

codex alimentarius commission



FOOD AND AGRICULTURE
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Agenda Item 7

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS

Eleventh Session

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DISCUSSION PAPER ON TRACEABILITY/PRODUCT TRACING IN THE CONTEXT OF FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS

COMMENTS

CANADA

Canada would like to thank the Swiss secretariat for their efforts and the coordination of the drafting group. Canada is pleased to offer the following comments.

GENERAL COMMENTS

Canada recommends that Codex consider a definition for traceability / product tracing which includes those elements identified in Paragraph 7 of the discussion paper, i.e. that elements of traceability / product tracing include "...the ability to identify a food (product identification), how it was changed (if appropriate), where it came from and where it was sent (one step backward and one step forward) (product information) and the linkages between product identification and product information...".

Canada notes that the 49th (Extraordinary) Session of the CCEXEC recognized a dual application of "traceability/product tracing" as having a food safety objective (i.e., as an SPS measure); or as having a legitimate objective as a TBT measure. However, it expressed the opinion that a first consideration should be given to the use of "traceability/product tracing" as a risk management option. Canada supports this view and recommends that priority be given to consideration of the use of traceability / product tracing as one food safety risk management tool which may be applied to protect the health of consumers.

Canada wishes to note that traceability / product tracing simply provides linked information regarding a specified product at a specified time and/or location in a food chain. Within a broader food control system, traceability / product tracing may significantly contribute to the investigation and management of non-conformity to specified attributes, or it may contribute to the verification of claims made about conformity to specified attributes. Canada emphasizes the fact that it is the function of the broader food control system to provide the appropriate assurances regarding product safety, quality or other legitimate objective in a manner that is consistent with international trade obligations, e.g., non-discriminatory, based on science, consistency of application, least trade restrictive, etc.

Canada believes that the need for traceability / product tracing, the scope of such activity and the possible use of alternatives should be guided by the specific objective(s) of the food control system. Hence, Canada proposes the following overarching principles for consideration by Codex as this topic is further discussed. It is understood, within these principles, that the food control systems within which traceability / product tracing is a component must conform to the requirements of international obligations (particularly WTO SPS and TBT):

1. Traceability / product tracing is not a stand-alone activity, i.e., it is a tool that may be applied within a broader food control system designed to provide appropriate assurances regarding product safety, quality or other objective in a manner consistent with international obligations.
2. The need for and scope of application and specifications regarding each element of traceability / product tracing should be established on a case-by-case basis according to the objective(s) of the food control system within which traceability / product tracing is implemented. For example, whether product tracing should be applied within a specific portion of the food chain, or whether such tracing may be required across two or more links in the food chain would be dependent on the objectives to be achieved by the food control system, including the risks sought to be addressed.
3. The concept of equivalence (as currently being discussed within CCFICS) should apply to the implementation of traceability / product tracing, i.e., alternatives to traceability / product tracing may be considered equivalent if the objective(s) of the food control system are met.
4. Decisions on whether to implement traceability / product tracing that is mandatory, should be based upon whether it is deemed necessary in order to achieve the objectives of the food control system, i.e., product safety, quality or other legitimate objective.

Canada would encourage CCFICS to engage discussion towards the further elaboration of a definition and principles for the application of this concept within Codex, e.g., to assist CCGP in its deliberations on this issue.

SPECIFIC COMMENTS

Scope

Canada believes that the second paragraph 1 more closely describes the Scope of the document, however, we recommend amending the last sentence to improve accuracy. We therefore suggest deleting the first paragraph 1, and removing the brackets around the second paragraph 1 with the following changes:

The scope of this discussion paper relates to the adequacy and application of “traceability/product tracing” in existing or pending texts under elaboration by the Codex Committee on Food Import and Export Inspection and Certification Systems and, on the basis of this review, ~~the appropriateness for CCFICS to develop specific guidance on the practical implementation of traceability with respect to food import and export inspection and certification systems~~ to evaluate the need to amend, on a case-by-case basis, the product tracing requirements based on the objectives of the texts.

Discussion on the Working Definition of Traceability/Product Tracing

Paragraph 4

Canada suggests that the square brackets around this paragraph 4 could be removed as the text does reflect the discussion held.

Paragraph 5

Canada believes that the text in paragraph 5 could be deleted as the approach taken by the group is adequately described in paragraph 7.

Paragraph 16 ii

Canada believes that the word “existing” should be deleted, in order to keep this item consistent with the other items in the framework.

