

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of
the United Nations



World Health
Organization

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Agenda Item 8 (a)

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CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS

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DISCUSSION PAPER ON CONSIDERATION OF EMERGING ISSUES AND FUTURE DIRECTIONS FOR THE WORK OF THE CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS

(Paper prepared by the United States of America)

Introduction

1. The Codex Alimentarius Commission, in establishing the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS), recognized the importance of these systems in protecting the health of consumers and facilitating fair practices in the food trade. CCFICS has been successful in developing a large number of essential guidelines on both food import/export control systems and on national food control systems. The 20th (2013) Session of CCFICS recognized that there are emerging challenges that impact the approaches and technologies relating to food safety controls and these trends are likely to continue. In this regard, it is crucial that Codex guidance reflect current best practices and technologies. As a result, the Committee requested that a discussion paper be prepared to enable CCFICS to undertake a strategic approach to its area of work, including what a national food control system might look like in the future and how this analysis might be reflected in recommendations for future work of the Committee.

Relationship to Codex Strategic Plan

2. The 2014-2109 Codex Strategic Plan, adopted by the Codex Alimentarius Commission at its 36th (2013) session, sets out important Goals, Objectives and Activities for the work of Codex. The agreement by CCFICS to consider the strategic direction for the Committee is consistent with the 2014-2019 Codex Strategic Plan. Specifically the work is consistent with the following.

Strategic Goal 1:

Establish international food standards that address current and emerging issues.

Objective 1.2:

Proactively identify emerging issues and Member needs and, where appropriate, develop relevant food standards.

Activity 1.2.1

Develop a systematic approach to promote identification of emerging issues related to food safety, nutrition, and fair practices in the food trade.

With respect to specific implementation:

Responsible Parties and Timeline: All Committees; by 2016

Expected Outcome: Timely Codex response to emerging issues and to the needs of Members.

Measurable indicators: 1) Committees implement systematic approaches for identification of emerging issues; 2) Regular reports on systematic approach and emerging issues made to the CCEXEC through the Codex Secretariat.

History of CCFICS

3. As an outcome of the Uruguay round of Trade Negotiations and the resultant inclusion of Codex in the World Trade Organization's Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) as the reference organization for food safety standards and also Codex's importance in relationship to the WTO Technical Barriers to Trade Agreement (TBT Agreement), the Food and Agriculture Organization (FAO) and the World Health Organization (WHO), in cooperation with the General Agreement on Tariffs and Trade (GATT), convened the FAO/WHO Conference on Food Standards, Chemicals in Food and Food Trade. As part of this Conference, participants "suggested ways to make the work of the Codex Alimentarius Commission on international food standards more responsive to the current needs of governments", including considering and

identifying the major problems in import/export food control which obstruct international trade in food and to suggest solutions to these problems. As one of many recommendations, the Conference recommended the “formation of a committee to deal with import/export food control problems, including certification problems”. The 19th (1991) Session of the Commission, in considering the recommendations of the Conference, agreed to establish a committee to consider matters of import/export inspection and certification. It agreed that the new Committee would establish a draft terms of reference¹ that would be considered by the Committee at its first session with subsequent consideration and approval by the Commission. The Commission also accepted the offer of Australia to host the Committee. The first session of CCFICS was held in September, 1992.

4. The initial work of CCFICS was to develop the *Principles for Food Import and Export Inspection and Certification* (CAC/GL 20-1995). Subsequently the Committee developed two documents that laid out fundamental guidance for food import/export control systems, the *Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems* (CAC/GL 26-1997) and the *Guidelines for Food Import Control Systems* (CAC/GL 47-2003). Over the course of its work, the Committee has developed a series of guidelines on various operational aspects of food import/export control systems including: *Guidelines for Design, Production, Issuance and Use of Generic Official Certificates* (CAC/GL 38-2001); *Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations* (CAC/GL 19-1995); *Guidelines for the Exchange of Information between Countries on Rejections of Imported Food* (CAC/GL 25-1997); and, *Principles for Traceability/Product Tracing as a Tool within a Food Inspection and Certification System* (CAC/GL 60-2006). The Committee addressed the area of equivalence, developing *Guidelines for the Development of Equivalence of Sanitary Measures Associated with Food Inspection and Certification Systems* (CAC/GL 53-2003) and *Guidelines for the Development of Equivalent Agreements Regarding Food Import and Export Inspection and Certification Systems* (CAC/GL 34-1999). The Committee considered but did not undertake work relating to the equivalence of TBT-related measures, noting that such work did not appear to be needed and that there would be difficulty in determining how equivalence could be objectively assessed in non-safety situations. The Committee has also developed guidance relating to undertaking foreign audits and inspections (*Principles and Guidelines for the Conduct of Assessments of Foreign Official Inspection and Certification Systems*, and Annex to CAC/GL 26-1997). More recently, the Committee has expanded its work to encompass all aspects of food control systems, completing work on *Principles and Guidelines for National Food Control Systems* (CAC/GL 82-2013) that was adopted by the Codex Alimentarius Commission at its 36th (2013) Session.

