

# codex alimentarius commission



FOOD AND AGRICULTURE  
ORGANIZATION  
OF THE UNITED NATIONS

WORLD  
HEALTH  
ORGANIZATION



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## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### FAO/WHO COORDINATING COMMITTEE FOR LATIN AMERICA AND THE CARIBBEAN

#### *14th Session*

*Buenos Aires, Argentina, 29 November - 3 December 2004*

#### INFORMATION AND REPORTS ON FOOD CONTROL AND FOOD SAFETY ISSUES INCLUDING CODEX STANDARDS

#### ADDITIONAL GOVERNMENT COMMENTS

(Cuba, Mexico and Uruguay)

#### CUBA

#### 1. Food control and food safety issues including Codex standards

##### A) OFFICIAL AGENCIES

- Updated structure and organization of the official services responsible for food legislation and food control, including import/export matters relating to food safety and quality including activities of Codex Contact Points and National Codex Committees.

The Republic of Cuba has the public institutional capacity to address food safety and quality matters. In this respect, it has the following organizational structure:

The **Ministry of Public Health** is the leading national agency which is competent to address food safety. It has a vertical structure made up of the Health Protection Regulatory Bureau, the National Environmental Health Unit and the Institute of Nutrition and Food Hygiene at a national level and Hygiene and Epidemiology Centres at the provincial and municipal levels (14 and 168, respectively.)

The Ministry of Public Health, based on the Public Health Act No. 41 dated July 13 1983, lays down, in Article 66, the provisions relating to the nutritional state of the population, sanitary food control, consumption beverages, and others. It also establishes relevant regulations requiring, with regard to dietary matters, specific population groups subject to certain risks.

Article 73 of Law Decree No. 54 “Basic Sanitary Provisions” dated April 23 1982 establishes that directors of companies and bodies in charge of food production and import have the obligation to submit to the Ministry of Public Health all documents on origin and composition, organoleptic characteristics and certificates on suitability for consumption and quality of domestically produced and (or) imported products; as well as to facilitate sampling for the necessary exams prior to distribution to people, all of which is checked by the inspectors of the State Sanitary Inspection established throughout the country.

The Ministry of Public Health develops the National Program for Food Safety, in which all bodies of the Central State Administration related to food and nutrition participate.

The Institute of Nutrition and Food Hygiene, dependent on the Ministry of Public Health, is the body in charge of the application of state and government policies related to consumer health protection. To this end, it needs to ensure compliance with activities on sanitary regulations, control of sanitary quality and food safety, in general, or of other chemical substances potentially harmful to health due to their contact with such products or their use during the appropriate technological processes.

The **National Standardization Agency dependent on the Ministry of Science, Technology and Environment**, supported by Decree Law No. 182 on Standardization and Quality, provides the legal basis that Standardization and Quality activities require for their harmonic development, with the aim of helping ensure their updating and dynamism. The specific objectives of this regulatory body are as follows:

- To establish the bases of the National Standardization System.
- To promote effective development of and compliance with Cuban standards in general and food standards in particular.
- To promote the use of Cuban standards at Ministries and dependent companies.
- To allow the introduction of scientific and technical advances.
- To facilitate trade, consumer protection, health, security and environment.

The Office, as an institution set up to propose, manage and enforce state policies on standardization and quality as appropriate, has the responsibilities laid down in the above-mentioned Decree Law and those established below:

- To manage, coordinate, enforce and control national standardization work and planning of activities relating to standardization and quality, as appropriate,
- To set out principles for production and service quality control management, including imports and exports,
- To set out general organizational principles and advice on management development and quality assurance in the national economy according to international standards.

For the purposes of Codex work, the structure of the National Standardization Office is based on the work of the Standardization Technical Committees. These are equivalent to the structure of the Codex Alimentarius Commission. It ensures effective work and ongoing training of members of all Committees, strengthening its role and substantially increasing participation in international and regional standardization work, in accordance with countries’ interests, in order to promote the use of Cuban standards at Ministries and companies due to their importance as basic tools in improving quality and the effectiveness of production and services.

The **Ministries of Agriculture, Food Industry and Fishing Industry** have the Quality Division, which is responsible for standardization and quality activities and directly controls compliance with provisions established by the above-mentioned leading bodies within producing and marketing companies of its competence. They are based on bodies with authorized laboratories that enable it to provide evidence for these controls. All relevant information is taken into consideration—from primary production to delivery to consumers—in the quality systems established by these bodies.