Working Group Recommendations**Paragraph 18**

Canada supports the approach taken by the Working Group and the proposed framework (Paragraph 16) as a basis to evaluate the need to amend, on a case-by-case basis, the product tracing requirements based on the objectives of the texts. Canada also encourages the circulating of the agreed upon framework to other Codex Committees engaged in traceability discussion.

MEXICO**General Considerations:**

We wish to commend the important work of the Working Group in identifying different elements concerning Food Import and Export Inspection and Certification Systems to which traceability could apply. However, CCFICS texts do not provide the details of specific risk management measures, applied to each situation, and therefore traceability should be considered as one among many options, which could apply to the situations described in the paper.

It is clear that the use of traceability is a risk management option in the protection of the health of consumers, (e.g., the recall of a product from the distribution chain) which could also be used to ensure fair trading practices (e.g., when the purpose is to certify the “organic” origin of specific products), and therefore, it has an important role in meeting Codex objectives.

It is also clear that many countries apply traceability on a daily basis as part of their risk management options in their food inspection and certification systems.

Therefore, the two proposals in Paragraph 1 are not mutually exclusive, as it is evident that traceability is applicable within Codex and Food Import and Export Inspection and Certification Systems, and it is therefore appropriate to consider the feasibility of the development of specific guidelines in the context of CCFICS.

We believe that, under the framework proposed in Paragraph 16, the revision of CCFICS texts, approved and under review, would clarify that situation.

It is imperative that the Codex Committee on General Principles establish clear policies for Codex on the provision of guidance to governments on traceability.

With respect to the definition of the term referred to under Paragraph 6, it appears to be in agreement with the scope and objectives of traceability in the context of food safety.

NEW ZEALAND

The New Zealand Government would like to make the following comments:

Scope

We note that the discussion document contains alternative texts relating to the scope of the document. In New Zealand’s view, the second alternative text is a more accurate description of the scope of the work assigned to the Working group and support retention of this paragraph.

Definition

New Zealand is in favour of developing a Codex wide definition on product tracing and this may well form part of the work of CCGP. We do however, recognise that para 7 identifies the key elements relating to product tracing and provide a basis for further examination of this issue within CCFICS.

Comment on the analytical framework

The conclusions of the working group are broadly in line with New Zealand's assessment of how traceability/product tracing is factored in existing codex texts. We have supported a case-by-case approach where product traceability requirements are considered in the context of the objectives of the text. Where there is a need to incorporate specific provisions relating to record keeping, documentation and identification these should be included in the appropriate sections of the text. We don't see a need to go beyond this approach.

In terms of the way forward for CCFICS, New Zealand supports the analytical framework as a basis for determining the adequacy and application of traceability/product tracing in the context of food inspection and certification systems.

UNITED STATES

The United States submits the following comments on CX/FICS 02/11/7, *Discussion Paper on Traceability/Product Tracing in the Context of Food Import and Export Inspection and Certification Systems*.

The United States appreciates the work of Switzerland and the Working Group in preparing the *Discussion Paper on Traceability/Product Tracing in the Context of Food Import and Export Inspection and Certification Systems* and welcomes the Paper as a basis for continued discussion on product tracing.

The United States supports further discussion of product tracing within Codex. Recognizing that there are a number of international organizations/fora that could potentially discuss the subject, we believe that Codex is the appropriate decision-making forum for science-based international food safety standards and related texts and is, thus, the most appropriate organization to consider the issue of product-tracing. Additionally, as we noted in previous comments to CCFICS (CRD 8, 10th Session), we believe that the focus for work on product tracing in Codex should be in CCFICS because: 1) product-tracing falls within the Terms of Reference of CCFICS; and 2) the expertise of the Committee lies in the area of food import/export control programs, the field of knowledge required to consider the subject of product tracing of foods in international trade.

The United States notes the discussion on traceability/product tracing that occurred at the 7th Session of the Codex Coordinating Committee for North America and the Southwest Pacific (NASWP) held on 29 October - 1 November 2002. The United States supports the recommendations on traceability/product tracing as put forward by NASWP (ref: ALINORM 03/32, paragraph 52).

The United States recalls the consensus reached by the Codex *Ad-Hoc* Intergovernmental Task Force on Foods Derived from Biotechnology to employ the term product tracing and that the term has gained international recognition. For the purposes of Codex, the United States supports the term "product tracing" to refer to the activity of tracking food products and/or ingredients.

The United States recognizes that the primary responsibility for development of a definition for product tracing lies with the Codex Committee on General Principles. Consistent with efforts of the CCFICS Working Group on product tracing, we believe that CCFICS should consider elements for such a definition, which may be provided to CCGP for further consideration. We believe that the elements for product tracing should involve the ability to identify, by means of paper or electronic records, a food product and its producer, from where it came and to where it was sent (one step forward and one step back).

