

# codex alimentarius commission



FOOD AND AGRICULTURE  
ORGANIZATION  
OF THE UNITED NATIONS

WORLD  
HEALTH  
ORGANIZATION



JOINT OFFICE: Viale delle Terme di Caracalla 00100 ROME Tel: 39 06 57051 www.codexalimentarius.net Email: codex@fao.org Facsimile: 39 06 5705 4593

**Agenda Item 5**

**CX/FICS 04/13/7  
November 2004**

**JOINT FAO/WHO FOOD STANDARDS PROGRAMME**  
***CODEx COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION***  
***AND CERTIFICATION SYSTEMS***

***Thirteenth Session***

***Melbourne, Australia, 6 – 10 December 2004***

**DISCUSSION PAPER ON THE**  
**REVISION OF THE GUIDELINES FOR THE EXCHANGE OF INFORMATION BETWEEN**  
**COUNTRIES ON REJECTION OF IMPORTED FOODS (CAC/GL 25-1997)**

(Prepared by India with assistance of Indonesia, Malaysia, Thailand, European Community and the Philippines)

## **BACKGROUND**

1. The 12<sup>th</sup> Session of the Codex Committee on Food Import & Export Inspection & Certification Systems (CCFICS) (1-5 December 2003 Brisbane, Australia), during its consideration of possible new work, considered the need to revise the document on "Guidelines for the Exchange of Information Between Countries on Rejection of Imported Food". India, in a Project Document prepared for the Committee's consideration, noted the need to incorporate certain additional concepts designed to improve the efficacy of the principles of exchange of information and to maintain consistency and align some of the clauses with the revised document on "Guidelines for the Exchange of Information in Food Control Emergency Situations" that had been finalized and contained both Principles and Guidelines. The Committee had decided to prepare a discussion paper for placing before the 13<sup>th</sup> Session of the CCFICS.

2. The Committee, at its 12<sup>th</sup> Session agreed to undertake the development of a *Discussion Paper On The Revision Of The Guidelines For The Exchange Of Information Between Countries On Rejection Of Imported Foods* and agreed that a Drafting Group led by India with assistance of Australia, Indonesia, Malaysia, Thailand, European Community and Philippines would prepare the discussion paper.

3. A draft discussion paper has been prepared and is attached for further consideration. In this discussion paper, major changes proposed are as follows:

- (1) Presentation of the document has been revised 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.
- (2) Maintaining consistency with the objective of the Codex Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations (CAC/GL-19-1995) (Revised in 2004).
- (3) To include both Principles and Guidelines for Exchange of Information Between Countries on Rejections of Imported Food in line with the revised document (CAC/GL 25-1997).
- (4) The document also incorporates a clause to communicate justification on rejection decisions.

- (5) The role of FAO/WHO has been clearly brought out.
- (6) The role of the competent authority of exporting country has also been included in addition to that of the exporter and importer with regard to structured communication of information.
- (7) Scope of bilateral discussions and mechanism for joint testing by the competent authorities of both countries has also been included.
- (8) A Section on 'communication of information' has been included to cover various aspects of effective communication including a provision for expeditiously communicating incorrect rejection decisions.

## **RECOMMENDATIONS**

- The CCFICS discuss the attached proposed Principles and Guidelines for the Exchange of Information between Countries on Rejection of Imported Foods (revision of the Codex Guidelines for the Exchange of Information between Countries on Rejection of Imported Foods (CAC/GL 25-1997) – Annex 1
- The CCFICS discuss the attached Project Document (Annex 2) as basis for a new work proposal to be put forward through the Executive Committee to the 28<sup>th</sup> Session of the Codex Alimentarius Commission.