Within the Ministry of Agriculture, the Institute of Veterinary Medicine and the National Plant Health Centre are responsible for enforcing animal health requirements and plant quarantine requirements, respectively.

The **Ministry of Fishing Industry** is the competent authority for quality and safety control of fish products.

The **Ministry of Foreign Trade** is responsible for approval and authorization of the natural or legal persons that may carry out import and export activities with a license granted by the very Ministry or the Chamber of Commerce. This license grants permission to products authorized to be imported and exported, provided importation is of a commercial nature and will be submitted to the ministries in charge of granting the technical authorizations relating to safety and quality. It is also responsible for granting temporary licenses to legal bodies that are established in the country but whose licenses do not allow them to import food products. In addition to these roles, this body establishes import/export technical requirements laid down by various bodies and passes regulations for legal compliance with contractual responsibilities mutually agreed by suppliers and customers at this stage of the food chain. It is also in charge of organizing WTO Agreements—which Cuba has signed—into a hierarchy and coordinating their enforcement. Furthermore, through its International Agency of Inspection and Supervision Service (Cubacontrol SA), at origin, border and destination it sees to the compliance of the quality attributes agreed by importers and exporters into or from Cuba, in order to ensure consumer obligations and rights. This Cuban Control Company has the technical infrastructure required to carry out the necessary supervision actions.

The **Ministry of Domestic Trade** is the body in charge of implement, through its Consumer Health Protection Division, all established measures to protect consumer rights, educate consumers and prepare them for responsible, rational consumption, establishing and controlling the application of international legal provisions and standards regulating consumer protection.

In order to assimilate internal and external market opportunities, national quality policies promote the application of quality management systems based on ISO 9001:2000 and HACCP to ensure food safety, consumer security and the satisfaction of internal and external customers' interests.

## **B) FOOD LEGISLATION**

- Updating and regional harmonization of food safety and quality regulations, including the use of Codex standards, Codes and related texts.

Cuba has established, in the Standardization Technical Committees' work plans, a substantial review of existing Cuban food standards and the adoption of standards, codes and related texts as directives, where appropriate and feasible in accordance with country conditions.

The Standardization Technical Committees on Food Hygiene, Nutrition and Special Diets, Food Additives and Contaminants, and Foods Derived from Biotechnology have developed the bases for regulations on food safety and quality, which will complement the Food Act under development.

## **C) COOPERATION ACTIVITIES**

Through the INPAZZ in Argentina, contact has been established with other countries in connection with food legislation and food control, and information regarding the state of affairs in Cuba in this respect has been disseminated through its web page.

Cuban representatives from various sectors of the economy, that are related to these matters have participated in courses, workshops, meetings, etc., including inspection and laboratory personnel training managed by FAO, WHO, WTO, and UNIDO, among others, through which funding has been granted to the country.

The exchange among delegations of countries attending Codex Committee meetings has also provided opportunities for contact in this respect.

## MEXICO

(Updated information completing data submitted under CX/LAC 04/14/5)

### 1. OFFICIAL FOOD LEGISLATION AGENCIES IN MEXICO

#### 1.1. Generalities

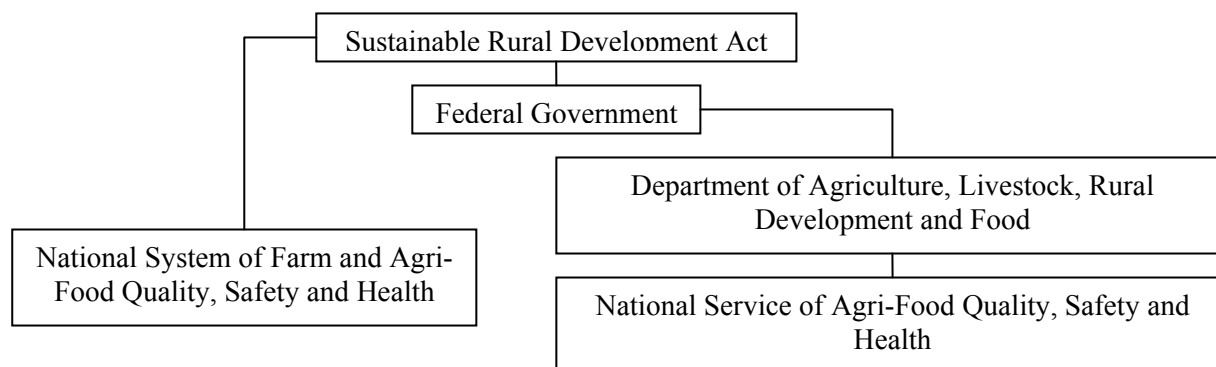
So far the market opening and the execution of international agreements have increasingly enlarged the amount of countries demanding that the imported fruit and vegetable products meet national and international sanitary and phytosanitary rules.