The United States notes the framework for the review of CCFICS texts with respect to product tracing as presented in the Discussion Paper. Based on our own review of existing and draft CCFICS texts, and the

partial analysis contained in the Discussion Paper, we believe it is sufficiently clear that such texts do not provide specific guidance on product tracing, *per se*. They do address activities that may enable or facilitate product tracing, e.g., lot coding. We do not see further value in the review of existing CCFICS texts, as the Working Group's analysis in preparing the framework clearly demonstrates that product tracing, as a tool utilized in food control systems, is not defined or its utility sufficiently elaborated in existing texts. Thus, we believe that CCFICS should devote its energies in the near future toward elaboration of the elements that comprise product tracing and principles with regard to product tracing within food inspection and certification systems. The United States understands that there may be interest in Codex to develop guidance for both food safety and non-food safety applications of product tracing. The United States strongly recommends that priority be given to developing guidance to the food safety applications.

The United States notes that there is great interest among certain countries in developing and implementing product tracing programs. For example, in the near future the United States Food and Drug Administration will publish a regulation on product tracing required to contend with risks/threats due to bioterrorism. Given this interest, and the importance of avoiding overly burdensome provisions relating to product tracing that may develop through national legislation, we believe it would be appropriate to develop international guidance on product tracing.

Thank you for the opportunity to provide comments on the discussion paper.

CONSUMERS INTERNATIONAL

Consumers International (CI) welcomes the use of the term “traceability/product tracing” as compromise terminology to refer to the concept of traceability as agreed by the Executive Committee and hope that all related Codex texts will be updated to reflect this understanding.

Para 1

With regard to the scope of the discussion paper in para 1, CI believes that the second option in square brackets best describes the scope of the paper as the discussion was commissioned by CCFICS to look at traceability/product tracing within CCFICS and not traceability within Codex as a whole. CI believes that CCGP is the best suited Codex Committee to elaborate a paper on traceability/product tracing to apply across the entire Codex system and not CCFICS and that there should not be any confusion over this. CI therefore suggests that the first sentence in square brackets be deleted and the square brackets in the second option be removed.

Para 3

With regard to para 3, CI understands, according to the Secretariat's report of the last CCGP meeting, that CCGP should be developing the definitions and the principles of traceability/product tracing within the context of the development of working principles of risk analysis, for use within the entire Codex system. CI therefore suggests a correction in the wording of the last two sentences in para 3 to reflect that the Codex Alimentarius has yet to develop a definition and principles of traceability/product tracing which could be applied within the entire Codex system and that both tasks should be undertaken by CCGP. This correction should be applied to the entire body of the paper including para 7.

Para 4

It is the understanding of CI that the Secretariat can, within its mandate, and as requested by CCGP elaborate the steps and procedures to use in the development of the Discussion Paper on traceability. CI is therefore of the view that the text in square brackets in para 4 is redundant and should be deleted since it is not within the scope of this document to elaborate the process of consultation to be undertaken by CCGP or the Secretariat in developing the Secretariat's discussion paper.

Para 5

Consumers International also believes that since para 3 states clearly that there is yet to be a definition of the term “traceability/product tracing” within Codex, the brackets in para 5 should also be removed. This then enhances the flow of the document.

Para 9

CI proposes the removal of the square brackets in para 9 as this is a statement of fact, and is indeed the underlying reason for discussions on traceability/product tracing.

Para 14

CI does not agree that the conclusion as presented in para 14 is correct after a careful examination of the Codex texts and draft texts presented in para 10, para 11 and para 12. The sweeping conclusion in the first sentence of para 14 that the current CCFICS texts do not require traceability/product tracing is misleading. This is demonstrated by some of the summaries, for example in section E on Guidelines for the Exchange of Information in Food Control Emergency Situations. CI therefore proposes that this sentence be reframed to reflect the ideal position and recommends the following text for para 14:-

“The current CCFICS texts have assumed that a specific traceability/product tracing system is in place when countries and companies engage in the trade with food, but has not yet established comprehensive guidelines for such systems.”

Para 18

CI acknowledges that the final decision regarding the work suggested by the Working Group lies in the hands of CCFICS but CI believes that the suggested framework does not need to be circulated to other Codex Committees yet. This is to avoid causing any confusion with the work that is to be initiated by the Secretariat, and/or the work that any other Committees maybe currently undertaking on traceability/product tracing. If the framework is to be circulated, it should be coupled with a clear statement of purpose. CI believes that the suggested framework should only be circulated to other Codex Committees upon specific request.