

codex alimentarius commission



FOOD AND AGRICULTURE
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Agenda Item 3 (c)

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

Fourteenth Session

Melbourne, Australia, 28 November – 2 December 2005

PROPOSED DRAFT PRINCIPLES FOR THE APPLICATION OF TRACEABILITY/PRODUCT
TRACING IN THE CONTEXT OF FOOD IMPORT AND EXPORT INSPECTION AND
CERTIFICATION SYSTEMS

(N04-2005)

Comments At Step 3

(Comments received from Argentina, Australia, Bolivia, Canada, Colombia, Kenya, Mexico, New Zealand, Peru, United States, OIE, Consumers International and 49th Parallel Biotechnology Consortium)

ARGENTINA

Argentina wishes to thank the chair of CCFICS and the vice-chairs of the Working Group on traceability for the great effort to make progress in addressing an issue that has caused numerous controversies among Codex Members.

We also wish to thank the European Community for having provided the means to hold the meeting of the group that was held in Brussels and for giving us the possibility to participate in the Regional Seminar on Traceability, in which the EU's TRACE system was presented.

Specific Comments:

Section 1:

Argentina suggests that, when referring to the dual mandate of the Codex Alimentarius, we should use the terminology used in Article 1 (Purposes) of the General Principles of the Codex Alimentarius. Thus, we propose that it be amended as follows:

2. "Recognising the dual mandate of the Codex Alimentarius, traceability/ product tracing is a tool that may be applied, when and as appropriate, within a food inspection and certification system in order to contribute to **protecting the health of consumers and ensuring fair practices in the food trade.**"

Section 4 Principles:

Context:

5. Traceability/product tracing, as defined above, is one of a number of **management**¹ tools that may be utilized by a competent authority in its food inspection and certification system, **in conformity with these principles.**

¹ Note that the Spanish version of the document already includes the word "management" ("*gestión*"). We believe that this word should be added. The phrase would thus be redrafted as follows: "management tools". We propose that this change should be made throughout the document in consistence with the Spanish version.

6. An importing country should consider that ~~in some cases~~ it can be demonstrated that a food inspection and certification system without a traceability/product tracing tool may meet the ~~same objective and produce the same outcomes (e.g. regarding food safety, provide the same~~ **appropriate** level of protection) **to the same extent** as a food inspection and certification system with traceability/product tracing.

7. ~~It should~~ **shall** not be mandatory for an exporting country to replicate the traceability/product tracing tool of the importing country.

8. The purpose of the application of a traceability/product tracing tool by a competent authority **could contribute to improving** ~~is to improve~~ the effectiveness of ~~some the actions that may be necessary regarding its~~ **measures or requirements that may need to be established** within its food inspection and certification system.

9. Traceability/product tracing is a **management** tool that when applied in a food safety context does not in itself improve food safety outcomes unless ~~it is combined with~~ appropriate measures and requirements **are applied**. It can contribute, **however**, to a **rapid recall/withdrawal of targeted products when a given safety problem has been detected, should information on suppliers or customers involved in these issues be available**. ~~the effectiveness or efficiency of associated food safety measures for example by providing information on suppliers or customers involved in potential food safety issues so enabling targeted product recall/withdrawal.~~

10. Traceability/product tracing is a **management** tool that when applied in a food inspection and certification system can contribute to the protection of consumers against deceptive marketing practices and facilitation of trade on the basis of accurate product description by reinforcing confidence in the authenticity of the product and the accuracy of information provided on the products (e.g. **country of origin**, organic farming, religious concerns such as kosher or halal).

11. In every case a traceability/product tracing tool ~~shall should~~ be **technically and scientifically** justified within the context of the food inspection and certification system and the purpose, objectives and specifications of the traceability/product tracing tool clearly described.

Design

12. The traceability/product tracing tool may cover, **as its definition indicates**, ~~all or~~ specified stages² of the food chain (from production to distribution), as appropriate to the objectives of the food inspection and certification system.

13. The traceability/product tracing tool should be able to identify at any specified stage of the food chain (from production to distribution) from where the food came (one step back) and to where the food went (one step forward), **if justified and** as appropriate to the objectives of the food inspection and certification system.

14. The objectives, scope and related procedures of a food inspection and certification system that includes a traceability/product tracing tool should be transparent, **justified** and made available to competent authorities of the exporting country upon request.

Application

15. ~~The application of traceability/product tracing should take into account the capabilities of developing countries.~~

New paragraph 15:

Where the food inspection and certification system of an importing country requires the application of traceability/ product tracing, it shall take into account the special needs developing countries may have. To this end, it shall consider:

- a) **Longer time-frames for compliance where products of interest to developing countries are concerned, in order to maintain opportunities for their exports.**

² AL 4/27/33 A, paragraph 93). It was agreed to introduce some flexibility by using the wording “through specified stage(s) of” in order to take into account the specific conditions of the primary production sector in developing countries, recognizing that detailed guidelines for specific applications would have to deal with this issue.

- b) **Flexibility regarding the design/ technology of the traceability tool that may be applied in these countries, taking account of the technical and economic possibilities of each.**
- c) **Where substantial investments are needed for an exporting developing country to meet traceability/ product tracing requirements laid down within the inspection and certification system of an importing country, the latter shall consider the possibility to provide necessary technical assistance so the developing country Member will be able to maintain and increase market access opportunities for the concerned product.**

16. A food inspection and certification system within which a traceability/product tracing tool is applied should not be more trade restrictive than necessary **to achieve its appropriate level of sanitary protection, taking account of technical and economic feasibility.**

AUSTRALIA

Australia considers that good progress was made in the drafting of the Proposed Draft Principles for the Application of Traceability/Product Tracing at the working group meeting held in Brussels. We do however consider that there are a number of areas where the text could be improved.

Australia's suggestions for specific changes to the text are highlighted in the Attachment with deletions in strikethrough and additions marked with underline and will be addressed during the meeting of CCFICS in November.

Introduction

If the principles are appended to an existing Guideline then we would see no need for the 2 introductory paragraphs. Australia suggests the deletion of the Introduction Section.

Objective

Rather than a Section for the Objective Australia considers that this Section relates more to the Scope of the document and would suggest changing the title of the Section to Scope.

Principles

Context, Rationale, Design and Application

The principles in this section remain largely unchanged but have been reformatted to be more concise. Some editorial changes have also been suggested to reflect better the intent of the principle the rationale for these changes will be put forward during the meeting.

Australia's specific comments on the text are as follows:

PROPOSED PRELIMINARY DRAFT SET OF PRINCIPLES FOR TRACEABILITY / PRODUCT TRACING AS A TOOL WITHIN A FOOD INSPECTION AND CERTIFICATION SYSTEM

~~SECTION 1~~ — INTRODUCTION

~~1. — The confidence that consumers have in the safety and suitability of food derives, in part, from the effectiveness of the competent authority's food inspection and certification system.~~

~~2. — Recognising the dual mandate of the Codex Alimentarius, traceability/product tracing is a tool that may be applied, when and as appropriate, within a food inspection and certification system in order to contribute to the protection of consumers against food borne hazards and deceptive marketing practices and to facilitate trade on the basis of accurate product description.~~

SECTION 2 OBJECTIVE SCOPE

~~3. This document elaborates a set of principles to assist competent authorities in utilising traceability/product tracing as a tool within their food inspection and certification system. The document covers the context, rationale, design and application of traceability/product tracing.~~

This document should be read in conjunction with all relevant Codex texts, as well as World Trade Organization Members' (WTO) obligations.

