

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD
HEALTH
ORGANIZATION



JOINT OFFICE: Viale delle Terme di Caracalla 00153 ROME Tel: 39 06 57051 www.codexalimentarius.net Email: codex@fao.org Facsimile: 39 06 5705 4593

Agenda Item 5

**CX/FICS 10/18/4 Add 2
January 2010**

ORIGINAL LANGUAGE ONLY

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

Eighteenth Session

Surfers Paradise, Australia 1-5 March 2010

**PROPOSED DRAFT PRINCIPLES AND GUIDELINES FOR NATIONAL
FOOD CONTROL SYSTEMS**

(N06-2009)

(Comments at Step 3)

(European Union)

European Union

General comments

The European Union and its Member States (EUMS) wish to congratulate Australia for leading the work in the development of the proposed draft principles and guidelines for national food control systems.

While important progress has been made the draft guidelines are still at an early stage of development. The text, as it currently stands, largely repeats what is already contained in existing guidance, i.e. the existing Codex texts and the FAO and the OIE guidelines. It includes most of the necessary elements for a functional food control system but certain important aspects are not yet covered. At the same time, there is some repetition which would need to be eliminated. The text would also merit of restructuring to make it more user friendly.

In further work, it might be of benefit to carefully consider the additional value that the draft guidelines could provide for governments establishing and developing their national food control systems. In the view of the EUMS, the main emphasis should be on providing guidance on how to get the control systems operate effectively, i.e. the functional aspects of a control system. The necessary elements of a food control system should be connected and managed properly in order to have a functional and effective system.

Specific Comments

Specific comments

The EUMS are pleased to attach a proposal for a revised document which consolidates and restructures the draft guidelines to address the issues outlined above in general comments. Certain missing elements have also been added and unnecessary repetition has been eliminated.

The EUMS propose the following new structure for the draft guidelines:

INTRODUCTION

SCOPE

OBJECTIVE OF A NATIONAL FOOD CONTROL SYSTEM

PRINCIPLES FOR A NATIONAL FOOD CONTROL SYSTEM

GUIDELINES – FRAMEWORK FOR A NATIONAL FOOD CONTROL SYSTEM

Main characteristics of a national food control system

Situational awareness

Pro-activity

Capability to learn

Pre-requisites of the systems

Infrastructure

Legislative framework

System management components

Design and Development

Operations/implementation

Verification/maintenance and Improvement

EU comments, 1 December 2009

PROPOSED DRAFT PRINCIPLES AND GUIDELINES FOR NATIONAL FOOD CONTROL SYSTEMS (N06-2009) (At Step 3)

INTRODUCTION

1. An effective national food control system is a necessity for every nation in order to protect its consumers (national and international) against foods that are contaminated, adulterated or in other ways injurious to health, or which are incorrectly packaged or labelled.
2. A national food control system consists of integrated elements related to domestic production, import and export of food products. While the focus of the *Principles and Guidelines for National Food Control Systems* is on the production, storage, transport and sale of foods within national borders, the document is consistent with and should be read in conjunction with other related Codex texts, in particular the *Principles for Food Import and Export Inspection and Certification* (CAC/GL 20-1995), the *Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems* (CAC/GL26-1997), ~~and~~ the *Guidelines for Food Import Control Systems* (CAC/GL 47-2003), **the Working Principles for Risk Analysis for Food Safety for Application by Governments (CAC/GL 62-2007) and the Recommended International Code of Practice General Principles of Food Hygiene (CAC/RCP 1-1969).**
3. In addition, the Food and Agricultural Organisation (FAO) publications *Assuring Food Safety and Quality: Guidelines for Strengthening National Food Control Systems* (FAO food and nutrition paper 76), *Strengthening National Food Control Systems Guidelines to Assess Capacity Building Needs* and the relevant standards and guidelines developed by the World Organisation for Animal Health (OIE) **and the International Plant Protection Convention (IPPC)** are valuable resources for member governments and organizations.