**PROPOSED PRINCIPLES AND GUIDELINES FOR THE EXCHANGE OF INFORMATION  
BETWEEN COUNTRIES ON REJECTION OF IMPORTED FOODS**

*[PROPOSED DRAFT REVISION TO THE CODEX GUIDELINES FOR THE EXCHANGE OF INFORMATION  
BETWEEN COUNTRIES ON REJECTION OF IMPORTED FOODS  
(CAC/GL 25-1997)]*

**PREAMBLE**

1. In the situation of import rejections caused due to failure of a food item to comply with importing country's requirements, it is necessary to provide information on the rejection to all relevant parties namely importer, exporter and the exporting government which would enable i) decisions to be taken on the fate of the imported food items; and ii) enable exporting country to assess cause of problem which has led to rejection of the consignment and strengthen the inspection and certification mechanism implemented in the country.
2. These principles and guidelines provide the basis for structured information exchange on import rejections. The most important information elements to be considered in such principles and guidelines are shown in the annex and each category is discussed in more detail below.
3. The use of these principles and guidelines for the exchange of information on the rejection of imported foods is intended to assist countries to conform with the 'Principles for Food for Import and Export Inspection & Certification' (CAC/GL 20-1995), in particular the transparency provisions contained in paragraph 14 of the Principles.

**SCOPE**

4. These principles and guidelines are intended to cover all types of foods. They provide guidance on the exchange of information in a situation where imported foods are rejected and there is a clearly identified risk or potential risk to human health associated with consumption of such food or foods. These principles and guidelines apply when the health hazard has been identified (eg. an identified physical, chemical or microbiological agent) and found to be violating the acceptable level of protection (ALOP) as notified in the legislative requirements of the importing country.
5. These principles and guidelines apply to a situation where a country rejects a consignment that does not meet its legislative requirements. The exporter may either take back the consignment for further processing, use for other purposes or even for assessment to analyse the reason of rejection or may redirect the same to other country whose appropriate level of protection allows import and use of such consignments.
6. These principles and guidelines deal only with import rejections as elaborated above. Information exchange in food control emergency situations is dealt with in the principles and guidelines for the Exchange of Information in Food Control Emergency Situations (CAC/GL 19)

**PRINCIPLES**

7. When the Food Control Authority in an importing country rejects a consignment of food permitted for importation, the following principles shall apply for the exchange of information:
  - (a) The nature and extent of the health hazard due to which the consignment has been rejected shall be clearly described by the importing country.

- (b) All relevant information to justify the rejection decision should be shared by the food control authority of the importing country with the importer, exporter and the food control authority of the exporting country.
- (c) In case of serious food safety issues, bilateral contact between the food control authority of the exporting country and importing country needs to be established.
- (d) All relevant information on rejections should be shared with the Competent Authority of the exporting country, importer and exporter. Disclosure of information on rejections to countries other than those affected should be based on need.
- (e) Information on action taken following the rejection or retention of a consignment of food should be communicated to the Competent Authority, importer and exporter.
- (f) Information on rejections of imported foods should be made available to FAO/WHO on request to enable them to assist member countries in their efforts to meet the requirements of the importing countries.

#### **NATURE AND EXTENT OF HEALTH HAZARD**

8. The nature and extent of the health hazard based on which the consignment has been rejected should be described clearly, concisely and in an accurate manner. The same shall be communicated to the exporting country if requested for.

#### **JUSTIFICATION OF REJECTION DECISIONS**

9. When the food control authority of an importing country rejects a consignment of food presented for importation, the relevant information to justify the rejections should be shared with the importer, exporter and the Competent Authority of the exporting country. The information should cover the following aspects:
  - The level of contaminant found in the consignment by the food control authorities of importing country.
  - The maximum permissible level of contaminant prescribed as per the food laws of the importing country.
  - In the case of biological contamination or contamination by biological toxins, or in case of contraventions of regulations on food additive or compositional standards or in cases where foods are accepted only from specifically approved establishments in the exporting country, clear details shall be given. See also clauses **29** and **30**
  - The details of the sampling and test methods used for analysis of the contaminant by the authorities of the importing country.
  - A copy of the referred food law as well as test method should also be forwarded to the food control authorities of the exporting country, in case requested for.
  - In case the level of contaminant specified is more stringent than International Codex Standards, the food control authorities of importing country should also notify whether the same has been fixed following the application of risk analysis procedures as recommended in the international guidelines. A copy of the risk analysis process should be made available to the Competent Authority of the exporting country, if it requests for the same.