SECTION 3 DEFINITIONS

Inspection³ is the examination of food or systems for control of food, raw materials, processing and distribution, including in-process and finished product testing, in order to verify that they conform to requirements.

Certification²: is the procedure by which official certification bodies and officially recognized bodies provide written or equivalent assurance that foods or food control systems conform to requirements. Certification of food may be, as appropriate, based on a range of inspection activities which may include continuous on-line inspection, auditing of quality assurance systems, and examination of finished products.

Equivalence⁴: is the capability of different inspection and certification systems to meet the same objectives.

Traceability/product tracing⁵: the ability to follow the movement of a food through specified stage(s) of production, processing and distribution.

SECTION 4 PRINCIPLES

4. These principles cover the context, rationale, design and application of traceability/product tracing as a tool for use by a competent authority within a food inspection and certification system.

Context

5. 1. In considering the context for the possible application of the traceability/product tracing tool within its food inspection and certification system, the competent authority should:

a) recognise that, traceability/product tracing, as defined above, is only one of a number of tools that may be utilised ~~by a competent authority in~~ within its food inspection and certification system.

6. b) recognise, as an importing country should consider that in some cases it can be demonstrated that a food inspection and certification system without a traceability/product tracing tool may achieve equivalence, meet the same objective and produce the same outcomes (e.g. regarding food safety, provide the same level of protection) with a food inspection and certification system with traceability/product tracing⁶.

7. c) not mandate. It should not be mandatory for an exporting country to as an importing country, the replication of its ~~replicate the~~ traceability/product tracing tool by an exporting country. of the importing country.

Rationale

8. ~~The purpose of the application of a traceability/product tracing tool by a competent authority is to improve the effectiveness of the actions that may be necessary regarding its measures or requirements within its food inspection and certification system.~~

2. The rationale used by a competent authority in deciding whether to apply the traceability/product tracing tool within its food inspection and certification system should include:

9. a) consideration of the potential for the traceability/product tracing is a tool to improve the measures utilised within its food inspection and certification system that when applied in a food safety context does not in itself improve food safety outcomes unless it is combined with appropriate measures and requirements. It can contribute to the effectiveness or efficiency of associated food safety measures for example by providing information on suppliers or customers involved in potential food safety issues so enabling targeted product recall/withdrawal.

b) consideration of the fact that the traceability/product tracing tool does not in itself improve food safety outcomes when applied in a food safety context unless it is combined with appropriate measures.

³ CAC/GL 20 – 1995. Principles for Food Import and Export Inspection and Certification

⁴ CAC/GL 26 –1997 Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems

⁵ Procedural Manual 14th Edition

⁶ CAC/GL 34-1999 Guidelines for the Development of Equivalence Agreements Regarding Food Import and Export Inspection and Certification Systems; CAC/GL 53-2003 Guidelines on the Judgement of Equivalence of Sanitary Measures Associated with Food Inspection and Certification Systems

i) it can contribute to the effectiveness or efficiency of associated food safety measures for example by providing information on suppliers or customers involved in potential food safety issues so enabling targeted product recall/withdrawal.

10. c) consideration of the fact that the traceability/product tracing tool does not in itself improve the protection of consumers against deceptive marketing practices and facilitation of trade unless it is combined with appropriate measures.

i) ~~Traceability/product tracing is a tool that when applied in a food inspection and certification system~~ It can contribute to the protection of consumers against deceptive marketing practices and facilitation of trade on the basis of accurate product description by reinforcing confidence in the authenticity of the product and the accuracy of information provided on the products (e.g. origin, organic farming, religious concerns such as kosher or halal).

11. d) consideration of the ~~In every cases in which the a~~-traceability/product tracing tool ~~should be justified~~ may be applied within the context of the food inspection and certification system ~~and~~ with the purpose, objectives and specifications of the ~~traceability/product tracing~~ tool clearly described.

Design

12. 3. The design of a traceability/product tracing tool within a competent authority's food inspection and certification system:

a) may cover all or specified stages of the food chain (from production⁷ to distribution), as appropriate to the objectives of the food inspection and certification system.

13. ~~b)The traceability/product tracing tool~~ should be able to identify at any specified stage of the food chain (from production to distribution) from where the food came (one step back) and to where the food went (one step forward), as appropriate to the objectives of the food inspection and certification system.

14. ~~c) The objectives, scope and related procedures of a food inspection and certification system that includes a traceability/product tracing tool~~ should be transparent and made available to competent authorities of the exporting country upon request, along with information on the food inspection and certification system's objectives, scope and procedures..

Application

15. 4. The application of traceability/product tracing within a food inspection and certification system should:

a) take into account the capabilities of developing countries.

16. ~~b) A food inspection and certification system within which a traceability/product tracing tool is applied~~ should not make that system be more trade restrictive than necessary.

17. ~~c) The application of the traceability/product tracing tool~~ should be practical, technically feasible and economically viable ~~within a food inspection and certification system.~~

18. ~~d) In deciding whether and how to apply the traceability/product tracing tool, in the context of a food inspection and certification system the competent authority should~~ take account of the assessed food safety risks and/or the characteristics of the potential deceptive marketing practices being addressed.

e) accept that the food inspection and certification system of an exporting country, without a traceability/product tracing tool, may be equivalent in terms of the level of protection it achieves.

f) not be inconsistent with WTO Members' obligations.

⁷ Production should be interpreted in such a broad manner as to cover food producing animals, feed, fertilizers, pesticides, veterinary drugs and any input of plant or animal origin... if relevant for specific applications of traceability/product tracing to food. (Alinorm 04/27/33A)

BOLIVIA

Bolivia considers it important to recall that the application of traceability/product tracing shall only be necessary in cases justified by a risk analysis.

The standard should be specific and be free of all ambiguity; wordings such as “should not be more trade restrictive than necessary” should be deleted.

2. Recognising the dual mandate of the Codex Alimentarius, traceability/product tracing is a tool that may be applied [**when duly justified**], and as appropriate, within a food inspection and certification system in order to contribute to the protection of consumers against food-borne hazards and deceptive marketing practices and to facilitate trade on the basis of accurate product description

Justification

It is important to clarify that the application of traceability/product tracing may be applied only in those cases where its use is justified.

16. [A food inspection and certification system within which a traceability/product tracing tool is applied should not be more trade restrictive than necessary.]

Justification

Bolivia considers that is necessary to examine this point in greater detail given that the wording “should not be more trade restrictive than necessary” is very ambiguous. What is meant by “more... than necessary”?

CANADA**General Comments**

Canada thanks Australia, Norway and Argentina for leading the Working Group deliberations. We note the significant progress made to the Proposed Draft Principles. The Working Group was successful in considerably advancing the file, and we see an opportunity to make further progress at this session of CCFICS.

Specific Comments**Paragraph 2**

We suggest to change “and to facilitate trade” to “and the facilitation of trade...”. This would more clearly reflect the fact that Traceability/Product Tracing does not facilitate trade, but rather it may contribute to the facilitation of trade.