SCOPE

4. These principles and guidelines provide a framework to assist national governments in the development and operation of a national food control system. Such systems are intended to ensure that **the application of requirements for food, and the associated production systems, achieve or contribute to the achievement of the protection of the health of consumers and ensuring fair practices in the food trade.** **16. A National Food Control System should be developed to ensure food security in the context of both access to food and food safety.**

5. The principles and guidelines set out in this document are consistent with and are drawn from existing Codex documents. Competent authorities may apply these principles and guidelines, where appropriate, according to their particular situations.

OBJECTIVE OF A NATIONAL FOOD CONTROL SYSTEM

6. The national food control system should be designed and maintained with the objective of protecting the health of consumers and ensuring fair practices in trade¹.

10. National food control system policies should address the central issues of:

- **protecting consumers' health and ensuring fair practices in the food trade**
- **cost effective interventions with respect to consumers, industry and governments**
- **consistent delivery by the competent authority(ies)**
- **confidence of food business operators and consumers by means of transparent implementation**

PRINCIPLES FOR A NATIONAL FOOD CONTROL SYSTEM

1. Protection of consumers – in the design of national food control systems, precedence should be given to protecting the health of consumers and ensuring fair practices in food trade².

2. The national food control system should be **risk based, science based and harmonised** to the greatest extent possible with international standards.

(This should apply not only to product standards but also to the design of the national food control system; primary importance should be given to the use of international standards keeping in mind the resource implications of conducting risk analysis processes. The working group considered also that it may be useful to reference the *Working Principles for Risk Analysis for Food Safety for Application by Governments* (CAC/GL 62-2007).)

[Alternative text:

39. National food control systems should be designed and operated on the basis of risk analysis principles that are consistent with internationally accepted approaches for example the *Working Principles for Risk Analysis for Food Safety for Application by Governments* (CAC/GL6362-2007) and include, as appropriate to the circumstances, comprehensive scientific evaluation, wide stakeholder participation, transparency of process, consistent treatment of similar risks in different situations and systematic decision-making.

3. Fitness for purpose – [inspection systems should be fully effective in achieving their designated objectives having regard to the determination of the acceptable level of protection which is required³.]

¹ This text has been adapted from CAC/GL 20-1995 Para 5 and 6.

² CAC/GL 47/2003 Guidelines for Food Import Control Systems

4. Transparency (Accountability and verifiable measures) - while respecting legitimate concerns to preserve confidentiality, the principles and operations of national food control systems should be open to scrutiny by consumers and their representative organisations, and other interested parties⁴.

Independency –The competent authority should be free of improper or undue influence when implementing its responsibilities.

Farm to work – the national food control systems should cover the entire production to consumption continuum, including primary production, processing, storage, distribution, transport, retail, import and export.

8. Responsibilities – Food business operators, including producers growers, processors, regulators, wholesalers transporters, distributors, retailers, [academics and scientific institutions – maybe a separate bullet point] have the primary responsibility for complying with requirements and ensuring safe food on those aspects of food which are under their control. 31. The competent authority retains the fundamental responsibility to maintain up-to-date and science based legal requirements, ensure the effective operation of the national food control system and verify and provide assurances as to the conformity of food and the associated production with requirements. [9. Complementing food business responsibility, consumers (national and international) must also manage food safety risks.]

GUIDELINES – FRAMEWORK FOR A NATIONAL FOOD CONTROL SYSTEM

Higher level elements of a national food control system

What does the system apply to?

~~[The working group envisaged that both the sub points under the high level characteristics would be clear succinct statements and the detail will be in the Guideline section].~~

~~7. The national food control system applies to competent authorities and food business across the value chain from production to consumption. [The committee may like to consider GL 47 2003 paragraphs 6, 7 and 8 which defines the responsibilities of competent authorities for import control systems and could be drawn on to expand this section] Redundant, see the "Principles for a national Food Control System"~~

~~8. All those involved in food businesses from production to consumption, including growers, processors, regulators, transporters, distributors, retailers, [academics and scientific institutions – maybe a separate bullet point] have the primary responsibility for complying with requirements and ensuring safe food on those aspects of food which are under their control. Moved under the "Principles for a national Food Control System"~~

~~Alternate 8. Taken from the Recommended International Codex of Practice General Principles for Food Hygiene (CAC/RCP 1 1969, Rev 4 (2003) Preamble Everyone including farmers and growers, manufacturers and processors, food handlers and consumers, has a responsibility to ensure that food is safe and suitable for consumption.~~

~~9. Complementing food business responsibility, consumers (national and international) must also manage food safety risks. Moved under the "Principles for a national Food Control System"~~

What does a national food control system achieve?