#### **CASES OF REJECTION ARISING FROM CERTAIN SERIOUS SITUATIONS/REPEATED OR SYSTEMATIC FAILURES**

10. When the rejection of the consignment arises from
  - evidence of a serious food safety or public health problem in the exporting country; or

- evidence of serious misrepresentation or consumer fraud; or
  - evidence of serious failure in the inspection or control system in the exporting country;
- the food control authorities in the importing country should notify the food control authorities in the exporting country immediately (by telecommunication, e-mail or other similar rapid means of communication, see clause 19) supplying the details set out in the **Annex A** to these Guidelines.

11. Upon receipt of such a communication, the food control authorities in the exporting country should undertake the necessary investigations to determine the cause of any problem that has led to the rejection of the consignment. The food control authority in exporting country should also provide the authorities in the importing country with information on any investigations that have been carried out.

Bilateral discussions should take place for exchange of information including technical details such as method of analysis, sampling plan, detection limits and equipment used for analysis etc. In case a mechanism of joint testing has been carried out by Competent Authorities of both countries, the information on this shall also be documented.

12. In other circumstances, for example:

- Where there is evidence of repeated failure of a correctable nature (e.g. labelling errors, mislaying of documents); or
- Where there is evidence of systematic failures in handling, storage or transport subsequent to inspection/certification by the authorities in the exporting countries.

the food control authorities in the importing country should also make appropriate notification to the food control authorities in the exporting country, either periodically or upon request.

#### **ACTION TAKEN**

13. Information should be supplied about the action taken following the rejection or retention of a consignment of food. This should include information about the fate of the consignment, such as whether it was sent back to exporting country, was re-exported, or detained for reconditioning or was destroyed.
14. If the rejected food is re-exported, the conditions attached to such re-export should be stated. For example, some countries permit re-export only to the country of origin or to countries which have stated in advance that they are prepared to accept the consignment knowing that it has been refused entry elsewhere.
15. If the rejected food was destroyed, the reasons for destruction alongwith justification for the same shall be provided. Destruction shall however be a last option when the exporting country or any other country is not ready to take the consignment.
16. In addition to the exchange of information between the food control authorities of exporting and importing countries it may also be valuable to inform the embassy or other representative body of the exporting country of the situation so that the country concerned can take timely action to rectify the deficiencies found and thus avoid rejection of future shipments.

#### **COMMUNICATION OF INFORMATION**

17. Effective communication between the exporting and importing countries is fundamental to ensure that the corrective action to be taken by the food controlling authority of the exporting country is both appropriate and effective so as to minimise future rejections for similar reasons. It is in the interest of both importing and exporting countries that information regarding rejections is rapid thereby giving sufficient time to decide about the fate of consignment as well as avoid risk to human health by way of consumption of contaminated food.

18. One of the most common impediments in implementing corrective action by the food control authorities of exporting countries is the lack of technical information details. Hence, the information exchange for rejections should give full details and these details should be provided at the earliest, upon request. In case, where method of analysis and sampling plans are not based on international standards, full details on method of testing, its validation and detection limit upto which the method is valid, should be provided by the food control authorities of importing countries. In situation where consignments are rejected based on screening method such as quick test kits etc., it should be specifically mentioned in the Rapid Alert Notice. A standard format for information exchange is given in these guidelines.
19. Communication should be made by the most expedient means as early as possible and with verification of receipt by key parties. Communication by telephone, e-mail, facsimile and if necessary, regular mail should be considered to achieve early communication and to ensure that the message is received by the Competent Authority as quickly as possible. It is recognised that initial information provided may often be incomplete and the importing country may need to supplement the information with further detailed information on method of analysis, sampling plan, detection limit and future action proposed as soon as the same is available.
20. It is also open to an importing country to supply information on rejections to an exporting country even when this is not specified in these guidelines.
21. In some countries information about the results obtained in public food control is freely available, whereas in others legal constraints may prevent or restrict the dissemination to third parties of information on, for example, import rejections. In some cases information cannot be exchanged before a certain time has elapsed. As far as possible, countries should minimise restrictions on the disclosure to other countries of information on rejected foods.