Section 3 - Certification Definition

The footnote attached to the Certification definition needs to be corrected as it is inappropriately numbered.

Paragraph 11

Canada recommends that alternate wording be considered for this paragraph to remove reference to “In every case...”. It is Canada’s belief that, if traceability is only a tool to assist countries to accomplish certain objectives, it would be unrealistic to expect this justification and documentation in every case that traceability is being applied (such level of justification is clearly a country decision). Therefore, we suggest the paragraph be modified as follows:

“~~In every case~~ A traceability/product tracing tool should be ~~justified~~ **justifiable** within the context of the food inspection and certification system....”

Paragraph 15

It is Canada’s understanding that following the discussion at the Working Group meeting, the delegation from Argentina is to provide alternative text to replace the current Paragraph 15. As currently written, the intent of Paragraph 15 is too vague, and Canada is prepared to consider amendments to address this concern.

COLOMBIA

Colombia agrees with the comments made by Argentina, with a few changes given below.

Specific comments:**Section 1:**

Colombia suggests with regard to the dual objective of the Codex, the vocabulary used in Article 1 (Purpose) of the General Principles of the Codex Alimentarius should be used as the reference. For this reason, the following change is suggested:

1. “Recognising the dual mandate of the Codex Alimentarius, traceability/product tracing is a tool that may be applied, when and as appropriate, within a food inspection and certification system in order to contribute to protecting consumers’ health and ensuring fair practices in the food trade.”

Section 2 - Objective and 3 – Definitions:

Same as the original Codex document.

Section 4: Principles

Paragraph 4. Same as the original document.

Context:

5. Same as the original Codex document.

6. An importing country should consider that ~~in some cases~~ it can be demonstrated that a food inspection and certification system without a traceability/product tracing tool may meet ~~the same objective and produce the same outcomes (e.g. regarding food safety, provide the same~~ **appropriate** level of protection) **in the same way** as a food inspection and certification system with traceability/product tracing.

7. It should not be mandatory for an exporting country to replicate the traceability/product tracing tool of the importing country. [Change of tense in Spanish from “~~debería tener~~” to “tendrá”; no change to the English.]

8. Same as the original Codex document.

9. Traceability/product tracing is a tool that when applied in a food safety context does not in itself improve food safety outcomes unless it is combined with appropriate measures and requirements. [Delete from Spanish “con otras”; no change to English.]

The second part of this paragraph, the same as the original Codex document.

10. Traceability/product tracing is a tool that when applied in a food inspection and certification system can contribute to the protection of consumers against deceptive marketing practices and facilitation of trade on the basis of accurate product description by reinforcing confidence in the authenticity of the product and the accuracy of information provided on the products (e.g. **country of** origin, organic farming, religious concerns such as kosher or halal).

11. In every case a traceability/product tracing tool should be [change of tense in Spanish from “debería” to “deberá”; no change in English] **technically and scientifically** justified within the context of the food inspection and certification system and the purpose, objectives and specifications of the traceability/product tracing tool clearly described.

Design

12. The traceability/product tracing tool may cover, **as indicated in its definition, one or more** ~~all or~~ specified stages of the food chain (from production⁸ to distribution), as appropriate to the objectives of the food inspection and certification system.

⁸ AL 4/27/33, paragraph 93) It was agreed to introduce a degree of flexibility and use the expression “through specified stages of” to take into account the particular situation of the primary sector of developing countries, recognising that the detailed directives for specific applications would address this issue.

13. The traceability/product tracing tool should be able to identify at any specified stage of the food chain (from production to distribution) from where the food came (one step back) and to where the food went (one step forward), as appropriate **and in compliance with** the objectives of the food inspection and certification system.

14. The objectives, scope and related procedures of a food inspection and certification system that includes a traceability/product tracing tool should be [change of tense in Spanish from “deberían” to “deben”; no change to English] transparent, **justified** and made available to competent authorities of the exporting country upon request.

Application

~~15. The application of traceability/product tracing should take into account the capabilities of developing countries.~~

New paragraph 15:

When an importing country’s inspection and certification system requires the application of traceability/product tracing, the possible special needs of developing countries should be taken into account. In this respect, the following should be considered:

- a) Longer time frames for completion, with regard to product of interest to developing countries, in order to maintain their export opportunities.
- b) Flexibility in the design/technology of the traceability instrument that may apply in these countries, taking into account the technical and economic possibilities of each.
- c) When significant investment is required for an exporting developing country to comply with the provisions of traceability/product tracing established within the context of an importing country’s inspection and certification system, the latter shall consider the possibility of the need to provide technical assistance so that the Member developing country can maintain and increase its opportunities for access to the market for the product in question.

16. A food inspection and certification system within which a traceability/product tracing tool is applied should not be more trade restrictive than necessary **to achieve its adequate level of health protection, taking into account the technical and economic viability.**

Paragraphs 17. and 18. Same as the original Codex document.

KENYA

SECTION 3 DEFINITIONS

Kenya proposes that;

- The word “**Traceability**” be **re-defined** to include product tracing then avoid repeating the word ‘product tracing in the main text of the standard.
- A footnote to be added to specify the scope of traceability, which should also include product tracing.
- Footnote number two on the definition of the word ‘Certification’ is not elaborated at the end of the page and is not following the order of the other footnote numbering.

SECTION 4 PRINCIPLES

Clause 8, 9, 10 &11 Rationale

Kenya proposes that;

- The Rationale, i.e. clause 8 to 11, in section 4 be moved and placed in section 1 under Introduction.

Clause 15 Application

Kenya proposes that;

- The word “**capabilities**” in clause 15 be elaborated further, as a footnote, e.g. whether to include technological aspects, documentation, etc

MEXICO

Mexico is pleased to have this opportunity to make the following comments:

General Comments:

Background. In respect of the above in the background section of CX/FICS 05/14/5, given that traceability/product tracing is not the subject of equivalence, nor a measure or requirement, the reference thereto needs to be revised in Section 3 (Definitions) of the Guidelines on the judgment of equivalence of sanitary measures associated with food inspection and certification systems (CAC/GL 53-2003), in which sanitary measures are defined as those that include: “all relevant laws, decrees, regulations, requirements and procedures including, *inter alia*, end product criteria; processes and production methods; testing, inspection, certification and approval procedures; provisions on relevant statistical methods, sampling procedures and methods of risk assessment; and packaging and labeling requirements directly related to food safety.”

As can be seen, the elements listed in the sanitary measures include tools that rely on food inspection and certification systems. In this respect, and to ensure that various procedures can be used to implement traceability/product tracing, it is requested reconsideration be given to these procedures being recognised as equivalent within the food inspection and certification system.

Further, although it is recognised that traceability/product tracing can be used for ends other than food safety, Mexico maintains the position supported on other occasions that within the context of food inspection and certification systems, traceability and product tracing should apply, as explained, as a risk management tool.

In paragraph 8 of the background in CX/FICS 05/14/5, it is indicated that Attachment 1 focuses on food safety but recognises that the principles may also apply to non-safety areas, however, this consideration is not reflected in the document although it similarly deals with safety and trade issues. As a result, it is suggested that paragraph 10 of Attachment 1 be deleted and the scope be modified as indicated below.