~~10. National food control policies should address the central issues of protecting consumers' health and ensuring fair practices in the food trade. Moved under "Objectives of a national food control system"~~

³ Principles for Food Import and Export Inspection and Certification (CAC/GL 20-1995) paragraph 6.

⁴ Principles for Food Import and Export Inspection and Certification (CAC/GL 20-1995) paragraph 13.

~~11. In developing or amending the elements of a national food control system, consideration should be given to the costs and effect of various interventions with respect to consumers, industry and governments. Moved under "Objectives of a national food control system", 2nd indent of paragraph 10~~

~~12. National food control systems should be developed and implemented to ensure consistent delivery by the competent authority(ies). Moved under "Objectives of a national food control system", 3rd indent of paragraph 10~~

~~[Alternative wording for 13: The requirements of national food control systems should be implemented and enforced in a uniform and consistent manner by the competent authority(ies)] See 3rd indent of paragraph 10~~

~~13. Verification of the national food control system may involve the competent authority or other recognized bodies at any relevant point in the food chain. Redundant, see paragraph 55~~

~~14. The competent authority(ies) involved in the national food control system should have clearly defined responsibilities. Where different authorities in the same country have jurisdiction over different parts of the food chain, multiple inspections or duplication of testing is to be avoided.~~

~~[The working group noted that the high level principle will include many of the same concepts such as integration and coordination that will be elaborated in more detail in the following sections.] Redundant, covered by paragraphs 25 and 26~~

~~15. Communication of the requirements, implementation and verification of a National Food Control System should be clear and transparent to allow for the development of consumer confidence. Moved under "Objectives of a national food control system", 4th indent of paragraph 10 This communication should include:~~

~~• Following the *Principles and Guidelines for the Exchange of Information in Food Safety*~~

~~*Emergency Situations* CAC/GL 19/1995, International Health Regulations (IHR), INFOSAN for national and international emergency notification and response.~~

~~6 Principles for Food Import and Export Inspection and Certification (CAC/GL 20 1995) paragraph 6.~~

~~7 Principles for Food Import and Export Inspection and Certification (CAC/GL 20 1995) paragraph 13.~~

~~CX/FICS 10/18/04 9~~

~~• Communication strategies with all stakeholders (private sector, producers, processors and consumers)~~

~~• Food safety education and information to consumers Moved under the section "Operations/implementation" after paragraph 55~~

~~16. A National Food Control System should be developed to ensure food security in the context of both access to food and food safety Moved under the scope, paragraph 4~~

Main characteristics of the a national food control system

~~17. A national food control system must be supported by the necessary legislative framework, controls, procedures, facilities, equipment, laboratories, transportation, communications, personnel and training. Moved under "Infrastructure"~~

Situational awareness

18. A national food control system should avail itself of accurate and current information on food production systems. This information should include, but not be limited to:

- Statistical data on production, trade and consumption;
- Knowledge of operators at various stages of the food chain;
- Typical and atypical use of products, raw materials and by-products;
- Structure of production and supply chains; and
- Production technologies, processes and practices.

19. A national food control system should have mechanisms in place to continuously update, review and analyse the above mentioned information. A national food control system should also have mechanisms to adapt to changes in the production environment, and respond and intervene where/as required in the national food control system to ensure the protection of **the** health of consumers and ensure of fair practices in trade.

