countries on other countries, but that it was a matter for national governments to decide.

Further work on the Principles for the Application of Traceability/Product tracing in the context of Food Import and Export Inspection and Certification Systems

92. The Committee agreed on the need to develop principles for the application of traceability/product tracing in the context of food import and export inspection and certification systems. The Committee also agreed that, at this stage, the project document to be submitted for approval as new work by the 28th Session of the Codex Alimentarius Commission (July 2005) should be kept simple and broad and that further discussion on the extent of the scope of the principles could be taken up in a physical meeting of a Working Group after the approval of the new work by the 28th Session of the Commission. In view of the excellent work carried out by Australia, the Committee agreed that the Working Group would be chaired by Australia. In addition, two Vice-chairpersons from Argentina and Norway were designated in order to keep the inclusiveness of the process by incorporating representatives from developed/developing and importing/exporting countries considering the divergent views that Codex Members held on the matter.

93. In order to facilitate the development of the Principles, the Chairperson, in cooperation with the Vice-chairpersons would prepare a revised set of Principles for the Application of Traceability/Product Tracing in the context of Food Import and Export and Inspection and Certification Systems that would take into account relevant documents and the discussion held at the present Session.

94. The revised set of Principles would then be circulated by means of a Circular Letter. Comments submitted in response to this Circular Letter would be distributed by the Australian Secretariat to the Chairperson and Vice-chairpersons of the Working Group. The revised set of Principles along with the comments received to the Circular Letter would be considered by a physical meeting of the Working Group with a view to elaborating a set of principles that should also take into account the work done or in progress within Codex and other international organizations as well as the outcomes of regional seminars/workshops carried out in regard to traceability/product tracing.

95. The proposed draft Principles, as prepared by the Working Group, would be circulated for comments at Step 3, subject to approval by the Commission as new work, for consideration by the 14th Session of the Committee.

96. The Committee noted that an Invitation Letter from the Chair and its Vice-chairpersons would be issued to attend the meeting of the Working Group. In this regard, it was noted that participation in Working Groups was open to all Codex Members and Observers. The Invitation would be circulated by the Codex Secretariat to Codex Members and Observers through the Codex Electronic Distribution List (Codex-L).

Project Document – CCFICS Proposal for New Work on Principles for the Application of Traceability/Product Tracing in the context of Food Import and Export Inspection and Certification Systems

97. The Committee agreed on a number of amendments to the project document namely:

- a) Preparation: The reference to the 13th Session of the Committee in the preparation of the project document;
- b) Purpose and Scope of the proposed Standard: the application of traceability/product tracing in relation to official food inspection and certification systems to enable the Working Group to discuss the application of principles in regard to the dual mandate of Codex;
- c) Its relevance and timeliness: the reference in the text to the decision of the Codex Alimentarius Commission to request CCFICS to present a proposal for new work on this matter;
- d) An Assessment against the Criteria for the Establishment of Work Priorities: the introduction of relevant criteria for the Establishment of New Work (a), (b) and (d);

- e) Information on the relation between the proposal and other existing Codex documents: the indication that the new work should take into account the work done or being done within Codex, regional seminars/workshops carried out in regard to traceability/product tracing and should be consistent with the definition of traceability/product tracing adopted at the 27th Session of the Commission.

98. The Committee agreed to forward the amended project document, through the Executive Committee, to the 28th Session of the Commission for approval as new work (see Appendix IV).

DISCUSSION PAPER ON THE REVISION OF THE GUIDELINES FOR THE EXCHANGE OF INFORMATION BETWEEN COUNTRIES ON REJECTION OF IMPORTED FOODS (Agenda Item 5)¹¹

99. The Delegation of India introduced the document as lead country of the Working Group. The Delegation recalled that at its 12th Session the Committee considered a project document, prepared by India, proposing the revision of the Codex *Guidelines for the Exchange of Information between Countries on Rejection of Imported Foods* (CAC/GL 25-1997) to incorporate certain additional concepts designed to improve the efficacy of the principles of exchange of information, to maintain consistency and to align some of the clauses with the revised Codex *Principles and Guidelines for the Exchange of Information in Food Control Emergency Situations* (CAC/GL 19-1995, Rev.1-2004).