Specific comments

Paragraph 1. The paragraph has lost its meaning in the context of the document. It is suggested that the original text be retained: Traceability/product tracing is a tool that may be applied, when and as appropriate, within a food inspection and certification system. Inspection, including observation, testing and record-keeping, can be one of the primary tools for verifying that a particular batch of food has been treated in a specified manner through the various phases of processing and handling of foods. Certification is one means of attesting to interested parties as to the health status and characteristics of a food. **The use of traceability/product tracing may facilitate inspection and certification activities.**”

Paragraph 3. It is suggested the paragraph be reworded as follows: “This document elaborates a set of principles to assist competent authorities in utilising traceability/product tracing as ~~an instrument~~ a risk management tool for its food inspection and certification system. ~~This document should be read in conjunction with all relevant Codex texts.~~”

However, it is recognised that traceability/product tracing may apply to non-food safety areas.

This document should be read in conjunction with all relevant Codex texts.”

Paragraphs 4, 5, 9. Include the word “risk” before the word “management”.

Additional paragraph after paragraph 5. It must be possible for traceability/product tracing to be subject to equivalence evaluation within the context of a food inspection and certification system.

Paragraphs 6 and 7. Delete.

Paragraph 8. Add the word “health” before the word “measures” and delete “or requirements”.

Paragraph 10. Delete.

Paragraph 18. It is considered that Section 4 (Principles) under the chapter Rationale should be changed by removing the text “and/or the characteristics of the potential deceptive marketing practices being addressed”.

NEW ZEALAND

New Zealand supports the development of draft *Principles for the Application of Traceability/Product Tracing in the Context of Food Import and Export Inspection and Certification Systems* and has welcomed the opportunity to participate in the working group that undertook this work. We are pleased with the progress made by the working group in developing draft principles and believe that Attachment 1 of CX/FICS 05/14/5 articulates the essential principles relating to traceability.

With regard to the placement of these principles we would propose that the document be developed as an attachment to the *Guidelines for the Design, operation, assessment and accreditation of food import and export inspection and certification systems* (CAC/GL 26-1997). This is consistent with the recognition that traceability is a tool that may be applied as part of a food inspection and certification system.

We look forward to contributing to further consideration of this document at the forthcoming CCFICS14.

PERU

Extending thanks in advance for the efforts made by the Preliminary Working Group meeting in Brussels, and hoping that these Proposed Draft Principles progress in the Codex steps, this document has been prepared in order to contribute to this Committee's discussion. To this end, the following comments are made to support our proposal regarding the Principles of Traceability/Product Tracing.

GENERAL COMMENTS

Within the context of the Codex, Health Standards are based on the principle of analysis and solid scientific data (declaration of the principles regarding the role of science in the Codex decision-making process). As a consequence, the decisions taken by countries, even if only recommendations, within the WTO are binding when controversy arises between countries that trade food, the first principle of the role of science in the Codex states that... The decisions countries take must have as their prime objective health and food safety. It is also stated that the examination of other factors should not affect the scientific basis of risk analysis, although it recognises that some legitimate concerns raised by governments when establishing national legislation may be admitted, especially those that are not applicable or relevant at the international level. In the Codex, only those legitimate factors accepted at the global level are taken into account.

Consequently, the examination of other legitimate factors must be clearly documented when compiling risk management options.

Our comment is that the Standard on traceability/product tracing takes as its prime goal objective health and the safety of food for human consumption and that its objective takes into account the declaration of principles relating to the role played by science in Codex decisions.

In this respect, the main points raised are the following:

- Traceability/product tracing is a health measure that contributes to the protection of life and human health. In this respect, it is a useful tool for obtaining information by the Official Inspection Authorities in the relevant countries. This information may contribute to demonstrating objectively that the food released on the market is safe and complies with the importing country's requirements.
- Traceability/product tracing improves the capacity for food safety management by the Official Inspection Authority. With regard to risk management, industry plays an important role in providing technical/scientific information and contributes to the effectiveness of food safety inspection and certification systems.
- Traceability/product tracing, as a preventive health measure, facilitates the provision of information to the Official Inspection Authorities through the timely location and effective monitoring of food products, not only in terms of the origin but also within the distribution chain, thereby making food safety safer and more predictable for the human consumer.

SPECIFIC COMMENTS

Taking into account the role played by science in the Codex decision-making process, in Annex A: Definitions of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures, traceability/product tracing is not only compatible with the Inspection and Certification System, but also, if it is considered relevant by a group of countries that initiate an Equivalence Agreement, it is possible for it to be included in this type of agreement.

A specific recommendation is that the Draft Standard take into account that *when an importing country exercises risk management, the risk managers should provide information to the importing country as to how the traceability/product tracing contributes to protecting consumer health and promoting fair trade practices.*

Another important aspect is that the Importing country's Official Inspection Authority establish a direct trade relation either with the agent or the manufacturer. In this respect, the following is proposed, *the importing country's Official Inspection Authority shall ensure that the information required is relevant to the location (source and stage in the commercial chain) and that the person Official Authority's agent produce food safety records.*

With regard to the proposed Draft of Annex I of document CX/FICS /05/14/5, the following is proposed:

IN SECTION 4. PRINCIPLES

Replace the entire paragraph 10 by the following:

Within the risk management process, traceability/product tracing may be justified as part of the risk evaluation policy and should take into account the issue of health insofar as the protection of life and human health are concerned.

Paragraph 10a:

Risk management options considered by the importing country must take into account factors relative to fair trade practices and the economic implications that traceability/product tracing may have for developing countries.

Paragraph 10b:

Safety systems, such as the HACCP system, applied by the food industry should be open to the possibility of including, in the HACCP plan document, a traceability/product tracing procedure when the official inspection authority so requires.

UNITED STATES

COMMENTS

The United States appreciates the work of Australia and the Working Group, including Argentina and Norway as Co-Chairs of the Working Group, in developing the revision to the *Proposed Draft Principles for the Application of Traceability/Product Tracing in the Context of Food Import and Export Inspection and Certification Systems.*

The United States supports the development by CCFICS of a set of Codex principles for traceability/product tracing to support food import and export inspection and certification systems. We believe that such a set of principles will be helpful to countries that wish to develop and implement traceability/product tracing programs.

The United States generally supports the content of the *Proposed Preliminary Set of Principles for Traceability/Product Tracing as a Tool within a Food Inspection and Certification System* presented in the Attachment 1 of CX/FICS 05/14/5. However, we believe there are editorial changes that should be made to the text to convert several of the items to succinct statements of principle and to reorder the statements for clarity and logic flow. We also believe that certain aspects do not appear as principles and should be included.

The United States notes the significant emphasis placed on the use of T/PT as a tool to be applied within either a food safety or non-food safety context. While the United States does not disagree that T/PT is a tool, we also believe that, within the context of food safety, T/PT can be a measure. Similarly, within the context of non-safety applications, T/PT can be a technical regulation. We would prefer that the discussion of T/PT as a tool and its relationship to measures or technical regulations be incorporated into the introduction and have, accordingly, suggested modification to the text.

