

codex alimentarius commission E



FOOD AND AGRICULTURE
ORGANIZATION
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Agenda Item 8

**CX/NASWP 08/10/10
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JOINT FAO/WHO FOOD STANDARDS PROGRAMME FAO/WHO COORDINATING COMMITTEE FOR NORTH AMERICA AND THE SOUTH WEST PACIFIC

Tenth session

Nuku'alofa, Tonga, 28-31 October 2008

USE OF CODEX STANDARDS AT NATIONAL AND REGIONAL LEVEL

Replies to CL 2008/12-NASWP, Part B of Australia, Canada, New Zealand, Papua New Guinea, Samoa, Solomon Islands, Tonga and Vanuatu

(i) Use of Codex standards and related texts at the national and regional level

AUSTRALIA

Australia as a member of the World Trade Organization (WTO) complies with WTO obligations to harmonise its national standards with Codex standards where possible. Australian domestic food standards are based on scientific risk assessment, are consistently applied and are not more trade restrictive than necessary.

CANADA

Canada's regulatory policy stipulates that international standards, policies and agreements need to be taken into account in the establishment of domestic regulations, which, for food safety and nutrition, would be the standards and related texts developed by Codex. Recent examples where Canada has adopted Codex standards and texts include the ML for cadmium in selected foods, the Codex ML for tin in canned foods, the Codex ML for Ochratoxin "A" in wheat and Canada is considering revising its guidelines/standard for 3-MCPD to be in line with the Codex guidelines and standard recently adopted by the 31st Session of the CAC.

One of the four core themes around which the *Strategic Framework For Canada's Participation In The Joint FAO/WHO Food Standards Program 2008 – 2012* was developed is the promotion of the use of Codex standards as the basis for national policies and regulations. Objectives 2.1 and 2.2 of the *Framework* are intended to enhance our national mechanisms to ensure Codex standards are used as the basis for our national policies in circumstances where the Codex standard achieves our appropriate level of protection or fulfils a regulatory objective and to promote their use as the basis for international regulatory harmonization.

NEW ZEALAND

In line with our international obligations under the WTO SPS and TBT Agreements New Zealand has a policy of basing its national measures on international standards (where these exist) to the maximum extent possible subject to their meeting our appropriate level of protection. With regard to maximum residue limits (MRLs) New Zealand food legislation permits the import and sale of products that meet the codex levels for pesticides and veterinary drugs.

PAPUA NEW GUINEA

NISIT who is a member of the NCC informs the work of Biological Committee (Governed by NISIT) which adopts International Codex Standards for use at national level. The Codex Standards are used for laboratory accreditation and food processing in PNG. The Codex Standards are also used at the PNG regional level to import and export of agriculture products.

SAMOA

Food standards in the planning process for development are based on Codex guidelines but are tailored to fit local circumstances.

SOLOMON ISLANDS

As mentioned above Codex Standards were used at a National Level to be inserted into the Draft Food Hygiene Regulation.

Currently there is work going on, in setting a regional standard for the Noni and Kava standard, under Codex standards.

TONGA

Currently, the Public Health Act 1992 does not have any regulations since then and therefore there are no legal food standards yet, However, the Consumer Protection Act 2002 does have a standard on protecting fair trading concern of consumers. However, the National Food Bill & Regulations & National Food Code have all been submitted with the Codex standard as a reserve to the National food standards

VANUATU

At national level we have used related texts in the Food Regulation. This is to allow consistency in terminology.

(ii) Non-use of Codex standards and related texts at the national and regional level, with reasons where applicable**AUSTRALIA**

Response as per (i) above.

CANADA

Canada has no specific inputs/comments on this section.

NEW ZEALAND

New Zealand does not have any specific comments on this issue.

PAPUA NEW GUINEA

The CCP in consultation with NCC would create more awareness and recommend all relevant stakeholders to use Codex standards if not in use because the standards are transparent and accountable as it conform to the norms of international trade. The stakeholders will be advice to use these standards in trade which link to the TBT (Technical Barriers to Trade) and SPS (Sanitary and Phytosanitary) measures of WTO.

SAMOA

N/A

SOLOMON ISLANDS

In our Pure Food Fishery Product Regulation 2005, we have inserted other texts in relation to the EC Regulation other then the Codex Standards due to the fact that most of the Fishery Products are targeted to the EU market, thus the export Fishery regulation has to be in compliant to the EC regulation.

TONGA

To date, there is a considerable need for legal basis of the Codex standards in Tonga. It is used on a voluntary basis by food businesses and food traders for trading.

VANUATU

Yes.

(iii) Difficulties encountered in the use or application of Codex standards and related texts at the national and regional level**AUSTRALIA**

Recognition and uptake of Codex standards remains a significant difficulty. International recognition and uptake of the provisions within the Codex Code of Hygienic Practice for Meat for example is lacking. Further, it is clear that the Codex guidelines provided on equivalence will not significantly enhance safe trade and that further work is required to develop guidelines which articulate the concept of high level systems recognition.