100. The Working Group prepared a discussion paper (CX/FICS 04/13/7) which included background information, the revised guidelines (Annex 1) and a project document (Annex 2). The major changes proposed in the revised guidelines included: Revision of the presentation of the document to bring out, in a structured manner, scope, principles, nature and extent of health hazard, justification of rejection decisions, cases of rejections arising from certain serious situations/repeated & systematic failures, action taken, communication of information, role of FAO/WHO and a standard format for information exchange; consistency with the objective of CAC/GL 19-1995, Rev. 1-2004; Inclusion of both Principles and Guidelines; Incorporation of a clause to communicate justification on rejection decisions; Inclusion of the role of the competent authority of the exporting country in addition to that of the exporter and importer with regard to structured communication of information.

101. The Delegation of the Republic of Korea, as Coordinator of CCASIA, said that most of the Asian countries supported continuing the discussion on this issue. Other delegations observed that the discussion paper focused on the changes to the Guidelines rather than on first justifying that there was a clear need to initiate revision of the Guidelines.

102. The Committee agreed that a Working Group led by India in cooperation with Australia, Canada, Chile, Iran, Malaysia, Thailand and the United States, taking into account the above discussion and written comments, would revise the discussion paper to clearly justify a need for revision of the guidelines so that the Committee at its 14th Session could decide on whether to initiate this new work.

DISCUSSION PAPER ON THE REVISION OF THE GUIDELINES FOR GENERIC OFFICIAL CERTIFICATES FORMATS AND THE PRODUCTION AND ISSUANCE OF CERTIFICATES (Agenda Item 6)¹²

103. In introducing the discussion paper, the Delegation of United States, as lead country of the Working Group, recalled the proposal for the further elaboration of certain provisions of the Codex *Guidelines for Generic Certificate Formats and the Production and Issuance of Certificates* (CAC/GL 38-2001) that was presented at the 12th Session of the Committee.

¹¹ CX/FICS 04/13/7 and comments submitted by EC (CRD 12)

¹² CX/FICS 04/13/8 and comments by the European Community (CRD 6); Project document for new work on the Revision of the Codex *Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates* (CRD 14)

104. The Committee noted that the discussion paper suggested the revision of Section 5 (Principles) and/or Section 6 (Criteria) to incorporate additional information on: situations when attestations from national competent authorities or their officially recognised representatives might be necessary and when certification by exporters, third party or commercial bodies not recognised by competent authorities were most appropriate; and on provisions that would allow for flexibility by the importing countries to resolve difficulties associated with these problems.

105. In addition, it was suggested to:

- revise Section 5 or Section 6 to indicate when certificates were considered duplicative or redundant;
- provide clarification regarding the application of an export certificate to the shipment of multiple lots of the same products;
- consider the development of suggested attestation language for use in common attestation and the usefulness of recommending harmonised names for export certificates;
- indicate that requests for proprietary information should relate directly to the need to ensure product safety or to prevent economic fraud or deceptions, while considering adequate means to protect such information; and,
- consider the relationship between facility and label registration requirements and certifying product for export.

106. The Committee also noted the suggestion to integrate the Principles for Electronic Certification (see Agenda item 3a) in the revised Guidelines.

107. The Committee generally supported the proposal to initiate new work on the revision of the Guidelines and the scope of the revision. In this regard, it was suggested that the revised guidelines: should be outcome-focused, principles-based and less prescriptive than the current ones; should clearly separate between mandatory and marketing requirements; should not consider situations when attestations were delivered by third parties; should provide for flexibility to resolve difficulties related to specific attestation while ensuring food safety; should provide for reducing the number of certificates while maintaining the link between a specific consignment and a specific certificate.

108. The Committee considered a project document (CRD 14) for new work on the revision of Codex *Guidelines for Generic Certificate Formats and the Production and Issuance of Certificates* (CAC/GL 38-2001). It supported the document with the deletion of the example of multiple certificate required by different agencies in Section 3 “The main aspect to be covered”. The Committee agreed to forward the amended document, through the Executive Committee, to the 28th Session of the Commission for approval as new work (see Appendix V).

109. It also agreed that a Working Group led by the United States in cooperation with Argentina, Australia, Canada, EC, France, Ghana, India, Iran, Ireland, Japan, New Zealand, and Republic of Korea would prepare a proposed draft revised Guidelines that, pending the approval of the Commission, would be circulated for comments at Step 3 and consideration at its 14th Session.

CLARIFICATION OF THE REFERENCE TO “A REASONABLE INTERVAL” IN THE CODEX GUIDELINES FOR FOOD IMPORT CONTROL SYSTEMS (Agenda Item 7)¹³

110. The Delegation of Paraguay introduced the discussion paper by giving an outline of the issue. The Committee was then invited to consider the following: to clarify if the reference to “a reasonable interval” as it appeared in paragraph 35 of the Codex *Guidelines for Food Import Control Systems* (CAC/GL 47-2003) meant a period of not less than 6 months or, through a revision of the guidelines replace a reasonable interval with “a period of not less than 6 months”; and if the latter applied, to consider whether in all documents prepared by CCFICS, intervals should be clearly determined in each case and not use phrases that might cause difficulties of interpretation or resulted in ambiguity.

