

codex alimentarius commission



FOOD AND AGRICULTURE
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Agenda Item 4

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS

Fourteen Session

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

*Prepared by India, with the assistance of Australia, Canada, Chile, Iran, Malaysia, Thailand and the
United States*

BACKGROUND

1. The 12th Session of the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS) held from 1-5 December 2003, during its consideration of possible new work, considered the Project Document, prepared by India, proposing the revision of the Guidelines 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 Codex Principles and Guidelines for the Exchange of Information in Food Control Emergency Situations (CAC/GL 19-1995, Rev.1-2004). The Committee agreed to prepare a discussion paper on the revision of “*Guidelines for the Exchange of Information between Countries on Rejections of Imported Foods*” for consideration at its next ie Thirteenth Session. It was agreed that a Drafting Group led by India with assistance of Australia, Indonesia, Malaysia, Thailand, EC and Philippines would prepare the Discussion Paper. (See ALINORM 04/27/30).

2. At the 13th Session of the CCFICS, the Delegation of India, as lead country of the Drafting Group introduced the discussion paper. The discussion paper included background information, the revised guidelines as Annex I and a Project document as Annex II. The major changes proposed in the revised guidelines cover: revision of the presentation of the document to bring out, in a structured manner, scope, principles, nature and extent of health hazard, justification of rejection decisions, cases of rejections arising from certain serious situations/repeated & systematic failures, action taken, communication of information, role of FAO/WHO and a standard format for information exchange; ensuring consistency with the objective of CAC/GL-19-1995, Rev. 1-2004; inclusion of Principles; incorporation of a clause to communicate justification on rejection decisions; inclusion of the role of the competent authority of the exporting country in addition to that of the exporter and importer with regard to structured communication of information.

3. The Committee, after discussions, agreed that a Working Group led by India, in cooperation with Australia, Canada, Chile, Iran, Malaysia, Thailand and the United States, taking into account the discussions held and written comments, would revise the discussion paper to clearly justify the need for revision of the guidelines so that the Committee at its 14th Session could decide on whether to initiate this new work (see ALINORM 05/28/30, para 102).

JUSTIFICATION FOR REVISION

4. The basic reason for proposing the revision of the Guidelines is twofold i) to incorporate certain additional concepts designed to improve the efficacy of the principles of exchange of information and to maintain consistency and ii) to align some of the clauses with the revised Codex Principles and Guidelines for the Exchange of Information in Food Control Emergency Situations (CAC/GL 19-1995, Rev.1-2004). Although an attempt has been made to cover the two types of changes under separate headings, the first relating to changes in content and the second relate to changes in presentation, there cannot be a very clear demarcation and there would be some amount of overlap.

Issues related to content

5. The present document contains only guidelines for the exchange of information between countries on rejected foods. There is also a need to include Principles that apply for exchange of information so that there is clarity on the condition under which information is to be exchanged or communicated, the type of information to be exchanged or communicated, the parties involved, etc. This would also require a change in the title of the document to 'Principles and Guidelines for the Exchange of Information between Countries on Rejection of Imported Foods'. Such a change would also bring the document in line with the revised document CAC/GL 19.

6. It is proposed to define some of the terms used in the body of the text to bring about clarity. Definition of terms such as 'Official Food Control Authority', 'rejection', 'serious food safety/public health problem' etc may be included.

7. In the current 'Guidelines', the food control authority in the exporting country is to be informed of the rejection only under some specific circumstances of rejection of the consignment. However, there may be many other situations under which it becomes necessary to inform the Food Control Authority of the exporting country about the rejection. These would include situations when the consignment has to be returned to the country on rejection. Further, many exporting countries have developed a strong export control system under which all exports of specific products/ categories of products are under mandatory quality certification and where the food control authority in the exporting country issues export or health certificates certifying the safety of food for all the consignments. In such cases it is necessary that the decision of rejection is informed to the food control authority so that it can take suitable corrective action for future export of consignments.