Discussions at the 20th Session of CCFICS

5. As part of the celebration of the 50th Anniversary of Codex, at the conclusion of the 20th (2013) Session after the close of the Session, CCFIS considered emerging challenges for food regulators and whether there were any themes that the Committee could consider in the future with a view to assisting global food regulators with those challenges. Several Members spoke in relation to emerging challenges facing regulators at both the national and global level.

6. Members and observers noted that it was important for CCFICS to take a strategic look at food control systems of the future, how they might look and operate in the next 10-20 years, and what this meant for the future work of CCFICS.

7. Members and observers brought forward a number of specific areas that CCFICS might consider in regards to future work. These included the following:

- The role of technology, and in particular, information technology systems, in facilitating exchange of information between importing and exporting countries and the need to consider the value of Codex documents prescribing the use of information technology (electronic certification).
- The changing approach to providing assurances, particularly with respect to the use of preventative controls and outcome based systems and the use of third parties in providing assurances.
- The use of systems recognition approaches to assessing a food control system to allow an importing country to have assurance as to the competency of a national food control system. While this area includes equivalence where Codex guidance currently exists, it also extends into other means of assessing food control systems where there is currently no Codex guidance.
- A need for guidance on developing robust systems for traceability/product tracing considering that many imported foods may not be the product of a single but rather contain ingredients that may have been shipped to multiple countries and then on to multiple countries again after further processing.
- The need for better coordination between agencies responsible for imported food safety, for example coordination between national food control authorities and customs/border control authorities.

¹ Codex Procedural Manual, 22nd Edition, page 174

8. Additional considerations noted included the following.

- The importance of current discussions within CCFICS relating to means of measuring the performance of a food control system (performance metrics) for self-improvement, and the work on considering the burden of questionnaires as a component in providing assurances regarding a food control system.
- The need to take into account food security as it affects the development and operation of national food control systems including the food import/export control component and, in this regard, the importance of risk-based systems to avoid rejecting safe food.
- The need to review Codex guidance documents previously developed by CCFICS and to review/revise them as necessary to ensure that they reflect current approaches and best practices. In this context, it is noted that the *Codex Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations* (CAC/GL 19-1995) is currently under revision.
- The challenges in relation to the increased speed of distribution of food internationally, including an obligation to promote effective and efficient controls to mitigate increasing risks and to meet consumer demands and perceptions.

9. The Committee agreed that it would be helpful to develop a Discussion Paper as a strategic thought piece that would take into account the comments presented during the Committee's discussion, and present areas for the consideration of the Committee as it considers the nature of the work it might undertake in the future. The Committee welcomed the offer of the United States to prepare the Discussion Paper.

Horizon Scan of Issues

10. While it is difficult to be precise in regards to the future directions food safety and its associated food control systems will take, it is possible to make some general statements regarding this area. Discussion on these aspects and their impact on the work of CCFICS are welcomed.

11. It is likely that the global trade in food, food ingredients, feed and associated agricultural products will continue to increase, driven by increased population and expanding economies. Domestic food production will similarly increase, driven by the same factors. Associated with these increases will most likely be an increasing need to track and respond to food-borne illnesses, whether microbial-, or chemical-related, due at a minimum to simple volume of production and trade, but also driven by emerging pathogens and advancements in science and technology which will allow for more effective identification and trending of foodborne illness. This combination of factors should result in the need for an increased capability for well-functioning food control systems

12. While the underlying components of a food control system may not change significantly in the next 10-20 years, it is probable that certain aspects of how systems operate will change, with some of the changes being significant and impactful. Most of these changes are likely to be associated with increased capability to carry out work or exchange information electronically. Systems will become automated, increased leveraging of information will occur, increased levels of intelligence and trend information will be obtained, and data analysis will increase; these elements will likely result in changes to what is being found in terms of problems, what is actually done and how the results are viewed.

13. Scientific advancements will continue, probably at an accelerated pace, leading to a myriad of outcomes including: new food technologies (production, processing, packaging, transport/distribution) and new food products with their associated need for control; and, an increasing capability to both identify and to control food-borne hazards and to identify food-related illnesses.

14. More precisely, with respect to food control systems, and the work of CCFICS, the Committee should consider the impact of:

- a) Newer approaches to food production, processing, transport and distribution both globally and domestically and what adjustments, if any, are needed in existing CCFICS-developed Codex texts;
- b) Newer approaches to ensuring the safety of foods including preventative/outcomes based systems and what adjustments, if any, are needed in existing CCFICS-developed Codex texts;
- c) Adjustments to existing CCFICS-developed Codex Guidelines to reflect current and anticipated changes in food control systems and their component parts.
- d) The suite of tools to/means of providing assurances including the use of establishment lists, equivalence determinations, systems recognition, use of third parties, and other leveraging activities and how and when they are applied (including such components as the use of questionnaires and other assessment tools, and leveraging the work of public and private entities);
- e) The tools and methods used to measure performance of food safety system and how and when they are applied;
- f) The use of information technology as applied to food control systems including use for data gathering and analysis and electronic certification;

- g) The vulnerability of foods to intentional contamination and whether or not existing Codex guidance with respect to food control systems is sufficient in this regard;
- h) The interaction between various governmental agencies involved in food trade, in particular the interaction between food control authorities and customs/border protection agencies and the interaction used to leverage information;

15. In considering the above elements and its long-term work strategy, CCFICS will need to take into account the differing needs and capabilities of countries. Additionally, any resulting CCFICS guidance will need to provide for both the fundamental components of food control systems as well as the inclusion of newer approaches and technologies.