Deviations from Codex standards for Maximum Limits (MLs) can cause trade disruptions, including Australian exports to some markets. Australia is progressing work to minimise disruptions to imports without compromising food safety. Further work by other trading partners could contribute to minimising disruptions to trade.

CANADA

Canada has not specific inputs/comments on this section.

NEW ZEALAND

New Zealand does not have any specific comments on this issue.

PAPUA NEW GUINEA

The difficulty encountered by the Codex PNG is that the exporters need to contact Codex PNG to enquire the criteria /standard and other guidelines used to export agriculture products.

SAMOA

The difficulty that Samoa faces lies in translating Codex texts and standards into our mother tongue for public understanding.

SOLOMON ISLANDS

Solomon Islands is experiencing problems under the Codex standards. Some requirements of importing countries are too stringent that even Codex Standards are not acceptable, as such we need both Codex and importing country regulations such as EU.

TONGA

Difficulties arises mainly from the uncertainty of the enactment of the National Food Bill.

VANUATU

Legal drafters having some difficulties in understanding texts and terms to use in national regulation and policies. The level of technical knowledge or background of Codex with other colleagues in the region.

(iv) Relevance of Codex standards and related texts as a basis for harmonization of legislation and regulations, including in the perspective of economic integration**AUSTRALIA**

As per response to (i) above. Codex guidelines on equivalence have been used as the basis for the judgement of equivalence of food safety measures between Australia and New Zealand as part of the Trans Tasman Mutual Recognition Agreement.

CANADA

Canada has no specific inputs/comments on this section.

NEW ZEALAND

New Zealand does not have any specific comments.

PAPUA NEW GUINEA

PNG food control laws comply with Codex standards as a basis for harmonization of legislation and regulations in the pursuit of achieving the economic integration.

SAMOA

Samoa supports having Codex texts as a benchmark for harmonization of legislation and regulations, including the perspective of economic integration for the Pacific Island Countries regardless of whether they are a member, or not of the Codex Alimentarius Commission with the purpose of ensuring that the Pacific is not a dumping place for food products below minimum standards within exporting countries and regions.

SOLOMON ISLANDS

Codex Standards have played an essential role as a basis for harmonisation of legislation and regulations.

TONGA

The awareness of the relevance of the Codex standards have increased tremendously for the last five years. This is due to the huge influx of food products from Asia with little information to consumers. The typhoid fever scare from a main bakery business, where a worker was found to have the disease.

VANUATU

They are very relevant.

(v) Any other health and/or trade problems related to standardization at the national or regional level**AUSTRALIA**

A nationally consistent approach to food regulation is a goal shared by Australian domestic food regulators.

Australia has a national committee 'the Implementation Sub-Committee (ISC) of the Food Regulation Standing Committee of the Australia and New Zealand Food Regulation Ministerial Council', whose role is to develop and oversee a consistent approach across jurisdictions to implementation and enforcement of food regulations and standards, regardless of whether food is sourced from domestic producers, export-registered establishments or from imports.

The Implementation Sub Committee has developed a strategy for consistent implementation and enforcement of food regulation in Australia. The strategy incorporates an agreed three year work plan.

The Strategy was endorsed by the Australia and New Zealand Food Regulation Ministerial Council on 28 October 2005.

Australian food regulators have adopted this strategy to guide their work in implementing food regulation consistently across all portfolios and levels of government involved in food regulation. New Zealand supports the strategy and participates for joint Australian and New Zealand standards, where appropriate.

CANADA

Canada has no specific inputs/comments on this section.

NEW ZEALAND

New Zealand does not have any specific comments on this issue.

PAPUA NEW GUINEA

The standardization at the national and regional level on trade related mechanism especially the harmonization of exports and imports standards level require FAO, WHO, WTO, and other related organizations to work together.

SAMOA

Samoa has yet to develop its food labeling and food packaging standard, Samoa therefore faces trade related problems with importing countries who could be exploiting our vulnerability in stipulating a standard to prohibit goods manufactured in their countries below their own minimum food safety standards. Our local companies import food items which are nearing used by or expiry dates. These goods had to be dumped within two to four weeks of arrival which has caused public outrage due to health and environmental consequences of such action.

SOLOMON ISLANDS

Codex standards are not readily accepted under EU for fishery products imports, as such different regulations have to be implemented to fully qualify under EU requirements.

TONGA

Currently, the ministry of Health is campaign publically on the consumption of excess fat meat products and also sugary products to reduce that rate of diabetic and heart diseases in the population. There are health concerns on Bio-toxins and Mercury from local fish and marine products, imported food products with carcinogenic by-products, or with disease agents such as mad cow diseases, etc.

VANUATU

Proper understanding of standardization, Proper networking, Good awareness and stakeholders participation.