#### **ROLE OF FAO/WHO**

22. Although the information exchange components of these principles and guidelines are primarily intended for use between the Competent Authorities of the importing and exporting countries, the importer and exporter, copies of summaries of the relevant information on rejection of imported food should be made available to FAO/WHO or other international organizations on request to enable these organizations to assist exporting countries in their efforts to meet the requirements of importing countries or offer technical advice and assistance to other countries in similar situations.

#### **STANDARD FORMAT FOR INFORMATION EXCHANGE**

23. The use of a standard format for information exchange in case of rejection is recommended for use by the importing countries. The standard format is required in order to be able to identify the consignment or lot of food that has been refused entry when presented for importation (See Annex A). Most important information elements to be covered are elaborated below.

##### *Nature and extent of health hazard*

24. The nature of the health hazard to include whether physical, chemical or microbial hazard and the risk identified should be clearly stated. The methodology used for testing, the limits prescribed and the levels detected should be clearly laid down. In case where there is a clear possibility of reducing the hazard by way of further processing by the importer or due to the consumption pattern of food, this should also be reported by the importing country.

##### *Identification of the foods concerned*

25. A certain amount of basic information is required in order to be able to identify the consignment or lot of food that has been refused entry when presented for importation. The most important information in this respect is a description of the nature and quantity of the food, any lot identification or other identification stamps, marks or numbers and the name and address of the exporter and/or food product or manufacturer, country of export. Information about importers or sellers is also useful as also bar coding. Where a lot has been certified, the certificate number can provide an important method of identification.

*Importation details*

26. Information about importation or presentation for importation is necessary. The most important elements here are: place and date of entry, and the identity and contact details of the importer.

*Rejection decisions*

27. It is important to transmit information about the decision to refuse importation especially the name of the Food Control Authority which made the decision, when the decision was made and whether the whole or part of the consignment was refused entry.

*Reasons for rejection*

28. The reasons why a consignment of food has been refused entry when presented for importation should be clearly stated. This should clearly bring out the physical, chemical or microbiological contaminant found in the consignment with permitted level as given in the regulations or food laws of the importing country, which have been contravened.
29. Foods may be rejected because they are found to be unacceptable when subjected to an organoleptic examination or because they have technical/physical defects, e.g. leaking cans, broken seals and damaged boxes. In circumstances where physical examination has led to rejection, a clear description of the criteria used should be provided.
30. When the level of a contaminant in a food has been found to be above the maximum permitted level, the contaminant should be specified, together with the level found and the maximum permitted level. In the case of biological contamination or contamination by biological toxins, where no maximum level has been fixed, the identity of the organism or toxin concerned should be given as specifically as possible, and as appropriate, the level of contamination found. Similarly, contraventions of regulations on food additive or compositional standards should be specified. Some countries accept certain foods (e.g. fresh meat) only from specifically approved establishments in the exporting country. If such foods are refused entry because evidence that they come from such an establishment is lacking or incomplete, this should be stated.
31. Where consignments of imported food are rejected on the basis of analysis performed in the importing country, the importing country authority should make available details of the sampling and analytical methods employed and the results obtained.
32. In situation where the consignment is rejected using screening test method such as quick test kit, details of validation of such method along with limit of detection and quantification should be specified in specific cases where food control authorities use method developed locally and are not based on international guidelines, the same should also be specified.