Pro-activity

20. The national food control system should be able to detect and respond to emerging risks and identify trends and patterns based on data collected. To that end, a national food safety system should have:

- Monitoring and surveillance programs for diseases and hazards, as appropriate;
- Mechanisms to identify emerging risks, in particular, factors indicating increased risk of non-compliance due to commercial incentives;
- Mechanisms to implement control actions proportionate to risks and targeted to cover high risk areas; and
- Efficient use of resources by means of risk categorisation and adjusting the intensity and/or frequency of controls according to risk category.

Capability to learn

21. The national food control system should possess the capacity to undergo continuous improvement. This requires:

- Mechanisms to evaluate the effectiveness of the current system by means of self-assessments, internal and/or external audits; and
- Mechanisms to design and implement effective corrective actions to address areas for improvement.
- Verification, maintenance and improvement/performance assessment (self and third party audits), import country findings, results of foreign assessments and domestic food safety data.

~~22. Clearly defined and transparent legislation should be developed which authorizes the establishment of the competent authority and food safety requirements. Redundant, see paragraph 34~~

~~23. As appropriate, clearly defined and transparent legislation and operating procedures should be developed which allows for the establishment of the competent authority(ies) and the processes and procedures required to verify the conformity of products against requirements. Redundant, see paragraph 36 Uniformity of operational procedures is particularly important. Programmes and training manuals should be developed and implemented to ensure uniform application⁸. Moved under the section "Design and Development" after paragraph 48~~

~~24. A national food control system should be developed and implemented to ensure uniform application by the competent authority(ies). Redundant, covered by "Objectives of a national food control system", 3rd indent of paragraph 10~~

Pre-requisites Components of the systems

Infrastructure, programs and requirements

17. A national food control system must be supported by the necessary legislative framework, controls, procedures, facilities, equipment, laboratories, transportation, communications, personnel and training.

25. The competent authority(ies) involved in the national food control system should have clearly defined responsibilities and ensure adequate resources and structures are available for the operation of an effective and efficient national food control system.

26. Roles and responsibilities should be well defined to avoid multiple inspections, investigations and duplication of testing and to avoid gaps in the **farm to fork** production to consumption continuum.

27. National food control systems should meet a number of operational criteria so as to ensure their impartiality and effectiveness and in particular have, or have access to, a sufficient number of qualified and experienced personnel as appropriate in areas such as: food science and technology, chemistry, biochemistry, microbiology, toxicology, veterinary science, human medicine, epidemiology, agronomic engineering, **food processing equipment**, quality assurance, audit and law. Personnel should be capable and appropriately trained⁵ in the operation of national food control systems. Staff should have access to adequate facilities and equipment to undertake necessary procedures and methodologies. National food control systems should also possess adequate facilities and equipment to enable personnel to carry out their duties properly.

28. Reliable transportation and communication systems are essential to ensure delivery of services when and where they are needed and for the transmission of samples to laboratories.

29. National food control systems should utilize laboratories that are evaluated and/or accredited under officially recognized programs to ensure that adequate quality controls are in place to provide for the reliability of test results. Validated analytical methods should be used wherever available. Laboratories should apply the principles of internationally accepted management techniques to ensure the reliability of analytical results⁶.

~~30. The food industry is responsible for developing and managing systems to ensure that the food supplied complies with the requirements set by the competent authority. The food business operator has primary responsibility for food safety Redundant, covered by "Principles for a national Food Control System"~~

~~31. The competent authority retains the fundamental responsibility to verify and provide assurances as to the conformity of food and the associated production with requirements. Moved under "Principles for a national Food Control System"~~

⁵ Guidelines for food Import Control Systems CAC/ GL 47-2003 paragraphs 41 – 43

⁶ Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems. CAC/GL 26-1997 paragraphs 41 – 42

~~32. The competent authority retains the fundamental responsibility to ensure the effective operation of the national food control system and should be free of improper or undue influence when implementing this responsibility. Moved under "Principles for a national Food Control System"~~

[Many of the points below have corresponding texts in existing Codex documents – The committee will need to identify these references]

33. Effort should be made to improve **the** capacity of regulatory authorities, particularly those of developing countries. Capacity building for developing countries either through bilateral arrangements or with assistance of international organizations should be directed toward implementation of these principles and guidelines.