¹³ CX/FICS 04/13/9 and comments submitted by Honduras (CRD 3); EC (CRD 6); and Indonesia (CRD 13).

111. The Committee had an exchange of views on the need to amend paragraph 35 of the Guidelines by replacing “*a reasonable interval*” with “*a period of no less than 6 months*” account being taken of the WTO Decision WT/MIN (01)/17 which *inter-alia* specified that “a reasonable interval shall be understood to mean normally a period of *not less than six months*” subject to a number of provisions. The Committee noted that the Decision provided additional guidance to WTO Members on the implementation of a range of provisions under the various WTO Agreements, including the SPS and TBT Agreements.

112. The Committee recognized that although the phrase “a reasonable interval” might lead to diverging interpretations, it did not feel that it was necessary to change the current paragraph 35 of the guidelines nor to apply this revision throughout CCFICS texts where intervals of time were mentioned. In this regard, it was noted that the use of term such as “less than 6 months” might not be appropriate in certain cases such as food safety emergency situations.

113. The Committee noted that the question of “undue delays” was being considered within the WTO/SPS Committee and that it had been identified as an issue for further consideration and follow-up. In addition, a number of delegations questioned the competence of Codex to take up this matter and that the application of a precise time frame would be specifically addressed in the framework of WTO when a trade dispute arose.

114. In view of the above considerations, the Committee agreed to recommend to the 28th Session of the Commission to footnote to paragraph 35 of the Codex *Guidelines for Food Import Control Systems* the reference to the WTO Decision WT/MIN (01)/17 in order to clarify the term.

OTHER BUSINESS AND FUTURE WORK (Agenda Item 8)

115. The Delegation of Norway drew the attention of the Committee to a recently published report “Equivalence and Mutual Recognition in Trade Arrangements - Relevance for the WTO and the Codex Alimentarius Commission” prepared by the Centre for Food Policy at the Norwegian Agricultural Economics Research Institute.

116. The report discusses the concepts of equivalence, mutual recognition and harmonization and how these concepts can be applied as tools complementing each other to facilitate trade both in the topics in both the WTO/TBT and WTO/SPS Committees and in the Codex Alimentarius. It also presents a number of examples of trade arrangements involving mutual recognition and equivalence assessments, and the factors to be considered before entering into development of such agreements.

117. The report can be found at:

<http://www.nilf.no/Publikasjoner/Rapporter/En/2004/R200409Contents.shtml>

DATE AND PLACE OF NEXT SESSION (Agenda Item 9)

118. The Committee noted that its 14th Session was tentatively scheduled to be held in twelve-month time, subject to further discussion between the Codex and Australian Secretariats.

SUMMARY STATUS OF WORK

Subject Matter	Step	Action by:	Document Reference (ALINORM 03/16)
Proposed draft Principles for Electronic Certification	5/8	Comments 28 th CAC	Paras 26-37 and Appendix II
Proposed draft Appendices to the Guidelines on the Judgement of Equivalence of Sanitary Measures Associated with Food Inspection and Certification (“Documentation for evaluation of submissions of requests for equivalence determinations”; “Determining an ‘objective basis of comparison’”; and, “More details on the process of judging equivalence”)	3	Working Group Comments 14 th CCFICS	Paras 8-25
Proposed draft Principles and Guidelines for Risk-based Inspection of Imported Foods	3	Comments Working Group Comments 14 th CCFICS	Paras 38-80 and Appendix III
Discussion paper on Traceability/Product Tracing in the Context of Food Inspection and Certification Systems	1/2/3	28 th CAC Working Group Comments 14 th CCFICS	Paras 81-98 and Appendix IV
Discussion Paper on the Revision of the Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates	1/2/3	28 th CAC Working Group Comments 14 th CCFICS	Paras 103-109 and Appendix V
Discussion Paper on the Revision of the Guidelines for the Exchange of Information Between Countries on Rejections of Imported Foods	-	Working Group Comments 14 th CCFICS	Paras 99-102
Discussion Paper on Clarification of the Reference “a reasonable interval” in the Guidelines for Food Import Control Systems		28 th CAC	Paras 110-114
Proposed draft Appendices to the Guidelines on the Judgement of Equivalence of Sanitary Measures Associated with Food Inspection and Certification (Appendices on “Assessing which measures are to be the subject of an equivalence determination” and “Terms for on-site visits by importing country authorities undertaking a determination of equivalence”)	Postponed until completion of work on the first three appendices		Paras 8-25
Discussion Paper on the development of an Appendix on “Information relating to the need for technical assistance and cooperation between the importing countries to exporting countries” to the Codex Guidelines on the Judgement of Equivalence of Sanitary Measures Associated with Food Inspection and Certification	-	US 14 th CCFICS	Paras 8-25