To reflect and accommodate the comments made above, we are providing, as Attachment 1, a strikeout version of a revised text and, in Attachment 2, the suggested revised text with the strikeouts removed.

Thank you for the opportunity to provide these comments.

PROPOSED PRELIMINARY DRAFT SET OF PRINCIPLES FOR TRACEABILITY / PRODUCT TRACING AS A TOOL WITHIN A FOOD INSPECTION AND CERTIFICATION SYSTEM

SECTION 1 INTRODUCTION

1. ~~The confidence that consumers have in the safety and suitability of food derives, in part, from the effectiveness of the competent authority's food inspection and certification system. (While this sentence is factually correct, it is an unneeded statement and can be deleted).~~ Recognising the dual mandate of the Codex Alimentarius, traceability/product tracing is a tool that may be applied, when and as appropriate, within a food inspection and certification system in order to contribute to the protection of consumers against food-borne hazards and deceptive marketing practices and to facilitate trade on the basis of accurate product description.
2. ~~The use of traceability/product tracing as a tool does not in itself improve food safety outcomes unless it is combined with appropriate measures and requirements within a food safety context. Similarly, when applied in a non-safety context, the traceability/product tracing tool will need to be combined with other requirements; in this regard, T/PT can, among other things, contribute to the protection of consumers against deceptive marketing practices and facilitation of trade on the basis of accurate product description by reinforcing confidence in the authenticity of the product and the accuracy of information provided on the products (e.g. origin, organic farming, religious concerns such as kosher or halal). (Wording taken from original paragraphs 11 and 12).~~
3. ~~Recognizing its' use as a tool within a food safety or food-related non-food safety context, traceability/product tracing may itself, as appropriate and depending upon its application, be considered as either a measure or a technical regulation. (New paragraph).~~

SECTION 2 OBJECTIVE

4. This document elaborates a set of principles to assist competent authorities in utilising traceability/product tracing as a tool within their food inspection and certification system. This document should be read in conjunction with all relevant Codex texts.

SECTION 3 DEFINITIONS

Inspection⁹ is the examination of food or systems for control of food, raw materials, processing and distribution, including in-process and finished product testing, in order to verify that they conform to requirements.

Certification²: is the procedure by which official certification bodies and officially recognized bodies provide written or equivalent assurance that foods or food control systems conform to requirements. Certification of food may be, as appropriate, based on a range of inspection activities which may include continuous on-line inspection, auditing of quality assurance systems, and examination of finished products.

Equivalence¹⁰: is the capability of different inspection and certification systems to meet the same objectives.

Traceability/product tracing¹¹: the ability to follow the movement of a food through specified stage(s) of production, processing and distribution.

⁹ CAC/GL 20 – 1995. Principles for Food Import and Export Inspection and Certification

¹⁰ CAC/GL 26 –1997 Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems

SECTION 4 PRINCIPLES

5. These principles cover the context, rationale, design and application of traceability/product tracing as a tool for use by a competent authority within a food inspection and certification system.

Context

6. Traceability/product tracing, ~~as defined above~~, is one of a number of tools that may be utilised by a competent authority in its food inspection and certification system.
7. The traceability/product tracing tool should be justified and be consistent with the purpose and objectives of the food inspection and certification system in which it is used. (Original paragraph 11, reworded.)
8. An importing country should consider that in some cases it can be demonstrated that a food inspection and certification system without a traceability/product tracing tool may meet the same objective and produce the same outcomes (e.g. regarding food safety, provide the same level of protection) as a food inspection and certification system with traceability/product tracing.
9. It should not be mandatory for an exporting country to replicate the traceability/product tracing tool of the importing country.

Rationale

10. Traceability/product tracing as a tool should~~The purpose of the application of a traceability/product tracing tool by a competent authority is to~~ improve the effectiveness of the actions that may be necessary regarding ~~its~~ measures or requirements within ~~ait~~ food inspection and certification system. (Rewording to make the statement a short, concise principle.)
- ~~10.~~
11. ~~Traceability/product tracing is a tool that when applied in a food safety context does not in itself improve food safety outcomes unless it is combined with appropriate measures and requirements. (moved to paragraph 2 of the introduction). Traceability/product tracing as a tool should~~ It can contribute to the effectiveness or efficiency of associated food safety measures, for example by providing information on suppliers or customers involved in potential food safety issues so enabling targeted product recall/withdrawal¹². (Rewording to make the statement a short, concise principle, including moving the example to a footnote.)
12. ~~Traceability/product tracing as a tool should~~ is a tool that when applied in a food inspection and certification system can contribute to the protection of consumers against deceptive marketing practices or to the and facilitation of trade, ~~on the basis of accurate product description by reinforcing confidence in the authenticity of the product and the accuracy of information provided on the products (e.g. origin, organic farming, religious concerns such as kosher or halal).¹³~~ (Rewording to make the statement a short, concise principle, including moving the example to a footnote.)

~~In every case a traceability/product tracing tool should be justified within the context of the food inspection and certification system and the purpose, objectives and specifications of the traceability/product tracing tool clearly described. (Moved to be paragraph 7 in the Context section).~~

¹¹ Procedural Manual 14th Edition

5. For example by providing information on suppliers or customers involved in potential food safety issues so enabling targeted product recall/withdrawal.

6. For example, on the basis of accurate product description, reinforcing confidence in the authenticity of the product and the accuracy of information provided on the products (e.g. origin, organic farming, religious concerns such as kosher or halal).

Design

13. The traceability/product tracing tool ~~should~~ ~~may~~ cover ~~only those stages of the food chain specified as appropriate to the purpose and objectives~~ ~~all or specified stages of the food chain (from production¹⁴ to distribution)~~, ~~as appropriate to the objectives~~ of the food inspection and certification system. (Reworded to a short, concise statement and recast to make it more clear that T/PT should be limited to only necessary portions of the food chain.)

14. The traceability/product tracing tool should be able to identify at any specified stage of the food chain (from production to distribution) from where the food came (one step back) and to where the food went (one step forward), as appropriate to the objectives of the food inspection and certification system.

15. The objectives, scope and related procedures of a ~~food inspection and certification system that includes a~~ traceability/product tracing tool should be transparent and made available to competent authorities of the exporting country upon request. (Reworded to make more concise statement).

16. A traceability/product tracing tool should be designed in terms of performance rather than prescriptive specifications. (New principle.)

17. A traceability/product tracing tool should require only that information needed to follow effectively the movement of food through the specified stage(s) of the food chain. (New principle.)

18. A traceability/product tracing tool should endeavour to respect proprietary information and not interfere with a manufacturer's ability to access markets. (New principle.)

Application

19. In deciding whether and how to apply traceability/product tracing as a tool in the context of a food inspection and certification system, the competent authority should take account of the assessed food safety risks and/or the characteristics of the potential deceptive marketing practices being addressed (Moved from below.)

~~19. The application of traceability/product tracing should take into account the capabilities of developing countries.~~

20. The application of traceability/product tracing as a tool should be proportional to the risk that is being controlled.. (New principle.)

21. The application of traceability/product tracing as a tool should be no more trade restrictive than necessary. A food inspection and certification system within which a traceability/product tracing tool is applied should not be more trade restrictive than necessary. (Reworded since the focus in this text is T/PT and not the food inspection and certification system generally).