Legislative framework

34. Clearly defined and transparent **framework** legislation should be developed which authorizes the establishment of the competent authority and food safety requirements.

37. Requirements, including food regulations, standards and codes of practice should be based on sound science, developed using risk analysis principles⁷ and to the extent possible, be consistent with international standards where such requirements achieve the appropriate level of protection established by the competent authority.

~~35. The competent authority(ies) should be responsible for developing the legislation that applies to all parts of the food chain and for verifying that industry operates acceptable systems that ensure compliance with the relevant requirements, Redundant, covered by "Principles for a national Food Control System", paragraph 8 and when required, taking appropriate enforcement action. Redundant, covered by paragraph 52~~

36. As appropriate, clearly defined and transparent legislation and operating procedures should be developed which **define roles and responsibilities of competent authorities and** allows for ~~the establishment of the competent authority(ies) and~~ *redundant, covered by paragraph 34* the processes and procedures required to verify the conformity of products against requirements.

~~37. Requirements, including food regulations, standards and codes of practice should be based on sound science, developed using risk analysis principles¹¹ and to the extent possible, be consistent with international standards where such requirements achieve the appropriate level of protection established by the competent authority. Moved as the 2nd paragraph of this section as these are fundamental requirements for a legislative framework.~~

Rules on sanctions applicable to infringements of requirements should be established. Sanctions must be effective, dissuasive and proportionate.

~~38. The General Principles of Food Hygiene (including, as relevant, Hazard Analysis Critical Control Point (HACCP)) developed by the Codex Committee on Food Hygiene⁸ and Good Manufacturing Practices should be utilized by food businesses and recognized by competent authority(ies) as a fundamental tool for improving the safety of food. Repetitive, covered by paragraph 42~~

~~39. National food control systems should be designed and operated on the basis of risk analysis principles that are consistent with internationally accepted approaches for example the Working Principles for Risk Analysis for Food Safety for Application by Governments (CAC/GL63-2007) and include, as appropriate to the circumstances, comprehensive scientific evaluation, wide stakeholder participation, transparency of process, consistent treatment of similar risks in different situations and systematic decision making. Moved under "Principles for a national Food Control System"~~

⁷ FAO-WHO Food Safety Risk Analysis: A guide for national food safety authorities (FAO Food and Nutrition Paper 87)

⁸ CAC/RCP 1-1969, rev. 4-2003: Recommended International Code of Practice; General Principles of Food Hygiene

~~40. Verification of the national food control system should be targeted at the most appropriate stages in the food chain, based on risk analysis conducted in accordance with internationally accepted methodology¹³. The frequency and intensity of controls should be designed so as to take account of risk and the effectiveness of controls already carried out by those handling the products including producers, manufacturers, transporter, distributors, and point of sale operators.~~

~~41. The nature and frequency of audit/inspection of food production systems should be based on the risk to human health and safety presented by the product, its origin and the history of conformance to requirements and other relevant information, including potential for fraud. Control should be designed to account for factors such as:~~

- ~~• The risk to human health posed by the product or its packaging;~~
- ~~• The history and likelihood of non-compliance with requirements;~~
- ~~• The susceptibility of the target consumer group;~~
- ~~• The extent and nature of any further processing of the product;~~
- ~~• History of conformity of producers, processors, manufacturers, transporters and distributors; and~~
- ~~• Potential fraud or deception of consumers and other factors that may prevent fair trade practices. Moved under "Operations/Implementation" after paragraph 50~~

42. The voluntary utilization of **safety and/or** quality assurance systems by food businesses should be encouraged in order to achieve greater confidence in the quality of products. The General Principles of Food Hygiene (including, as relevant, HACCP principles) developed by the Codex Committee on Food Hygiene¹ should be utilized by food businesses and recognized by competent authority(ies) as a fundamental tool for improving the safety of food.