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APPENDIX II**PROPOSED DRAFT PRINCIPLES FOR ELECTRONIC CERTIFICATION****(N05-2004)****(at Steps 5/8 of the Elaboration Procedure)****Objective**

1. This document elaborates Section 5 of the document “*Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates* (CAC/GL 38 – 2001) in relation to the principles for production, transfer and acceptance of electronic certificates. These principles are intended to provide guidance for competent authorities where export certification is exchanged electronically.

Definitions

2. See “*Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates* (CAC/GL 38 – 2001).

Principles for Electronic Certification

3. Where export certification is exchanged electronically between the competent authorities of the exporting and importing countries the system should:

- Comply with the principles of the Codex *Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates* (CAC/GL 38 - 2001);
- Consider data elements and message structure such as those set/ratified by the United Nations Centre of Trade Facilitation and Electronic Commerce for electronic certification exchanged between government border authorities (refer ISO/UNTDED¹). The importing and exporting countries will need to agree on the data elements to be exchanged and on the standardized conversion fields that allow each country to send and receive data according to its preferred standard;
- Assure integrity of the certification system during the exchange of electronic data to protect against fraud, infection from viruses and other malicious software and maintain system integrity. Examples of such security measures which may be considered include:
 - digital authentication certificates;
 - encryption;
 - controlled and audited access;
 - firewalls;
 - any other specifically developed security measures.
- Include a mechanism to control and protect system access against unauthorised entry. This will require the competent authorities of both the exporting and importing countries to agree on access rights, including officials authorised to access the system;
- Take into account the limitations of infrastructure and capabilities of developing countries;
- Include a contingency plan to ensure disruption to trade is minimal in the event of system failure.

¹ The UNTDED (United Nations Trade Data Elements Directory) contains descriptions of all elements by number and short description plus attributes (www.unece.org/etrades/codesindex.htm). As an example, DE1004 is a "Document/Message Number". A similar identification in X12 is 324 "Purchase Order Number".

APPENDIX III**PROPOSED DRAFT PRINCIPLES AND GUIDELINES FOR RISK-BASED INSPECTION
OF IMPORTED FOODS****(N06-2004)****(at Step 3 of the Elaboration Procedure)****INTRODUCTION**

1. The food safety risk presented by an imported food is dependent upon a number of factors, including the nature of the food, the presence and concentration of a hazard, and the handling conditions to which the product is subjected. While these guidelines generally reference the “product”, that is, the imported food, it is important to note that the reference to the product includes the hazard(s) associated with the product.
2. As trade in food grows, as more countries engage in producing food for the world market, as the variety of food products increases, and as concerns with ensuring the safety of food increases, regulatory agencies face new challenges in developing an appropriate system to ensure compliance of imported foods with importing countries health and food safety requirements
3. As part of a programme to assure that imported foods meet their public health and food safety requirements, an importing country may develop a programme to inspect products when they enter the country.
4. To increase the effectiveness of an imported food programme, the implementation of a risk-based¹ design ensures that a greater attention is given to products that present a higher level of risk to human health².
5. This document establishes principles and guidelines for developing a risk-based programme for carrying out border/point of control inspections of imported food products.

SCOPE

6. This document should be read in conjunction with the *Codex Guidelines for Food Import Control Systems* (CAC/GL 47-2003). It should also be read in conjunction with *Codex Principles for Food Import and Export Inspection and Certification* (CAC/GL 20-1995); *Codex Guidelines for the Design, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems* (CAC/GL 26-1997); *Codex Guidelines for the Development of Equivalence Agreements Regarding Food Import and Export Inspection and Certification Systems* (CAC/GL 34-1999); *Codex Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates* (CAC/GL 38-2001); *Codex Guidelines for the Exchange of Information Between Countries on Rejection of Imported Food* (CAC/GL 25-1997); and, *Codex Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations* (CAC/GL 19-1995, Rev.1-2004).
7. These principles and guidelines apply to all imported food (including food ingredients).
8. The subject of these principles and guidelines is food safety.