*Actions Taken*

33. Details on the actions taken on the consignment should be clearly stated including information on the fate of the consignment.

## ANNEX-A

**STANDARD FORMAT FOR EXCHANGE OF INFORMATION BETWEEN COUNTRIES ON REJECTION OF IMPORTED FOOD**

The following information should be provided by countries in relation to rejections of imported food as available and appropriate to the circumstances.

***General Information***

- Notifying Country
- Date of Notification

***Nature and extent of health hazard***

- Nature of hazard: Specify physical, chemical or biological/microbiological contamination or other
- Sampling: date, number of samples, method of sampling, place of sampling
- Name of the Laboratory with contact details
- Method of testing
- Limits prescribed and levels detected
- Method of reducing hazard of any processing

***Identification of the food concerned***

- Description and quantity of product
- Shelf life/best before
- Type and size of package
- Lot identification (including lot code, date of production and processing, identification of premises where last packed or processed, etc.)
- Container number, bill of lading or similar transportation details.
- Other identification stamps, marks or numbers (eg. bar codes, UPC Codes)
- Export Certificate(s) reference number(s), official name and mark.
- Name and address of manufacturer, producer, packer, seller and/or exporter or importer establishment number, as appropriate
- Country of origin
- Any other country where processed or mixed before re-export

***Importation details***

- Port or other point of entry
- Country of despatch
- Country of destination
- Name and address of importer
- Date presented for entry

***Details of rejection decision***

- Whole/part of (specify) consignment rejected

- Name and address of competent authority making decision to reject
- Date of decision
- Name and address of competent authority which can provide more information on reason for rejection (person to contact)

***Reason(s) for rejection***

- Biological/microbiological contamination with requirements and levels found
- Chemical contamination (pesticide or veterinary drug residues, heavy metals etc.) with requirements and levels found
- Radionuclide contamination
- Incorrect or misleading labelling
- Compositional defect
- Non-conformity with food additive requirements
- Organoleptic quality unacceptable
- Technical or physical defects (e.g., packaging damage)
- Incomplete or incorrect certification
- Does not come from an approved country, region or establishment
- Other reasons

- Note:**
1. Where imported food has been rejected on the basis of sampling and/or analysis in the importing country, details should be made available on request as to sampling and analytical methods and test results and the identity of the testing laboratory.
  2. Where rejections are based on testing with quick test kits, validation methods to be provided on request.
  3. Where rejections are against methods more stringent than Codex, validations to be provided on request.

***Action taken***

- Food held pending reconditioning/rectification of deficiencies in documentation
- Food held pending final judgement
- Place where food is held
- Measures taken to recall food from market requirement
- Import granted for use other than human consumption
- Re-export granted under certain conditions, e.g., to specified informed countries
- Importer notified
- Embassy/food control authorities of exporting country notified
- Authorities in other likely destination countries notified
- Food destroyed
- Other

**Note:** In case of destruction, the reasons along with justification of the same to be given.

## PROPOSAL FOR NEW WORK- CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS

### PREPARED BY

India

### PURPOSE AND SCOPE OF THE PROPOSED STANDARD

#### *Purpose*

The purpose of proposed standard is to revise the existing guidelines for the exchange of information between countries on rejection of imported food in order to

- Incorporate the latest modifications carried out on the *Guidelines For The Exchange Of Information In Food Control Emergency Situations* (CAC/GL 19-1995) in the 12<sup>th</sup> Session of CCFICS including its principles and guidelines.
- Presentation of the document has been revised 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.
- Include certain additional concepts such as providing for bilateral discussion process between importing and exporting authorities before communication of a decision with respect to rejections, retesting a rejected sample before communicating a rejection decision, and various aspects of effective communication including expeditious communication of incorrect rejection decisions etc.