22. Traceability/product tracing as a tool should be applied equally to domestic and imported products. (New Principle).

23. The application of the traceability/product tracing tool should be effective, practical, technically feasible and economically viable within a food inspection and certification system.

~~24. In deciding whether and how to apply the traceability/product tracing tool, in the context of a food inspection and certification system the competent authority should take account of the assessed food safety risks and/or the characteristics of the potential deceptive marketing practices being addressed.~~

24. The application of traceability/product tracing as a tool should take into account the capabilities of developing countries. (Moved from above).

¹⁴ Production should be interpreted in such a broad manner as to cover food producing animals, feed, fertilizers, pesticides, veterinary drugs and any input of plant or animal origin... if relevant for specific applications of traceability/product tracing to food. (Alinorm 04/27/33A)

Attachment 2:**U.S. Revision to the Proposed Preliminary Draft Set of Principles for Traceability/Product Tracing as a Tool within a Food Inspection and Certification System, Strikeout-Taken Version****PROPOSED PRELIMINARY DRAFT SET OF PRINCIPLES FOR TRACEABILITY / PRODUCT TRACING AS A TOOL WITHIN A FOOD INSPECTION AND CERTIFICATION SYSTEM****SECTION 1 INTRODUCTION**

1. Recognizing the dual mandate of the Codex Alimentarius, traceability/product tracing is a tool that may be applied, when and as appropriate, within a food inspection and certification system in order to contribute to the protection of consumers against food-borne hazards and deceptive marketing practices and to facilitate trade on the basis of accurate product description.
2. The use of traceability/product tracing as a tool does not in itself improve food safety outcomes unless it is combined with appropriate measures and requirements within a food safety context. Similarly, when applied in a non-safety context, the traceability/product tracing tool will need to be combined with other requirements; in this regard, T/PT can, among other things, contribute to the protection of consumers against deceptive marketing practices and facilitation of trade on the basis of accurate product description by reinforcing confidence in the authenticity of the product and the accuracy of information provided on the products (e.g. origin, organic farming, religious concerns such as kosher or halal).
3. Recognizing its' use as a tool within a food safety or food-related non-food safety context, traceability/product tracing may itself, as appropriate and depending upon its application, be considered as either a measure or a technical regulation.

SECTION 2 OBJECTIVE

4. This document elaborates a set of principles to assist competent authorities in utilising traceability/product tracing as a tool within their food inspection and certification system. This document should be read in conjunction with all relevant Codex texts.

SECTION 3 DEFINITIONS

Inspection¹⁵ *is the examination of food or systems for control of food, raw materials, processing and distribution, including in-process and finished product testing, in order to verify that they conform to requirements.*

Certification⁹: *is the procedure by which official certification bodies and officially recognized bodies provide written or equivalent assurance that foods or food control systems conform to requirements. Certification of food may be, as appropriate, based on a range of inspection activities which may include continuous on-line inspection, auditing of quality assurance systems, and examination of finished products.*

Equivalence¹⁶: *is the capability of different inspection and certification systems to meet the same objectives.*

Traceability/product tracing¹⁷: *the ability to follow the movement of a food through specified stage(s) of production, processing and distribution.*

SECTION 4 PRINCIPLES

5. These principles cover the context, rationale, design and application of traceability/product tracing as a tool for use by a competent authority within a food inspection and certification system.

Context

6. Traceability/product tracing, is one of a number of tools that may be utilised by a competent authority in its food inspection and certification system.
7. The traceability/product tracing tool should be justified and be consistent with the purpose and objectives of the food inspection and certification system in which it is used.

¹⁵ CAC/GL 20 – 1995. Principles for Food Import and Export Inspection and Certification

¹⁶ CAC/GL 26 –1997 Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems

¹⁷ Procedural Manual 14th Edition

8. An importing country should consider that in some cases it can be demonstrated that a food inspection and certification system without a traceability/product tracing tool may meet the same objective and produce the same outcomes (e.g. regarding food safety, provide the same level of protection) as a food inspection and certification system with traceability/product tracing¹⁸.
9. It should not be mandatory for an exporting country to replicate the traceability/product tracing tool of the importing country.

Rationale

10. Traceability/product tracing as a tool should improve the effectiveness of the actions that may be necessary regarding measures or requirements within a food inspection and certification system.
11. Traceability/product tracing as a tool should contribute to the effectiveness or efficiency of associated food safety measures.¹⁹
12. Traceability/product tracing as a tool should contribute to the protection of consumers against deceptive marketing practices or to the facilitation of trade.²⁰

Design

13. The traceability/product tracing tool should cover only those stages of the food chain specified as appropriate to the purpose and objectives of the food inspection and certification system.
14. The traceability/product tracing tool should be able to identify at any specified stage of the food chain (from production to distribution) from where the food came (one step back) and to where the food went (one step forward), as appropriate to the objectives of the food inspection and certification system.
15. The objectives, scope and related procedures of a traceability/product tracing tool should be transparent and made available to competent authorities of the exporting country upon request.
16. A traceability/product tracing tool should be designed in terms of performance rather than prescriptive specifications.
17. A traceability/product tracing tool should require only that information needed to follow effectively the movement of food through the specified stage(s) of the food chain.
18. A traceability/product tracing tool should endeavour to respect proprietary information and not interfere with a manufacturer's ability to access markets.

Application

19. In deciding whether and how to apply traceability/product tracing as a tool in the context of a food inspection and certification system, the competent authority should take account of the assessed food safety risks and/or the characteristics of the potential deceptive marketing practices being addressed.
20. The application of traceability/product tracing as a tool should be proportional to the risk that is being controlled.
21. The application of traceability/product tracing as a tool should be no more trade restrictive than necessary.
22. Traceability/product tracing as a tool should be applied equally to domestic and imported products.
23. The application of the traceability/product tracing tool should be effective, practical, technically feasible and economically viable within a food inspection and certification system.

¹⁸ CAC/GL 34-1999 Guidelines for the Development of Equivalence Agreements Regarding Food Import and Export Inspection and Certification Systems; CAC/GL 53-2003 Guidelines on the Judgement of Equivalence of Sanitary Measures Associated with Food Inspection and Certification Systems

5. For example by providing information on suppliers or customers involved in potential food safety issues so enabling targeted product recall/withdrawal.
6. For example, on the basis of accurate product description, reinforcing confidence in the authenticity of the product and the accuracy of information provided on the products (e.g. origin, organic farming, religious concerns such as kosher or halal).

24. The application of traceability/product tracing as a tool should take into account the capabilities of developing countries.

OIE

As an observer Organisation, the World Organisation for Animal Health (OIE) would like to thank the *Codex Alimentarius* Commission (CAC) and the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS) for the opportunity to contribute to its standards development process.

To help coordination between the CAC and the OIE on food safety issues, the OIE Member Countries gave the Director General a mandate to constitute the OIE Animal Production Food Safety Working Group. Its current membership includes current and former *Codex Alimentarius* office holders, the Director of the Food Safety Department of the World Health Organization (WHO), the Chief of the Animal Health Service of the Food and Agriculture Organization of the United Nations (FAO) and experts from OIE Member Countries of all Regions.