OBJECTIVE

9. These principles and guidelines are intended to provide competent authorities with information to assist them with the design and implementation of inspection programmes for imported food, based on the risk to human health presented by the product.

¹ [Risk-based definition is being developed by Codex Committee on Meat Hygiene]

² Codex defines “risk” as “a function of the probability of an adverse health effect and the severity of that effect, consequential to a hazard(s) in food (Codex *Procedural Manual*, 13th Edition, p. 52).

10. Risk-based programmes help countries to focus resources on those products presenting the greatest potential public health risk to consumers. A risk-based approach can support the recognition that information can be provided or gathered in a variety of ways to assist in placing foods [into different risk categories] with intensity³ of inspection which is proportionate to this risk.

11. Various forms of assurance of compliance can be utilised (e.g. certification, systems audits, equivalence determinations) to allow for further refinement to the level of risk and hence, the intensity of the inspection.

PRINCIPLES

12. The following principles apply to the risk-based inspection of imported food:

- Requirements for the inspection of imported foods should be developed using a risk analysis approach;
- [The risk category of the] imported food should be based on the assessed risk to human health the food presents or is likely to present based on available scientific information in relation to the consumption of the food;
- The intensity of inspection of a specific imported food should be [correlated with the risk category] attributed to it and take into account, where available and when appropriate, the compliance history of: the exporting country; producer and manufacturer; the food control system in the exporting country; and, those involved with the exporting or importing of the product;
- Sampling plans can be [modulated by risk categorisation] and should, as far as possible, be based on Codex standards, guidelines and recommendations where they exist. In the absence of Codex sampling plans, reference should be made to internationally accepted or scientifically based sampling plans;
- The inspection system and related requirements should be applied consistently to all exporting countries; and border/point of control inspection of imported food should not result in unjustified barriers to trade or any unnecessary delays;
- Requirements used to determine the compliance of food products in a border/point of control inspection programme should be no more stringent than the requirements imposed on the same or similar products in the domestic market;
- Information about the sampling plans and [the risk categories attributed to imported food], requirements used to determine the compliance of food products and other information about the clearance procedures should be transparent, easily accessible and up to date.

DESIGNING A RISK-BASED PROGRAMME

13. Requirements for the inspection of imported food, should be developed and implemented using a risk analysis approach.

14. Border/point of control checks should be applied to particular products in proportion to the risk to human health associated with the food, including consideration of the type of production and/or the processing method used. The intensity of inspection may be adjusted according to demonstrated compliance to food safety requirements.

15. The competent authority should use an evidence based approach to design a risk based programme which ensures that border/point of control checks for specific products are proportionate to the risk to human health. This should take into account:

- The scientifically demonstrated ability of the food product to present a public health risk⁴;

³ Intensity includes the frequency of inspection, the sampling plan and the nature of the inspection (e.g., visual examination, sampled and tested).

⁴ Risk assessments, foodborne illness outbreak and epidemiological findings/history, contaminant and/or residue information can be key components of this information.

- The compliance history of the food product type generally, irrespective of the source of the food;
- The compliance history of the food with respect to the source of the food including, where available, the compliance history with respect to:
 - the exporting country or region/area within an exporting country;
 - the producer and manufacturer;
 - the exporter;
 - the shipper;
 - the importer; and
 - the third party inspection bodies
- The adequacy of processing controls in place in the exporting country as evidenced by the country's laws, regulations, and other policies; its infrastructure; and its ability to effectively enforce food safety requirements⁵.

16. The competent food safety authority may [establish categories of risk based on] the above factors and place a given food from a given country, producer/manufacturer, exporter, shipper, and importer [into a specific category]. The [risk category and the manner of establishing] it should be fully documented. [These categories] will determine the type and intensity of inspections at the border/point of control.

17. Countries should periodically review [their risk categorisation]

18. Any certifications made by the competent authorities in the exporting country regarding the exported products, or the existence of equivalence determinations and programmes involving the use of memoranda of understanding and mutual recognition agreements or a programme where the competent authority assesses the controls their importers implement over their suppliers, may enable the importing country to alter the intensity of inspection of the imported food. They can provide information on the systems and controls in place in the exporting country and can also provide a form of assurance to the importing country that a particular food product complies with the food safety requirements of the importing country.

19. Production controls, inspection, sampling, and analysis may be verified or determined by audits of the foreign country's inspection controls, where appropriate, and the information gained from these audits should be used to [determine the appropriate risk categories for] food products from that country.

20. When an importing country does not have prior knowledge of a product, that is, a compliance history is lacking, or cannot readily obtain such information, an importing country may establish a higher inspection intensity proportionate to the risk to human health.