#### *Scope*

The revised *Guidelines For The Exchange Of Information Between The Countries On Rejection Of Imported Food* (CAC/GL 25-1997) has enhanced scope from the earlier guidelines as it contains detailed elaboration on the action which can be taken after rejection of the consignment and also prior communication to the exporter and the competent authority of the exporting country before taking final action on the consignment. It also provides basis for the structured information exchange on rejection including the elements to be considered in such information exchanged. These guidelines also provide guidance on information transferred relating to reducing the rejections in international trade.

### ITS RELEVANCE AND TIMELINESS

In view of the increasing global trade in the WTO scenario, there is a growing need to ensure that the products traded meet the health and safety requirements laid down. In the situation of import rejections caused due to failure of a food item to comply with importing country's requirements, it is necessary to provide information on the rejection to all relevant parties namely importer, exporter and the exporting government which would enable i) decisions to be taken on the fate of the imported food items; and ii) enable exporting country to assess cause of problem which has led to rejection of the consignment and strengthen the inspection and certification mechanism implemented in the country.

It is therefore relevant that the standard is revised to take into account the latest development to ensure that principles and guidelines provide the basis for structured information exchange on import rejections. The use of these principles and guidelines for the exchange of information on the rejection of imported foods are required to assist countries to conform with the *Principles for Food for Import and Export Inspection & Certification* (CAC/GL 20-1995), in particular the transparency provisions contained in paragraph 14 of the Principles.

As information principles and *Guidelines For The Exchange Of Information In Food Control Emergency Situations* (CAC/GL 19-1995) has been revised in the last session of CCFICS so it is felt necessary to revise guidelines for the exchange of information between countries on rejection of imported food.

## **THE MAIN ASPECT TO BE COVERED**

Major changes proposed are as follows:

- Presentation of the document has been revised 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.
- Maintaining consistency with the objective of the Codex *Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations* (CAC/GL-19-1995).
- To include both *Principles and Guidelines for Exchange of Information Between Countries on Rejections of Imported Food* in line with the revised document (CAC/GL 25-1997).
- The document also incorporates a clause to communicate justification on rejection decisions.
- The role of FAO/WHO has been clearly brought out.
- The role of the competent authority of exporting country has also been included in addition to that of the exporter and importer with regard to structured communication of information.
- Scope of bilateral discussions and mechanism for joint testing by the competent authorities of both countries has also been included.
- A Section on 'communication of information' has been included to cover various aspects of effective communication.

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

As per the criteria for the establishment of work priorities applicable to general subjects, the proposed work would result in minimise the impediments due to lack of information communication in international trade by providing information on the rejection(s) to all the relevant parties namely importer/exporter and the exporting government thereby enabling the exporting country to assess the cause of the problem which has led to rejection thereby improving the overall quality of food in international trade. Further, the proposed work would also ensure alignment of the said document with the latest changes carried out in the guidelines for exchange of information in food safety emergency situation, thereby minimising the diversification of the national legislation and potential impediments to international trade. .

## **INFORMATION ON RELATION BETWEEN THE PROPOSAL AND OTHER EXISTING DOCUMENTS**

The proposed work would ensure consistency with the objective of the codex principle and guidelines for exchange of information in food safety emergency situation. The use of the proposed work would assist the countries with the *Principles For Food For Import And Export Inspection And Certification* (CAC/GL-20-1995) in particular the transparency provision contained in paragraph 14 of the principle.

## **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 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 standard should not normally exceed five years)**

The new work should commence following the 2005 Commission meeting. A preliminary document is already under discussion and subject to the approval of the new work could be circulated at step 3 immediately thereafter.

Proposed date for adoption as new work by the Commission– June 2005

Proposed date for adoption at Step 5 - June 2006

Proposed date for adoption by the Commission – June 2007

**WORK TO BE LEAD BY**

India

**MEMBERS OF ELECTRONIC WORKING GROUP**

Australia, Indonesia, Malaysia, Thailand, European Community and Philippines