One of the Working Group's roles is to help the OIE define more precisely its policies on the development of standards aimed at protecting consumers from food-borne hazards arising from animals, at the production end of the food chain. During the most recent meeting of the Working Group, its members recommended that the CAC and the OIE work together on two topics of interest for this meeting of the CCFICS:

- Animal identification and traceability; the OIE to coordinate its work with that of Codex on traceability, including at the working level through an OIE group of experts (ad hoc group on identification and traceability of live animals) and CCFICS and that the OIE include information on its work in its report to the Codex (see Appendix I for more details).

The OIE drafted a standard on Animal Identification and Traceability, adopted by the relevant OIE elected Commission; this standard is submitted to this Committee for information and for comment (attached at Appendix II). This draft standard has been sent to all OIE Member Countries for comment and possible adoption during the OIE General Session in May 2006.

***Codex Alimentarius* / OIE work on animal identification-traceability**

Animal identification and traceability have become issues of increasing interest due to their importance in disease control procedures, with a heavy impact on matters such as animal health, public health and trade.

The OIE is developing international standards on animal identification and traceability of live animals. As a result of requests from its Member Countries through:

- the OIE Regional Commission for the Middle East in Muscat (Oman) in October 1999 in Recommendation No. 2, Systems of animal identification and their importance for disease surveillance,
- the OIE International Committee in the Resolution No. XXX at the 72nd General Session in May 2004,
- the OIE Regional Commission for Africa in Khartoum (Sudan) in February 2005 in Recommendation No. 1, Organisation and management of transhumance in Africa,

The international standards published by the OIE are, as are the Codex standards, referenced in the WTO SPS Agreement. The OIE standards relevant for this Committee are grouped in the OIE Terrestrial Code that is updated annually. The concept of traceability is addressed in several chapters of this Code:

- Chapter 1.3.4. Guidelines for the evaluation of veterinary services
- Chapter 2.2.10. Foot and mouth disease
- Chapter 2.3.3. Bovine tuberculosis
- Chapter 2.3.4. Enzootic bovine leucosis
- Chapter 2.3.13. Bovine spongiform encephalopathy
- Chapter 2.4.8. Scrapie
- Chapter 2.6.7. Classical swine fever

The OIE has assessed the global situation on animal identification and traceability through a questionnaire sent to all OIE Member Countries in 2004. This questionnaire gathered information about the status of each country in order to analyse the issues of: competent authorities and regulations, registration systems, mandatory of voluntary animal identification, purposes of animal identification, elements used in animal identification, documentation used for animal movements, harmonisation and standardisation procedures, how animal identification and traceability relate to factors such as public health, animal health, trade, bioterrorism, economic aspects and the OIE's role in this respect. The majority of the Member Countries advocated the development of international standards.

The lack of a definition for identification and traceability of live animals has not assisted a common perception of this topic among the OIE member countries. Thus the OIE is working on relevant definitions, taking into account the definitions adopted by the CAC.

In OIE's view, traceability is not an end in itself but rather a tool which, in some circumstances, is used to seek information, or even to guarantee the veracity of a piece of information where necessary, and to carry out measures of surveillance, isolation, or even destruction of products or animals in connection with public health or animal health measures. Good examples of the application of animal identification and traceability are in the above mentioned chapters of the OIE Terrestrial Code.

The OIE Animal Production Food Safety Working Group agreed, during its March 2005 meeting, on the terms of reference for the *Ad hoc* Group on Identification and Traceability of Live Animals. It also underlined the importance of the cooperation between the two "sister" organisations, OIE and Codex.

On June 2005 the OIE convened an expert meeting (an *ad hoc* group) on Identification and Traceability of Live Animals. One expert from the *Codex Alimentarius* Secretariat attended in order to ensure coordination with the CAC work in this area. The *ad hoc* group commenced its work by agreeing on key definitions and enumerating a set of principles for good live animal identification and traceability. On the next step, based on the produced principles, the group should lay out the main points that constitute a good system for identification and traceability of live animals and the outcomes required. Finally, the group should develop a set of recommendations for a practical implementation of the system. This may need a series of meetings.

The exchange of information between the two organisations is crucial for the harmonised development of standards. To best serve their "clients", both Codex and OIE need to keep in mind that their Member Countries need a traceability system that encompasses the entire food chain without gaps and duplications.

Comments on the proposed draft set of principles for traceability/product tracing as a tool within a food inspection and certification system

The OIE supports the proposed set of principles.

The OIE emphasises the need for the CAC and the OIE to work together in order to ensure a continuum in the food production chain. It is essential that Member Countries be provided with guidance in setting up a traceability system that encompasses the entire food chain without gaps and duplications. Therefore the OIE believes that it is important that a reference to the relevant international standards produced by the "three sisters" under the SPS Agreement is made. Paragraph 3 could accordingly be modified:

"3. This document elaborates a set of principles to assist competent authorities in utilising traceability/product tracing as a tool within their food inspection and certification system. This document should be read in conjunction with all relevant Codex ~~texts~~, IPPC and OIE standards."

The OIE supports the principle in paragraph 14 that the objectives, scope and related procedures of a food inspection and certification system that includes a traceability/product tracing tool should be transparent and made available to competent authorities of the exporting country upon request. However the OIE considers that it is important to stress the need that written records of such procedures be clearly accessible and auditable by the competent authority. Therefore we recommend the inclusion of the following paragraph 14bis:

"14bis. Provisions should be put in place to ensure that verification and control procedures, including on documentation, can be performed by the competent authority."

Draft Chapter 1.3.7. Submitted for Comments

The draft work done by the OIE has been submitted to its Member Countries for comment. The OIE invites the participants to this Committee to coordinate the work underway in Codex with their national counterpart in the animal health sector for the submission of comments on the OIE document.

CHAPTER 1.3.7.
ANIMAL IDENTIFICATION AND TRACEABILITY

Proposed definitions (to be located in Chapter 1.1.1)

Animal identification means the identification and registration of an animal individually or collectively by its *epidemiological unit* or group. Methods of animal identification include tag, brand, tattoo, transponder (microchip), collar, ring and mark.

Animal identification system means the inclusion and linking of components such as *identification of establishments/owners*, the person(s) responsible for the animal(s) and records with *animal identification*.

Animal traceability means the ability to follow an animal during specified stage(s) of its life.

Individual identification means the identification of each animal using a unique identifier.

Group identification means the identification of a group of animals using a unique group identifier.

Register means the system by which animal identification and traceability information is securely stored and appropriately accessed by the *Competent Authority*.

Article 1.3.7.1.