21. [Products with a known history of compliance may establish a lower inspection intensity proportionate to the risk to human health] . Sustained conformance with the importing country's requirements—demonstrated by audit results and results of border/point of control checks—provides an opportunity for importing countries to place the product [into a lower risk category] and to reduce the level of sampling at the border/point of control.

22. Foodborne illness outbreaks; epidemiological findings; results of audits conducted in the exporting country; the detection of non-compliances at the point of import and detection of pathogens, contaminants and potentially harmful residues in imported food; the results of border/point of control checks, may lead an importing country to place a [food product in a higher risk category] until it is confirmed that corrective measures⁶ have been introduced and are being implemented effectively. An importing country may work with an exporting country to prevent the occurrence of further outbreaks .

⁵ Laboratory sampling programmes and results may provide this type of information. Audits are another way of gaining information.

⁶ In such cases, the importing country will do its utmost to ensure that corrective measures put in place by the exporting country are evaluated in a reasonable interval

23. The importing country should, as appropriate, [verify the placement of a food into a category of risk]. Where the importing country is satisfied with the sustained conformance of the food with its requirements as demonstrated by audit results and results of border/point of control inspections the food [should be placed into a lower risk category and thus] reduced intensity of border/point of control inspection.

DEVELOPING REQUIREMENTS AND PROCEDURES

24. Countries should take into account Codex standards, recommendations, and guidelines, whenever appropriate, in developing requirements for border/point of control checks of imported food.

25. In developing requirements for border/point of control checks, importing countries should make use of available:

- internationally accepted scientific risk assessments for the biological, chemical and physical hazards associated with the type of product.
- Scientifically based sampling plans, acceptable for the level of risk to human health posed by the product.
- Appropriate inspection procedures, appropriate sampling techniques and competent laboratories using validated analytical methods.

26. The intensity and type of inspection performed should be determined by the potential risk to human health of the shipment, taking into account the factors noted above. However, further examination (e.g., visual examination only, product sampling and laboratory testing) can be by random selection of shipments and of products within the shipment. In general, lot-by-lot inspection should be reserved for those products that present or have the potential to present a significant and scientifically supportable public health risk.

27. The intensity and type of inspection performed should be determined by the potential risk to human health of the imported food [and the category of risk the food] has been placed into. A range of procedures can be used for clearance of imported foods, for example;

- Checking the documentation and/or the general condition of the shipment;
- Checking documentation plus periodic product sampling (eg 1-20 or 1 –40 shipments) to confirm the accuracy of the documentation;
- Visual examination only;
- Random product sampling and testing of shipments;
- Random product sampling and testing within shipment;
- Lot-by-lot inspection, sampling and testing.

28. Increasing the intensity and type of inspection performed should also be related to the risk to human health of the imported food [and the category of risk the food has been placed into]. In general lot-by-lot inspection should be reserved for those products that present or have the potential to present a significant and scientifically supportable public health risk.

IMPLEMENTING THE RISK-BASED IMPORT INSPECTION PROGRAMME

29. Countries should implement risk-based border/point of control inspection that has been designed using the above guidelines.

30. It is recognized that multiple government agencies may have responsibilities at the border/point of control of importing countries. In these cases, procedures and policies that impact imported food should be implemented in a coordinated and consistent manner. Personnel should be cross-trained, when appropriate, and information should be shared among agencies and importers transparently so that delays are reduced and movement of products is facilitated.

31. Inspection personnel performing the border/point of control checks need to be adequately trained in the importing country's procedures for risk based inspection of imported foods and in the ability to recognize abnormalities that present public health risks.

32. Actions of an importing country with respect to failure of an exporting country to meet the requirements of the importing country should be proportional to the risk to human health. [Placement of a product into a higher risk category is an appropriate response]. Product detention combined with enhanced sampling and testing from the establishment involved, or in certain instances from the country if multiple processing establishments producing similar types of product are involved, may also be an appropriate response. Prohibition of an exporting country's product by an importing country should be reserved only for those rare situations where a serious public health threat exists. Procedures should provide for appeal.

33. Requirements and procedures for carrying out border/point of control checks should be transparent so that exporting countries will have access to them and to their application. The inspection procedures and procedures for risk categorisation should be documented in a manner that is accessible to exporting countries and other interested parties, such as through the Internet or available upon request⁷.