~~43. Where quality assurance systems are used by food businesses, the national food control system should take them into account where such systems relate to protecting consumer health and ensuring fair practices in the food trade. Repetitive, covered by paragraph 42~~

~~44. Member countries should use Codex standards and related texts whenever appropriate.~~

[Comment: The committee may wish to consider where this point is required as it is an overarching principle of Codex]

~~45. National food control system requirements should be developed based on science-Redundant, covered by principles and be no more restrictive than is necessary in order to achieve the country's appropriate level of protection. This provision does not fall within the scope of these guidelines, it is covered by WTO/SPS Agreement~~

~~46. The requirements for imported and exported food should be consistent with the requirements for domestic food to the extent possible. This provision does not fall within the scope of these guidelines, it is covered by WTO/SPS Agreement These requirements may consist of standards, provisions for sampling, process controls, conditions of production, transport, storage, or a combination of these.-Redundant, covered "Principles for a national Food Control System"~~

[Comment: The committee may wish to consider that there will be situations where requirements for exported foods, which are being sent to countries with different requirements and ALOP, will not be the same as domestic requirements]

~~[Alternative wording para 47: National food control systems should be designated and operated such that domestic (including import) and export food control system are harmonized and integrated to the fullest extent possible] Moved below under the heading "System management components"~~

System management components ~~How the system functions (programs, controls)~~

National food control systems should be designated and operated such that domestic (including import) and export food control systems are harmonized and integrated to the fullest extent possible

Design and Development

~~47. The design and operation of national food control systems should be based on risk. Redundant, covered by "Principles for a national Food Control System", paragraph 2~~

48. The national food control system should be fully documented, including a description of its scope and operation, responsibilities and actions for staff, in order that all parties involved know what is expected of them. Documented procedures assist in ensuring that the controls are carried out consistently and uniformly. Documentation of a national food control system should include:

- An organizational chart of the official control system;
- Roles of each level in the hierarchy (including other relevant jurisdictions i.e., State, Provincial);
- Job functions **and qualifications**, as appropriate;
- Operating procedures including methods of sampling, control and testing;
- Relevant legislation and requirements;
- Important contacts;
- Relevant information about food contamination and food control;
- Procedures for conducting food recalls and investigations; and
- Relevant information on staff training.

Uniformity of operational procedures is particularly important. Programmes and training manuals should be developed and implemented to ensure uniform application⁹.

~~49. Requirements, including food regulations, standards and codes of practice should be based on sound science, developed using risk analysis principles¹⁴ and to the extent possible, be consistent with international standards where such requirements achieve the appropriate level of protection established by the competent authority. Redundant, covered by "Principles for a national Food Control System"~~

Operations/implementation

50. The responsibilities of the competent authority may include, but not be restricted, to:

- Approval of processors or other operators, e.g. license or registration;
- Appointing authorized officers;
- Recognizing accredited **laboratories** or **arranging accreditation for appropriate** laboratories in accordance with internationally recognized standards;

⁹ Guidelines for Food Import Control Systems CAC/GL 47-2003 paragraph 14

- Auditing or inspection of food and food production methods which may include but is not restricted to, as appropriate and necessary:
 - direct monitoring of premises and processes for compliance with hygienic, safety and other requirements. This may include sampling during processing, storage, transport, or sale; and/or
 - verification of the food industry's systems via audits to determine compliance with relevant requirements;
- Verification may be used to ensure that programs and HACCP plans are being implemented as documented and are effective on a continuous basis;
- Identifying food which doesn't meet the requirements; or food which is otherwise deceptively sold to the consumer; and taking the necessary remedial action;
- Providing for tracing of food products¹⁰ and for the recall of unsafe products;
- Implementing administrative and/or judicial measures when specific requirements are not satisfied; ~~and~~
- Certification with the recognition that food businesses meet national requirements through their registration listing through to attestations to other parties in this regard¹¹; **and**
- **Notifying other relevant countries, when imported food is found to be unsafe and arranging for its destruction, special treatment, subject to its intended use or, re-dispatch.**

51. A number of these responsibilities should provide proactive prevention of breaches of a national food control system.