Forward-Looking: Potential Work of CCFICS

16. Developing food control system guidance to provide assurances as to the safety of food has been the work of CCFICS. Recognizing the horizon scan and trends presented above the Committee may wish to consider the following areas as strategic directions for new work, noting that CCFICS is currently considering work relating to: monitoring regulatory performance of national food control systems; principles and guidelines for the elaboration and management of questionnaires directed at exporting countries; and revision of the *Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations* (CAC/GL 19-1995).

17. The following suggestions for consideration are presented in no particular order of importance or priority.

- a) Extending the mechanisms to recognize the competency of food control systems beyond that of equivalence. Broader, more flexible means of recognizing the ability of a competent authority to provide assurances as to the safety of food are being considered and/or used by governments; such approaches include the use of evaluating food safety outcomes rather than the level of protection to measure comparability. CCFICS may wish to consider the development of guidance in this area, perhaps developing a broader guidance document that considers different approaches to recognize the competency of a food control system and which would incorporate the current CCFICS *Guidelines on the Judgement of Equivalence of Sanitary Measures Associated with Food Inspection and Certification Systems* (CAC/GL 53-2013). As a component of this work, CCFICS may wish to consider the development of guidance relating to the leveraging of information between competent authorities.
- b) Developing a more general guidance document on establishing cooperative arrangements between competent authorities. Such a document could expand the guidance in the *Codex Guidelines for the Development of Equivalence Agreements Regarding Food Import and Export Inspection and Certification System* (CAC/GL 34-1999) to collaborative and/or systems recognition cooperative arrangements more generally.
- c) Developing guidance on specific mechanisms beyond those activities by a competent authority acting by itself to assure the safety of food; for example guidance relating to the use of leveraging the work of conducted by private and public entities including official third parties to provide assurances relating to compliance with applicable government standards and guidelines.
- d) Expanding guidance on traceability presented in the *Codex Principles for Traceability/Product Tracing as a Tool within a Food Inspection and Certification System* (CAC/GL 60-2006) recognizing that the existing guidance is limited and that the capabilities relating to traceability/product tracing have significantly advanced since the development of CAC/GL 60-2006.
- e) Recognizing that responsibility for the handling of imported food is often a shared responsibility between food control authorities and customs/border control authorities, CCFICS may wish to consider the development of guidance relating to the interaction between these types of agencies.
- f) Recognizing the increasing use of electronic means of moving information, CCFICS should consider this area in depth and its impact on the operation of food control authorities, including in particular, the areas of electronic certification and the exchange of information in such areas as alternatives to certification (e.g. establishment lists). CCFICS should consider the development of guidance relating to this field, whether as changes to existing CCFICS-developed Codex texts or as new texts.
- g) Recognizing that much of the work done by CCFICS has often been of an overarching or framework nature, CCFICS may wish to consider the value and usefulness of developing guidance relating to the more detailed operational aspects of food control systems. Examples of such work may include: guidance relating to what areas should be examined during establishment audits and/or inspections; and, what are appropriate elements for training programs for food establishment inspectors. The Committee may wish to review existing CCFICS-developed Codex texts to determine what specific areas are appropriate for development of this type of additional guidance.
- h) Acknowledging that the intentional contamination of food can be a food safety concern, CCFICS may want to re-visit this topic to determine if there is sufficient interest in developing guidance in this area, or incorporating reference to this subject in existing CCFICS-developed Codex texts.

- i) Recognizing that many of the existing CCFICS-developed Codex texts were developed a number of years ago, it may be worthwhile in light of new information and the trends identified above, to review these texts to determine whether updating and revision is appropriate.

Conclusions and Recommendations

18. The information presented above with respect to the horizon scan, trends, and the forward-looking potential work of CCFICS should be considered the starting point for discussion by CCFICS on its future strategy and plan of work. Members and Observers are strongly encouraged to think critically with respect to these areas and provide their thoughts on both the suggestions presented in this Paper and on other areas they believe important for CCFICS to consider as the Committee undertakes a discussion on and review of what areas it should focus its attention on for the next 10 years and beyond. In this regard we suggest that it is important that CCFICS take a broad view of its charge, reflecting on:

- a) the work it has done on enabling a successful food control system, both with respect to food import and export control systems and on domestically-focused control systems;
- b) the gaps that may still exist in this guidance;
- c) the need for updating existing guidance; and
- d) new areas for which guidance is needed.

19. We suggest and recommend that the Committee give consideration to the items presented in the above section on “forward – looking potential work of CCFICS” as areas for future work that would provide value to Codex Members. The outcome of this discussion should, preferably inform the long term planning work of CCFICS.