34. When the results of border/point of control checks indicate failure of a shipment to meet the requirements of the importing country, the importer [and/or] the food control authorities of the exporting country should be promptly notified of the reason for the rejection in order to facilitate corrective and preventive action. Notification to the exporting country should be immediate for violations involving potential health risk to consumers. Countries should refer, as appropriate, to the *Codex Guidelines for the Exchange of Information Between Countries on Rejection of Imported Food* (CAC/GL 25-1997) or to the *Codex Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations* (CAC/GL 19-1995, Rev 1-2004).

⁷ Any changes to import protocols, including specifications, which may significantly affect trade, should be promptly communicated to trading partners, allowing a reasonable interval between the publication of regulations and their application (CAC/GL 47-2003)

APPENDIX IV**PROJECT DOCUMENT****CCFICS PROPOSAL FOR NEW WORK ON PRINCIPLES FOR THE APPLICATION OF TRACEABILITY/PRODUCT TRACING IN THE CONTEXT OF FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS****PREPARED BY:**

13th Session of the Codex Committee on Food Import and Export Inspection and Certifications Systems
Melbourne, Australia 6-10 December 2004.

PURPOSE AND SCOPE OF THE PROPOSED STANDARD¹

The work as proposed will cover the principles for the application of traceability/product tracing in relation to official food inspection and certification systems.

ITS RELEVANCE AND TIMELINESS

The proposed work is directly related to CCFICS terms of reference, i.e.:

- a) to develop principles and guidelines for food import and export inspection and certification systems with a view to harmonising methods and procedures which protect the health of consumers, ensure fair trading practices and facilitate international trade in foodstuffs;
- b) to develop principles and guidelines for the application of measures by the competent authorities of exporting and importing countries to provide assurance where necessary that foodstuffs comply with requirements, especially statutory health requirements.

The 27th Session of the Commission **adopted** the definition of traceability/product tracing as proposed by the Codex Committee on General Principles and **requested** the CCFICS to present a proposal for new work on principles for the application of traceability/product tracing as a matter of priority².

THE MAIN ASPECTS TO BE COVERED

Principles relating to traceability / product tracing within food inspection and certification systems and could take into consideration other work by international standards setting bodies

AN ASSESSMENT AGAINST THE CRITERIA FOR THE ESTABLISHMENT OF WORK PRIORITIES.

The proposed work could assist in harmonising national traceability/ product tracing and minimising potential impediments to international trade.

The new work proposed is specifically relevant to the *Criteria for the Establishment of New Work* criteria (a), (b), and (d) as stated in the Codex Procedural Manual 13th Edition.

- (a) Consumer protection from the point of view of health and fraudulent practices;
- (b) Diversification of national legislations and apparent resultant or potential impediments to international trade;
- (c) work already undertaken by other international organizations in this field.

¹ For the purpose of this document the word “standard” is meant to include any of the recommendations of the Commission intended to be submitted to Governments for acceptance

² ALINORM 04/27/41, para 20

INFORMATION ON THE RELATION BETWEEN THE PROPOSAL AND OTHER EXISTING CODEX DOCUMENTS

The previous working group lead by Switzerland provided detailed assessment of the relationship between existing CCFICS texts and the concept of traceability / product tracing. The analysis was presented to CCFICS at the 11th Session of CCFICS, CX/FICS 02/11/7. That analysis found that the existing CCFICS texts did not adequately cover the principles for traceability/product tracing.

The new work will take into consideration other work within Codex Committees and Ad Hoc Intergovernmental Task Forces and current and future regional seminars or workshops in regard to traceability/product tracing.

The 27th Session of the Codex Alimentarius Commission (July 2004) adopted the definition of traceability/product tracing, prepared by the Codex Committee on General Principles. The proposed work shall be consistent with the adopted definition and the relevant considerations identified during the elaboration of this definition.³

IDENTIFICATION OF ANY REQUIREMENT FOR AND AVAILABILITY OF EXPERT SCIENTIFIC ADVICE

Nil

IDENTIFICATION OF ANY NEED FOR TECHNICAL INPUT TO THE STANDARD FROM EXTERNAL BODIES SO THAT THIS CAN BE PLANNED FOR

Nil

THE PROPOSED TIMELINE FOR COMPLETION OF THE NEW WORK, (including the start date, the proposed date for adoption at Step 5, and the proposed date for adoption by the Commission; the time frame for developing a standard should not normally exceed five years.)

In response to the request of the Codex Alimentarius Commission, the new work should commence following the 2005 Commission meeting. A draft set of principles elaborated by a working group subject to approval of the new work could be circulated at Step 3 as early as August 2005.

WORK TO BE LEAD BY:

Australia with Vice-Chairs from Argentina and Norway.