40. Verification of the national food control system should be targeted at the most appropriate stages in the food chain, based on risk analysis conducted in accordance with internationally-accepted methodology¹². The frequency and intensity of controls should be designed so as to take account of risk and the effectiveness of controls already carried out by those handling the products including producers, manufacturers, wholesalers ~~transporter~~, distributors, and point of sale operators.

41. The nature and frequency of audit/inspections of food production systems should be based on the risk to human health and safety presented by the product, its origin and the history of conformance to requirements and other relevant information, including potential for fraud. Control should be designed to account for factors such as:

- **The risk to human health posed by the product or its packaging and/or incorrect labelling which could lead to adverse effects on consumers with certain health sensitivities;**
- **The history and likelihood of non-compliance with requirements;**

¹⁰ Principles for Traceability/Product tracing as a tool within a food inspection and certification system CAC/GL 60-2006

¹¹ Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems CAC/GL 26-1997 paragraph 22 *Guidelines for Design, Production, Issuance and Use of Generic Official Certificates* CAC/GL 38-2001

¹² **Working Principles for Risk Analysis for Food Safety for Application by Governments CAC/GL 62-2007**, FAO–WHO Food Safety Risk Analysis: A guide for national food safety authorities (FAO Food and Nutrition Paper 87)

- **The susceptibility of the target consumer group;**
- **The extent and nature of any further processing of the product;**
- **History of conformity of producers, processors, manufacturers, wholesalers transporters and distributors; and**
- **Potential fraud or deception of consumers and other factors that may prevent fair trade practices.**

52. Where a product or process is found not to be in conformity, the competent authority shall take action to ensure that the operator remedies the situation. The resulting measures should take into account any repeated non-conformity of the same product or process to ensure that any action is proportionate to the degree of public health risk, potential fraud or deception of consumers.

53. The specific measures applied with regard to future production may include:

- Increased intensity of audits/inspection and/or monitoring of products and/or processes identified as being not in conformity and/or the undertakings concerned; and
- In the most serious or persistent cases, de-registration of the producer or closure of the producing establishment.

54. The competent authority shall provide the operator concerned, or a representative, with written notification of its decision concerning the action to be taken and the reason for the decision. Information on right of appeal against such decisions and on the applicable procedure and timeframe should also be provided.

55. Where the competent authorities use third¹³ party providers as officially accredited bodies to implement controls, to be officially accredited, the body should be assessed against objective criteria.

To promote transparency, communication of the requirements, implementation and verification of a national food control system should include:

- **Following the Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations CAC/GL 19/1995, International Health Regulations (IHR), INFOSAN for national and international emergency notification and response.**
- **Communication strategies with all stakeholders (private sector, producers, processors and consumers)**
- **Food safety education and information to consumers**

Verification/maintenance and Improvement

56. Verification of the national food control system should be targeted at the most appropriate stages in the food chain, based on risk analysis conducted in accordance with internationally accepted methodology¹⁸. The frequency and intensity of controls should be designed so as to take account of risk and the effectiveness of controls already carried out by those handling the products including producers, manufacturers, transports, distributors, and point of sale operators. *Repetition, covered by paragraphs 40 and 41*

57. The national food control system should possess the capacity to undergo continuous improvement. This requires:

¹³ Guidelines for Food Import Control Systems CAC/GL 47-2003 paragraph 8

~~• Mechanisms to evaluate the effectiveness of the current system by means of self assessments, internal and/or external audits; and~~

~~• Mechanisms to design and implement effective corrective actions to address areas for improvement. Repetition, covered by paragraph 21~~

58. The performance of officially accredited bodies should be regularly assessed by the competent authority. Procedures should be initiated to correct deficiencies and, as appropriate, enable withdrawal of official accreditation.

59. The competent authority(ies) implementing the national food control system should carry out self-evaluation or have their effectiveness evaluated by third parties.

60. Self-assessment or third-party audits should be carried out periodically at various levels of the national food control system, using internationally-recognized procedures. The national food control services of a country may undertake self-assessment for such purposes as assuring the adequacy of consumer protection and other matters of national interest or improving internal efficiency.

61. The results of the self-assessment and third-party audits should be taken into account in further development of the system and corrective actions should be taken as appropriate.