



Agenda Item 12

CX/FFP 12/32/12

JOINT FAO/WHO FOOD STANDARDS PROGRAMME
CODEX COMMITTEE ON FISH AND FISHERY PRODUCTS

Thirty-Second Session

Bali, Indonesia

1 – 5 October 2012

**DISCUSSION PAPER ON THE PROPOSED DRAFT CODE OF PRACTICE FOR FISH AND
FISHERY PRODUCTS (APPENDICES ON OPTIONAL FINAL PRODUCT REQUIREMENTS)**

Prepared by the Codex Secretariat

Introduction

1. At the 31st Session of the Committee on Fish and Fishery Products, when finalizing the section on smoked fish in the Code of Practice for Fish and Fishery Products, the Committee was reminded that several appendices on optional final product requirements still needed finalization. It was noted that optional requirements may no longer be necessary in view of the new approach to standards development which focused mainly on safety issues and on essential quality provisions. The Committee was however, not in a position to take a decision and agreed to discuss the matter further at the next session.¹
2. This paper outlines the background on the work on optional final product requirements to date and provides some options on how to proceed.

Background

3. At the 19th Session of the CCFFP while undertaking a review of codex standards for fish and fishery products, it was noted that these standards contained extensive and detailed material not directly related to consumer protection. At that session it was agreed that standards should concentrate on aspects which ensured consumer protection and the facilitation of trade in this context. It was further agreed that most of the quality details should be deleted from standards for fish and fishery products and transferred to Codes of Good Manufacturing Practices.² This approach was confirmed by the 19th Session of the Commission.³
4. At the 20th Session of the CCFFP it was again agreed that defects of commercial nature, i.e., workmanship defects, which had been removed from the Codex fish product standards be transferred to the appropriate code of practice for optional use between buyers and sellers during commercial transactions.⁴ At several subsequent sessions of the CCFFP, this point was reiterated.⁵
5. At the 22nd session of CCFFP when it was agreed to merge all individual codes into a single Code of Practice for fish and fishery products and to include new sections on aquaculture and frozen surimi, it was recommended that the detail on defects of commercial nature should be described in a section on “Final Product Specifications” in the form of 11 Appendices. In addition, Code would also include an appendix on modified atmosphere packing (Appendix I) and a list of all Codex codes and standards concerning fish and fishery products and related documents in an appendix (Appendix XII). To date, some appendices have been drafted or partly drafted, while others still need to be developed.

¹ REP11/FFP, para. 72

² ALINORM 91/18, paras 30 – 37

³ ALINORM 91/40, para. 310

⁴ ALINORM 93/18, para. 44

⁵ ALINORM 95/18, para. 124, ALINORM 97/18, para. 32

6. The Appendices are as follows:

Appendix I – Modified Atmosphere Packing (drafted)

Appendix III - optional final product requirements for fresh, frozen and minced fish (drafted, to be completed);

Appendix IV – optional final product requirements for frozen surimi (drafted)

Appendix V – optional final product requirements for coated quick frozen fishery products (drafted)

Appendix VI – optional final product requirements for salted fish (drafted, to be completed)

Appendix VII – optional product requirements (still to be drafted)

Appendix VIII – optional product requirements for lobsters and crabs (drafted, to be completed)

Appendix IX – optional product requirements for shrimps and prawns (drafted)

Appendix X – optional product requirements for cephalopods (still to be drafted)

Appendix XI – optional final product requirements for canned fish (drafted).

7. The 26th Session of the CCFFP had an exchange of views on whether to retain the Appendices containing the optional requirements. Several delegations expressed the view that these requirements were useful as a reference in trade and the Committee agreed that they should be retained and completed as required. (ALINORM 04/27/18, para. 112).

8. These appendices have previously been circulated for comments at Step 3 (see ALINORM 07/30/18, Appendix VI, ALINORM 05/28/18, Appendix IX, and ALINORM 04/27/18, Appendix VIII), however very little or no discussion had been held on these appendices. Discussions and comments to date have mainly focused on the main sections of the Code in order to facilitate the completion of these sections of the Code.

Discussion and Recommendations

Appendix 1

9. This Appendix is referred to in several sections of the Code, e.g., section 8.2, and provides useful information to ensure that MAP is correctly used.