The main objective of said regulations is to protect human health and food products by preventing the introduction of pests and diseases. However, in some cases, measures designed to such end have turned into unnecessary barriers to international trade.

In Mexico's case, the government strategy in the face of export restrictions on food that may pose a risk to human health was to adopt guidelines, regulations and rules intended for the protection of consumer health and the promotion of the market of food processed under risk minimizing schemes.

The Federal Government agreed to establish the National System of Farm and Agri-Food Quality, Safety and Health, in order to join the efforts of the Department of Agriculture, Livestock, Rural Development and Food and the Department of Health, so that food health quality is ensured and foreign and domestic markets of fishing, aquacultural and farm products are maintained and expanded, supplying safe products to foreign and domestic populations.

This is an organizational chart of the official agencies responsible for food control and legislation in Mexico.



#### 1.2. Sustainable Rural Development Act

This law related to the actions intended for increasing the living quality of the rural population as well as the planning, organization, industrialization and marketing of farm products was published in the Official Register on December 7 2001.

#### 1.3. Department of Agriculture, Livestock, Rural Development and Food

In December 2000, the Mexican Administration added the food issue to the responsibilities of the Department as one of its pillars. Since December 2001, and according to the Sustainable Rural Development Act, it has been assigned the food safety issue.

*The Department is an agency of the Federal Executive Branch, whose objective is to implement a supporting policy that allows to produce and take better advantage of the farm sector, to integrate the activities of the rural sector into the productive chains of the rest of the economy, and to encourage the cooperation of producer organizations with its own programs and projects, as well as the goals and objectives for the farm sector, proposed in the National Development Plan.*

#### **1.4. National Service of Agri-Food Quality, Safety and Health**

The Sustainable Rural Development Act empowers the National Service of Agri-Food Quality, Safety and Health, *inter alia*, to develop and promote national programs and regulations that allow to protect the interests of trade in national products in the face of international regulating criteria relating to food safety.

On July 10 2001, the Internal Regulations of the Department of Agriculture, published in the Official Register, set out the specific functions of the Service, namely:

- To establish policies and guidelines that contribute to enhance the animal, plant, aquacultural and fishing food safety;
- To suggest general provisions by means of Mexican official rules and regulations in order to prevent, control and fight pests and diseases that affect agricultural, livestock, aquacultural and fishing activities;
- To regulate and evaluate food safety operative programs that are implemented in coordination with state governments and subsidiary bodies;
- To conduct inspections and issue certificates, according to the applicable legislation, for establishments, production units, processes, systems, transportation equipment, warehouses and stores where food is handled;
- To recognize, authorize and, if appropriate, certify food inspection, verification, processing and production systems in order to ensure their health quality for domestic consumption or exportation.

*This National Service, ex National Commission of Farming Health, was created in 1996 as a decentralized agency of the Department of Agriculture to ensure trade in products with no animal and plant health risk, thus enhancing the competitiveness of Mexican products in the domestic market for the benefit of Mexican producers. In order to fulfill its objectives, this Service consists of General Divisions specifically related to each area.*

##### **1.4.1. General Division of Plant Health**

*Its objective is to manage the implementation of plant health policies and strategies by administering and applying the phytosanitary **regulations** and procedures so as to prevent, control and eradicate pests and diseases affecting the agricultural sector of the country.*

##### **1.4.2. General Division of Animal Health**

*Its function is to plan, organize, administer, control and regulate the livestock health and hygiene services by facilitating the provision of zoo-sanitary services, the conduction of studies and the implementation of technologies, as well as the actions intended for the surveillance, prevention, control and/or eradication of diseases that may affect livestock, in order to contribute to the improvement of production, marketing and development of national productivity.*