8. When the Competent Authority of a country rejects a consignment of food permitted for importation, the relevant information to justify or support the rejection needs to be shared with importer, exporter and Competent Authority of the exporting country. A provision for the type of information to be shared for justifying or supporting the rejection decision needs to be incorporated.

9. In case of rejected food consignments, prior to a decision by the importing authority on the fate of the consignment, especially destruction, advance information needs to be communicated to the Competent Authority of the exporting country so that the exporting country/ exporter can take a conscious view on whether to redirect the consignment to other countries whose appropriate level of protection allows import of such consignment or to reimport the consignment or allow it to be destroyed. The existing guidelines provide for communication of such information only after a decision has been taken.

10. Effective communication between the exporting and importing countries is fundamental to achieving reduction in rejection of the consignment in international trade. This aspect has not been appropriately addressed in the existing Codex Guidelines. It has also been seen that the information communicating the rejection decision of the importing country is sometimes not clear and therefore, not clearly understood by the exporting country. A provision needs to be made in the document to provide for clear, relevant, factual and timely information. Timely exchange of information also enables the exporting country to take a corrective action at the earliest. For example, timely receipt of information would help in strengthening food control systems of a country at the earliest thereby leading to reduced rejections. The issue of language also needs to be addressed. The importance of information exchange has also been highlighted in the document on Exchange of Information in Food Safety Emergency Situations.

11. In case the importing country has rejected the product on the basis of some risk assessment/adverse information about some specific conditions in the exporting country, the details of such information/risk assessment should be made available to the exporting country so that its Competent Authority can check that the conditions existing in their country are recorded appropriately and, if necessary, take appropriate action to rectify the situation.

12. Bilateral discussions have already been provided for in the existing document. It is however felt that issues such as joint testing may be part of bilateral discussions so that the necessary investigation can be initiated at the earliest and a provision for the same needs to be incorporated.

13. Additional issues that may be considered for inclusion include the following:

- ‘Details of country where consignment is reprocessed or mixed’ - In case of rejections, there may be instances where the consignment has not come directly from the original country but through another country where it may have been mixed with different lots from some other country or may have been reprocessed. In such cases, information on the country where any reprocessing or mixing may have taken place may be communicated;
- ‘The reason along with justification for destruction’ - In most cases, the consignment is returned back to the exporter or allowed for diversion to another country. However, in certain cases it may need to be destroyed. In such cases, the reason alongwith justification for destruction may be provided.
- ‘Requirements specified in the importing country legislation’ - In some cases, the rejection of consignment may be due to the fact that the requirements specified in the importing country legislation may not be known. To avoid such rejections and also assist the exporting country to strengthen its export certification mechanism, it may be useful if the importing country’s legislation is communicated to both exporter and exporting country.

Issues related to Presentation Aspects

14. Presentation of the document needs to be revised to bring out all important components in a structured manner, and would include preamble, scope, definitions, principles, officials/contact points for information exchange, general considerations, identification of the food concerned, importation details, nature and extent of health hazard, rejection decisions, reasons for 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. In this proposed structure, the items scope, definitions, principles, officials/contact points for information exchange, nature and extent of health hazard, and communication of information are additional. This would be in the style of the document Codex Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations (CAC/GL-19). As both these documents deal with exchange of information under specific situations, and there may be in some cases an overlap under which certain situations could be covered under either or both standards, there is a need to maintain consistency and uniformity in style and presentation.

15. The details covered in the body of the existing text and those under the Annex, do not have uniformity with regard to various provisions and it is necessary to streamline these.

CONCLUSION

16. The Committee is invited to consider, in the light of the above suggestions, the following alternative proposals:

- a) To revise the Codex Guidelines to include both the changes in content and presentation, in light of the issues highlighted above. This would also include modification of the title to cover both Principles and Guidelines
- b) To revise the Codex Guidelines to include changes only in presentation, based on the issues highlighted above.
- c) To carry out modifications through an amendment to the existing Guidelines to cover both the changes in content and presentation
- d) To carry out modifications through an amendment to the existing Guidelines to cover only changes in presentation