10. Should the Committee agree to further develop this Appendix, it could:

- circulate for comment at Step 3 the current existing text; or
- identify a lead country or electronic working group to revise the current existing proposed draft text for circulation for comments at Step 3.

Appendices 2 - 11

11. The Committee when considering whether it still wishes to retain these appendices should note:

- the conclusion of the Committee on General Principles that all Codex texts, including standards and their annexes, were covered by the TBT definition of “standard”. Thus in terms of the TBT agreement, no distinction is made between a Standard or other Codex texts, such as codes of practice, and neither is distinction made between the main text and annexes.
- that Codex texts should ideally focus on the protection of consumer health and those essential quality factors and that the Code of Fish and Fishery Products already contains sufficient guidance in this regard.

12. Even though the 19th Session of the Commission agreed with the decision to develop these appendices, subsequent discussions on the issue of inclusion of appendices of this nature have been held. At the 32nd Session of the Commission a discussion was had on the voluntary application of provisions in Codex commodity standards based on a paper, ALINORM 09/32/8, prepared in this regard.⁶ The paper outlined, while noting that all Codex texts were covered by the definition of “standard” under the TBT Agreement, making reference within a standard to the different status of any section of that standard may not be appropriate in the present context. It noted that Codex texts are primarily intended for application by

⁶ ALINORM 09/32/REP, paras 92 - 94

governments; they are voluntary in nature and there are no provisions in the Codex Procedure allowing Committees or the Commission to decide by whom or how standards will be used once they are adopted. The Commission could not reach agreement on referred the matter to specific Committees. Even though this matter was not referred to the Committee on Fish and Fishery Products, the Committee might wish to consider in light of the points raised above whether the appendices are still needed.

13. Should the Committee agree to retain these appendices, careful consideration should be given to the content to determine if the information is still relevant and valid.

14. The Committee could:

- circulated for comment at Step 3 those already existing Appendices; or
- identify a lead country(s) or electronic working group(s) to revise the existing appendices and develop the outstanding appendices for circulation for comments at Step 3.

Appendix XII

15. The Committee should also carefully consider whether such a list should be included and the form that it should take. The introduction of the Code of Practice for Fish and Fishery Products currently states in paragraph 1 that *“This Code of Practice for Fish and Fishery Products has been developed by the Codex Committee on Fish and Fishery Products from the merging of the individual codes listed in Appendix 12”*. Later in the 5th paragraph, it states that *“This Code will assist those who are engaged in the handling and production of fish and fishery products, or are concerned with their storage, distribution, export, import and sale in attaining safe and wholesome products that can be sold on national or international markets and meet the requirements of the Codex Standards (see Appendix 12). This appendix is also referenced in several of the sections of the Code, some specifically referring to information from revoked codes. This seems to imply that the list should contain all those revoked codes of practice as well as current standards of relevance to the different sections of the Code.*

16. It should be noted that revoked standards and other related texts no longer have a status within Codex and therefore references to such texts are normally removed or replaced by more current and existing texts. It should further be noted that revoked texts are no longer available on the Codex website, which would mean that users of the Code of Practice for Fish and Fishery Products would not have ready access to these revoked texts.

17. If the Committee still wishes to retain this Appendix, then it should consider to reference only those existing standards or related texts of relevance to the various sections and not to include revoked codes. It should be noted that not only those standards developed by the CCFFP should be included, but also those related texts developed by the CCFH and/or any other Codex committee. This could result in a rather extensive list which will need updating when a new text is developed and/or revoked.

18. Should the Committee agree to not reference revoked codes or standards, then such references to these codes or standards should also be removed from the main text of the Code of Practice for Fish and Fishery Products and the Committee should consider whether to add any other additional information that might be of value to the Appendices 2 – 11. For example, in section 16 – Processing of Canned Fish, Shellfish and Other Aquatic Invertebrates, the 3rd paragraph states *“This section concerns the processing of heat processed sterilized canned fish and shellfish products that have been packed in hermetically sealed containers and are intended for human consumption.”* It further then references through a footnote that aseptic filling is not covered by the Code.

19. Another option would be to delete Appendix XII, and to simply reference the relevant additional Codex texts in the appropriate section as already done in some cases, e.g., in section 8, specific reference is made to relevant standards, rather than Appendix XII.