##### **1.4.3. General Division of Agri-Food, Aquacultural and Fishing Safety**

*It contributes to the competitiveness of producers in the food sector of the country through health quality assurance and fishing, aquacultural and farm food safety. Its activity is based on policies, rules, activities and services that promote and regulate the application and certification of risk reduction systems related to contamination in production and the primary process of food for human consumption, as well as the appropriate use and handling of farm production and health inputs.*

#### **1.4.4. General Division of Phytosanitary Inspection**

*It is responsible for defining and evaluating programs, policies and strategies for phytosanitary control and supervision and international farm health inspection. It intends to avoid the introduction of pests and diseases that affect the farm production in the country, as well as the dissemination of the ones existing in the national territory, contributing to the appropriate development of phyto- and zoo-sanitary campaigns while reducing public health risks.*

There are subsidiary bodies like the National Consulting Committee for the Standardization of the Phytosanitary Protection, that work, together with the National Service of Agri-Food Quality, Safety and Health, on the establishment of Mexican official rules and the application of verification and certification procedures. These agencies foreseen in the Federal Acts of Animal and Plant Health consist of producer and academic organizations, private and public institutions, and authorized verification and certification bodies with a significant role in the achievement of the objectives of the National Service.

#### **1.5. National System of Farm and Agri-Food Quality, Safety and Health**

This System is empowered to suggest strategies for the establishment and development of the phyto- and zoo-sanitary regions in the interior part of the country, with a view to unify the sanitary condition of production and improve the distribution and transportation of fishing, aquacultural, animal and plant products. It boosts the implementation of regional agri-food safety programs and a related inter-institutional system of information. Further, it establishes strategies aimed at carrying out safety actions together with the different countries with which it shares related cooperation programs.

*The System was created to address those problems requiring inter-institutional coordination in order to be solved. It consists of the National Service of Agri-Food Quality, Safety and Health and the National Commission of Aquaculture and Fisheries of the Department of Agriculture; the COFEPRIS of the Department of Health; the Department of Economy; the General Customs Administration of the Department of the Treasury and Public Credit; the Sub-Department of Infrastructure of the Department of Communications and Transport; the Sub-Department of Environmental Promotion and Regulation and the National Forestry Commission of the Department of Environment and Natural Resources; and the Inter-Department Commission of Biosecurity and Genetically Modified Organisms; among other federal agencies.*

## **2. FOOD LEGISLATION**

For the public sector, the Mexican legislation provides for the obligation to strictly comply with the regulatory framework. In this sense, the National Service of Agri-Food Quality, Safety and Health fulfills the obligations derived from different rules, such as:

a) **Political Constitution of the United States of Mexico.**

b) **Organic Law of the Federal Public Administration.** It provides for the legal nature of decentralized administrative bodies like the National Service, and sets out the existence and powers of the Department of Agriculture as an agency of the Federal Executive Branch.

c) **Federal Act of Animal Health.** The Department of Agriculture is in charge of its enforcement in relation to the diagnosis, prevention, control and eradication of animal pests and diseases. This law governs the application of the TIF system (Federal Inspection Type), which consists of a set of safety-related criteria and obligations applicable to livestock meat producing and processing units.

d) **Federal Act of Plant Health.** It is the ground for the exercise of the powers of the National Service in relation to plant health, for the promotion and enforcement of phytosanitary provisions; the diagnosis and prevention of the dissemination of pests that affect plants, their products and byproducts; the establishment of phytosanitary measures; and the regulation of the biological effectiveness, application, use and handling of inputs, as well as the development and implementation of phytosanitary activities and services.

e) **Federal Act of Administrative Procedure.** It is the framework law regarding administrative matters and a tool that allows to carry out in an appropriate way the activities that the National Service is obliged to put into practice as part of its public duties.

f) **Federal Act on Metrology and Standardization.** It governs any matter related to standardization, accreditation and determination of compliance, as well as verification. That is, it sets out the procedure to develop the Mexican official rules, which must be designed to, *inter alia*, define the requirements and specifications that products, processes, facilities or services must meet whenever these may pose a plant, animal or human health risk.