³ ALINORM 04/27/33A, paras 89-95

APPENDIX V**PROJECT DOCUMENT****CCFICS PROPOSAL FOR NEW WORK ON THE REVISION TO THE CODEX GUIDELINES FOR GENERIC OFFICIAL CERTIFICATE FORMATS AND THE PRODUCTION AND ISSUANCE OF CERTIFICATES (CAC/GL 38-2001)****PREPARED BY:**

13th Session of the Codex Committee on Food Import and Export Inspection and Certification Systems (Melbourne, Australia, 6-10 December 2004).

PURPOSE AND SCOPE OF THE PROPOSED STANDARD¹

To revise the existing Codex *Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates* (CAC/GL 38-2001) to include updating of existing guidance and to expand and/or clarify certain sections of the Guidelines.

ITS RELEVANCE AND TIMELINESS

CAC/GL 38-2001 is intended to provide guidance to countries on the issuance of export certificates to protect consumer health and to ensure fair practices in food trade. The existing guidance is relatively prescriptive and does not provide the flexibility needed by countries to meet the various needs of countries in issuing export certificates. A revision of the Guidelines is desired to provide for more appropriate principles and guidance.

Additionally, the proposed work is designed to assist countries in resolving emerging certification issues, including for example:

- the handling of requests for export certification that may be beyond the jurisdiction of the certifying authorities of some exporting countries;
- the handling of export certification requests that may be duplicative or redundant;
- The need for recommended common attestation language for similar certification requests in order to simplify and harmonize the system.

THE MAIN ASPECTS TO BE COVERED.

1. Revise the Guidelines to make them more appropriate and flexible.
2. Revise the Guidelines to:
 - o Clarify when export certificates should be issued by competent authorities to assure product safety, and ensure fair trade practices, or when attestations are more appropriately provided by commercial entities;
 - o Cover situations when national legislation does not authorize the specific attestations requested by importing countries and that a certain level of flexibility by importing and exporting countries may be necessary to resolve difficulties associated with these problems;
 - o Indicate when certificates could be considered redundant;
 - o Clarify the Guidelines regarding the application of an export certificate to the shipment of multiple lots of the same product providing that information required by importing countries is still conveyed;
 - o Clarify the Guidelines to indicate that requests for proprietary information should relate directly to the need for official certification and that, if such information is requested, adequate means to protect such information shall be employed;

¹ For the purpose of this document the word “standard” is meant to include any of the recommendations of the Commission intended to be submitted to Governments for acceptance.

- o Recognize that there should be harmonized attestations for similar certification needs to prevent misunderstanding and mistakes; develop specific attestation examples for common types of certifications.

The proposed new work to revise the Guidelines recognizes that the CCFICS has recommended for adoption by the Commission an Annex to the existing Guidelines encompassing Principles for Electronic Certification. This proposal for new work should not delay the adoption of these principles. The principles, if adopted by the Commission will be incorporated into the revision to the Guidelines.

AN ASSESSMENT AGAINST THE *CRITERIA FOR THE ESTABLISHMENT OF WORK PRIORITIES*

This new work proposal is consistent with the following criteria applicable to general subjects:

- a) Consumer protection from the point of view of health and fraudulent practices.
- b) Diversification of national legislations and apparent resultant or potential impediments to international trade.

RELEVANCE TO CODEX STRATEGIC OBJECTIVES

This new work proposal is consistent with:

- a) Promoting sound regulatory frameworks.

In this regard, this proposal would provide guidance to governments that clarifies several points relating to the issuance of export certificates as noted in (3) above.

INFORMATION ON THE RELATION BETWEEN THE PROPOSAL AND OTHER EXISTING CODEX DOCUMENTS

This proposal relates to revisions to the Codex *Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates* (CAC/GL 38-2001).

IDENTIFICATION OF ANY REQUIREMENT FOR AND AVAILABILITY OF EXPERT SCIENTIFIC ADVICE

None identified

IDENTIFICATION OF ANY NEED FOR TECHNICAL INPUT TO THE STANDARD FROM EXTERNAL BODIES SO THAT THIS CAN BE PLANNED FOR

None identified.

THE PROPOSED TIMELINE FOR COMPLETION OF THE NEW WORK, (including the start date, the proposed date for adoption at Step 5, and the proposed date for adoption by the Commission; the time frame for developing a standard should not normally exceed five years.)

If agreed to by the Commission at its 28th (2005) Session, an initial revision of the Codex *Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates* would be presented to CCFICS at its 14th (2005) Session for consideration at Step 3. It is expected that the work can be completed within the five-year timeframe.

WORK TO BE LEAD BY:

United States.