General principles

1. There is a critical relationship between *animal identification* and the traceability of animals and *products of animal origin*.
2. *Animal traceability* and traceability of *products of animal origin* should have the capability to be linked to food product traceability in order to maintain traceability throughout the food chain.
3. *Animal identification* and *animal traceability* are important tools for addressing animal health (including zoonoses) and food safety, and may significantly improve the effectiveness of the management of disease outbreaks and food safety incidents, vaccination programmes, herd/flock husbandry, *zoning/compartmentalisation*, surveillance, early response and notification systems, animal movement controls and assurances of safety in trade.
4. The objective(s) of *animal identification* and *animal traceability* for a particular country, *zone* or compartment, and the approach used, should be clearly defined, following an assessment of the risks to be addressed, and a consideration of the factors listed below. They should be defined through consultation between the *Veterinary Administration* and relevant sector(s)/stakeholders prior to implementation, and periodically reviewed.
5. There are various factors which may determine the chosen approach. Factors such as the outcomes of the risk assessment, the animal health situation (including zoonoses), animal population parameters (such as species and breeds, numbers and distribution), types of production, animal movement patterns, available technologies, trade in animals and animal products, cost/benefit analysis and other economic considerations, and cultural aspects, should be taken into account when designing the approach. Whatever approach is used, it should comply with relevant OIE standards to ensure that the defined objectives are able to be achieved.
6. *Animal identification* and *animal traceability* should be under the responsibility of the *Veterinary Administration*.

7. The *Veterinary Administration*, in consultation with relevant governmental agencies and the private sector, should establish a legal framework for the implementation and enforcement of *animal identification* and *animal traceability* in the country. In order to facilitate compatibility and consistency, relevant international standards and obligations should be taken into account. This legal framework should include elements such as the objectives, scope, organisational arrangements including the choice of technologies used for identification and registration, obligation of the parties, confidentiality, accessibility issues and the efficient exchange of information.

CONSUMER'S INTERNATIONAL

Consumers International (CI), representing a membership of over 250 organisations in 115 countries, appreciates to opportunity to comment on the Proposed Preliminary Set of Principles for Traceability/Product Tracing as a Tool within a Food Import and Export Certification System (CX/FICS 05/14/5).

CI's general comments are outlined in regular font. Specific changes to paragraphs are indicated in the italicised sections of font. Suggested deletions are stricken through, while suggested additions are underlined.

SECTION 1 Introduction

Paragraph 2 acknowledges that traceability/product tracing is a tool that can be fully supported within the dual mandate of Codex. However, CI believes that the wording of Paragraph 2 is a narrow interpretation of the Codex dual mandate to protect the health of consumers and ensure fair practices in the food trade. While protecting consumers against food-borne hazards and deceptive marketing practices, and the facilitation of trade on the basis of accurate product description (as outlined in paragraph 2) may assist in meeting this dual mandate, the application of traceability/product tracing in addressing the dual mandate should not be limited as such.

CI suggests that paragraph 2 should be amended as follows:

2. Recognising the dual mandate of the Codex Alimentarius, traceability/product tracing is a tool that may be applied, when and as appropriate, within a food inspection and certification system in order to contribute to the protection of consumer health and to ensure fair practices in the food trade.

SECTION 4 PRINCIPLES

Currently, the draft principles do not address the need for traceability to be applied to animal feed as well as food for human consumption. The ability to trace the origin and destination of animal feed is vital to the protection of consumer health as safe animal feed is integral to the safety of human food products. The development of BSE in cattle as a result of contaminated animal feed highlights the importance of traceability/product tracing for animal feed. CI suggests that the following additional paragraph should be added under the Context heading, following the current paragraph 5.

5a. Traceability/Product Tracing should apply to all foods and feed.

Paragraph 13

CI believes that the minimum requirement for traceability/product tracing should be the recording the movement of food and feed one step forward and one step back. However, where feasible more information should be provided on the origin and destination in order to improve the effectiveness of traceability/product tracing and the timeliness of product recalls and withdrawals.

The recent Sudan 1 incident suggests that more information about the uses and destination of the contaminated batches would have enabled enforcement bodies to act swiftly in order to get affected products out of the market place. More robust traceability/product tracing would also have minimised undue confusion to consumers, producers and distributors.

On this basis, CI suggests the following changes to Paragraph 13:

13. The traceability/product tracing tool should be able to identify at any stage of the food chain (production to distribution) from where the food came (one step back) and to where the food went (one step forward), as appropriate to the objectives of the food inspection and certification system. The ability to trace one step forward and one step back should be the minimum requirement for traceability/product tracing. Where feasible, more information should be provided on the origin, destination and uses of food and feed.

Paragraph 16

CI suggests the deletion of paragraph 16, as it is not within the Codex mandate to require that a traceability/product tracing tool “should not be more trade restrictive than necessary”.

Paragraph 18

CI believes that a robust traceability/product tracing system should be in place in all areas of food and feed production. There should never be a question of ‘whether’ traceability/product tracing should be applied, as some form of traceability/product tracing should always be in place. To suggest that it is possible to identify cases and stages within the supply chain where traceability/product tracing is unnecessary ignores the fact that no food product is without risk and a breakdown in controls could happen at any point through the supply chain. CI therefore suggests the deletion of the words ‘whether and’ from paragraph 18, as outlined below.

18. In deciding how to apply the traceability/product tracing tool, in the context of a food inspection and certification system the competent authority should take account of the assessed food safety risks and/or the characteristics of the potential deceptive marketing practices being addressed.

49TH PARALLEL

The 49th Parallel organization understands that CCFICS has received a remit to examine the principles and practices of food tracing “in the context of food import and export inspection and certification systems.” We appreciate an opportunity to comment on the work to date.

Unfortunately, our organization has not been able to be present at every CCFICS meeting at which this topic has been discussed. However, we were active participants at the Traceability Working Group meeting in Fribourg in September 2002, the 12th CCFICS meeting in Brisbane that December (during which Switzerland reported on the Working Group’s progress), and the European regional meeting in Brussels September 7th of this year. Unfortunately, we will not be able to be at the Melbourne meeting at the end of this month.

At the outset, we raise the question of why the Committee is not building on the work product of its Working Group, and instead is proceeding as if we hadn’t put substantial time, energy, and money into the topic already? We believe that this is not an efficient way of conducting the Committee’s business. Indeed, the “Background” section of the subject document fails to mention the Working Group at all; it has become a “non-event,” apparently. We urge the Committee Secretariat to include the Swiss report in the materials available to CCFICS when it discusses this agenda item at its 14th session.

In regard to the “Preliminary Draft Set of Principles” set forth in the Attachment 1, with two exceptions (below), we believe that these are acceptable enough to be the basis for considering the topic more specifically. We are concerned about items 6 and 16, however.

One of the important functions of food tracing, omitted from Attachment 1, is to assist injured consumers or down-stream processors obtain redress by pointing to upstream producers and processors who might be held liable if there has been a compromise of food safety or quality. This “Context” for traceability needs to be added to the draft language before the Committee. And in view of this objective of a tracing system, the current paragraph 6 does not seem to be valid. In order to investigate liability, what could a system without tracing offer that would be “equivalent”? Without having a chain of responsibility, another system would be inferior instead of being as good. Perhaps in the discussions in Melbourne the author(s) of the Attachment can suggest how this objective of seeking out liability can be achieved without traceability. If not, then paragraph 6 should be eliminated.

Paragraph 16 is yet another attempt to privilege an OLF of interest to some Codex participants, vis-à-vis the OLFs others are concerned about. We believe that all OLFs should be acknowledged (in a statement about OLFs) rather than having one mentioned and the others ignored.

In addition, since many Codex principles *do*, in fact, reduce trade (for example, a rule against the exporting of food after its “pull-date”), the absolute statement in paragraph 16 needs to be amended in order to be more accurate.