The development of the official rules must follow a procedure in order to ensure transparency and fairness by removing hidden restrictions to free trade, in addition to evaluate their regulatory impact so that benefits are higher than restrictions.

The official rules govern production processes through campaigns to isolate, control and eradicate pests and diseases affecting the agricultural, livestock, aquacultural and fishing sectors; national movement, exports, imports, and facilities, services and phyto- and zoo-sanitary techniques. Further, agreements and executive orders are issued to modify the phyto- and zoo-sanitary status.

So far, the National Service has published in the Official Register 51 Mexican phytosanitary official rules, 12 agreements including the declaration of pest-free zones of which 4 were published this year, 3 of low predominance, and 2 national emergency systems, as well as 60 Mexican official rules on animal health. During 2004, two amendments to Mexican official rules (NOM-012-ZOO-1993 and NOM-041-ZOO-1995), a free zone agreement and an agreement with the criteria to classify the veterinary pharmaceuticals marketed in the country, contributing to the appropriate application of NOM-064-ZOO-2000 and 9 on food safety, were published.

In an emergency case, the National Service is empowered to publish emergency rules, which are in force for 6 months and may be extended for other 6 months, at most. After that period, they must be passed by the National Consulting Committee for the Standardization of the Phytosanitary Protection or the National Consulting Committee for the Standardization of the Zoosanitary Protection, as appropriate, and must be published as final rules.

g) **Internal Regulations of the Department of Agriculture.** They grant legal existence as a decentralized administrative body of the Department of Agriculture and provide for its specific responsibilities.

### 3. COOPERATION ACTIVITIES

The National Service of Agri-Food Quality, Safety and Health, in coordination with state governments and subsidiary bodies, carries out different activities to achieve its objectives, namely:

**Promotion and awareness:** To establish examinable systems for the reduction of physical, chemical and microbiological risks in production and manufacturing processes through training. The aim is to implement programs of best practices applicable to productive processes, in order to obtain added value products and easy market access.

**Approval and accreditation:** Through professionals, certification bodies, verification units, testing laboratories authorized and supporting bodies of the National Service.

**Supervision, inspection, verification and certification:** Recognition, inspection, verification and certification by natural and legal persons, with harmonized functions and according to criteria previously established to such end.

**Monitoring:** National or imported, processed or unprocessed products, with standardized procedures for sampling and sending of samples, in order to determine whether the agreed contamination limits are met.

**Traceability:** Farm, aquacultural and fishing products at any given time and stage of the productive and manufacturing chain.



## URUGUAY

### ORGANIZATION OF THE OFFICIAL CONTROL OF THE FOOD SECTOR IN URUGUAY AND THE NATIONAL CODEX COMMITTEE

Uruguay is made up of 19 departments with departmental or municipal governments, which are responsible for food control within its territorial limits as well as for administrative competencies.

The competent body regarding food standards is the Ministry of Public Health, in accordance with Articles 19, 20, and 21, chapter IV, of the Organic Law No. 9202 dated January 12 1934.

Through the Executive Order No. 315/04 dated July 5 1994, the National Nutrition Regulation was approved and all standards that were inconsistent with it were abolished, establishing that such regulation is consistent with Codex Alimentarius standards. Departmental authorities have gradually harmonized standards through departmental bodies. Uruguay lacks a national food law.

Various institutions have long worked towards ensuring quality at the different levels of the food chain, and therefore, in the final product.

The following are some of the bodies involved in food control processes in Uruguay: the Ministry of Public Health; the Ministry of Livestock, Agriculture and Fisheries; the National Department of Water Resources—program of the Ministry of Livestock, Agriculture and Fishing; (non-state) public persons; the Technological Laboratory of Uruguay; the National Meat Institute; and the municipal authorities within their territorial limits. It is worth mentioning that the body responsible for wine control is the National Wine Institute and the National Fuel, Alcohol and Portland Administration is in charge of liquor control.

Issues like microbiological and chemical food contamination, together with its hygienic production and its controlled imports and exports, are important concerns in a producing/exporting country facing the challenge of regional integration.

The different specialized areas of the food sector have the need to protect consumers and ensure that food and beverages are safe and suitable for human consumption, taking account of the necessary measures and conditions for production, processing, storage and distribution.

The Ministry of Public Health does not have its own resources to assume this role. Thus, in order to carry it out, it needs to work in coordination with the sectors involved so as to ensure food protection. It therefore has the objective of “*developing a comprehensive policy aimed at the inter-sectorial participation of all institutions in the area*”.

Together with standardization activities, the Ministry of Public Health performs tasks related to the registration and authorization of modified food and all kinds of bottled (mineral and non-mineral) water, without disregarding other types of food, in accordance with the Organic Law assigning the responsibility for hygiene control to the Food Area and other products of the Health Product Division.

Also, the Food Safety Unit within the Population Health Division is in charge of analyzing risk situations arising from insecure food conditions, performing inter/intra-institutional and inter-sectorial coordination tasks so as to involve all parties according to the various scenarios. Among others, it has the following objectives:

- To train human resources involved in food operation and/or handling, creating responsibilities and knowledge,
- To integrate the Food-Borne Disease Surveillance System in connection with certain aspects of the food concerned; its processing, contamination source research, handling factors conditioning the outbreak, with a view to their correction for the control of the state of affairs and the prevention of similar situations. It is worth pointing out that Uruguay has developed the Food-Borne Disease Surveillance System integrated to the Regional System since 1995.

- To cooperate with and support the Integrated Departmental Programs on Food Safety already implemented or to be developed. The creation of Integrated Departmental Programs on Food Safety is one of the basic public health strategies.

### **National Codex Committee of Uruguay**

Uruguay has had a National Codex Committee for 10 years. It was set up by the Executive Order No. 527/994 dated December 6 1994.

**Goals.** The National Codex Committee of Uruguay has the following goals, as established in the above-mentioned executive order:

- a) To cooperate with the Joint FAO/WHO Food Standards Program and coordinate standard development work in Codex Alimentarius in Uruguay;
- b) To create technical subcommittees to assist in the analysis of the various areas and to establish guidelines for their work and location;
- c) To disseminate and analyze Codex documents, and to gather and consider any information on technological, economic and sanitary systems;
- d) To appoint delegates who participate in the meetings of the Codex Alimentarius Commission and their subsidiary bodies;
- e) To cooperate with other national and international organizations related to food standards.

### **Integration**

The National Codex Committee is made up of the Minister or the senior representative from the following Ministries:

1. Foreign Affairs
2. Economy and Finance
3. Livestock, Agriculture and Fishing
4. Public Health
5. Housing, Territorial Organization and Environment
6. Industry, Energy and Mining

There is also a representative from the National Congress of Mayors and a representative of the Contact Point, who is in charge of the Secretariat of the National Codex Committee.

### **Chair**

It is held by the Ministers or their representatives in a rotative manner, for a six-month term each.

### **Technical Secretariat**

It is the responsibility of the Contact Point and is currently held by the delegate of the Technological Laboratory of Uruguay.

## **Structure**

The structure of the National Codex Committee, besides the Chairperson and the Secretary, consists of the technical subcommittees, like in the case of Codex Alimentarius, and specific working groups.

### **Subcommittees and Specific Working Groups**

- Horizontal: General Principles, Food Hygiene, Food Additives and Contaminants, Residues of Veterinary Drugs in Foods, Agricultural Pesticide Residues, Inspection and Certification, Methods of Analysis and Sampling, Food Labelling, and Nutrition and Foods for Special Dietary Uses.
- Commodity Committees: Fresh Fruits and Vegetables, Processed Fruits and Vegetables, Milk and Milk Products, Natural Mineral Waters, and Fish and Fishery Products.
- *Ad Hoc* Task Forces: Biotechnology, Animal Feeding, and Fruit and Vegetable Juices.

### **Composition of Subcommittees**

Subcommittees are made up of representatives from:

Research institutes, official bodies, the University of the Republic, consumer NGOs, NGOs working on related issues, industry councils, the Packed Food Council, the FEPAL, the CILU, the Association of Food Importers, the Technological Laboratory of Uruguay, producer associations, etc.

### **Coordination of Subcommittees**

It is the responsibility of an official expert of the body concerned with these matters; it may rotate between two or more experts of different bodies.

### **Roles**

- To analyze circular letters and propose responses,
- To develop all documents to be discussed at the international sessions of the Codex Committees,
- To analyze Codex documents and advise the National Codex Committee on the positions to be adopted in their respect,
- To propose the official delegates that will participate in such meetings.