

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

Viale delle Terme di Caracalla, 00153 Rome, Italy - Tel: (+39) 06 57051 - E-mail: codex@fao.org - www.codexalimentarius.org

Agenda Items 2, 3, 4, 5, 6 and 8

CRD14

**JOINT FAO/WHO FOOD STANDARDS PROGRAMME
CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION
AND CERTIFICATION SYSTEMS
Twenty-Fifth Session
Virtual, 31 May – 8 June 2021**

Comments from India

Agenda Item 2 - MATTERS ARISING FROM THE CODEX ALIMENTARIUS COMMISSION AND ITS SUBSIDIARY BODIES

Comment: India supports the proposal on “Developing guidance to assist in the control and inspection of food products sold online” by CCFICS. Such guidance could be very important in ensuring food safety and fair trade practices particularly in situation like COVID-19 pandemic wherein the online food trade increases several fold. Further, CCFICS is the most relevant committee for the purpose and CCFL can be collaborated on labelling aspects in the guidance.

Agenda item 3- INFORMATION ON ACTIVITIES OF FAO AND WHO AND OTHER INTERNATIONAL ORGANIZATIONS RELEVANT TO THE WORK OF CCFICS

India would like to congratulate and appreciate FAO/WHO for developing the FAO/WHO food control system assessment tool and confident that this tool will help member countries to know the effectiveness of their food control system and carry out changes for further improvement. India look forward for the future activities by FAO/WHO to make members aware about the tool and its used by them.

Agenda item 4: DRAFT PRINCIPLES AND GUIDELINES FOR THE ASSESSMENT AND USE OF VOLUNTARY THIRD-PARTY ASSURANCE (vTPA) PROGRAMMES

General Comments: India appreciates the work done by eWG chaired by United Kingdom and co-chaired by Canada and Mexico and support the document at Appendix 1 for consideration by the Committee for approval.

Specific Comments:

i. Point 13, first line may be modified as below:

Competent authorities that choose to use information/data from vTPA programmes to help inform their NFCS₁ should satisfy themselves that the vTPA programme information/data can be trusted and is fit for purpose.

Rationale: Editorial

ii. Section 12, Point 1 (f) may be modified as below:

Should recognize potential conflicts of interest₁ and their impact on the reliability of the information/data of the vTPA programme **and have mechanism to take action.**

Rationale: To ensure that conflicts are not only identified but action is also taken to ensure credibility of vTPA.

iii. Paragraph 14, Point 1(c) may be amended as below (add comma):

Where there is a positive assessment outcome₁ the competent authority may choose to enter into an arrangement with the vTPA owner by mutual consent.

Rationale: Editorial

iv. Paragraph 14, Point 2(c) may be amended as below:

Competent authorities may choose to verify the reliability of vTPA programme information/data through ~~for example~~ a comparison of conformity data from the vTPA programme with their official compliance information/data.

Rationale: Editorial

AGENDA ITEM 5- PROPOSED DRAFT GUIDANCE ON PAPERLESS USE OF ELECTRONIC CERTIFICATES

General Comment:

The document is using words Certificates & Certificate interchangeably, however, in order to maintain uniformity throughout the document, word “certificates” may be used.

Specific comments:

1. Section 3: Definitions

- i. **Certificates** are those paper or electronic documents, signed (manually or electronically), which describe and attest to attributes of consignments of food destined for international trade.

Rationale: Editorial correction, to make the definition clearer, “signed (manually or electronically)” should be shifted.

- ii. **Electronic signature** means data in electronic form in, affixed to or logically associated with, the ~~{official}~~ certificate, which may be used to identify the certifying officer and to indicate the signatory’s ~~approval~~ **authorization** of the information contained in the ~~{official}~~ certificate.

Rationale: Term official certificate may be used instead of ‘Certificate’. Signature of certifying officer on official certificate does not mean his/her approval on the information contained in the official certificate. Some of the information in official certificate does not necessarily need approval, therefore authorization would be appropriate term, since once certifying officer signs the official certificate, he/she authorizes the information contained therein.

- iii. **Paperless exchange of official certificates** is the act of ~~competent authorities or certifying bodies~~ providing, receiving and archiving the identified information and relevant attestations **of official certificates between competent authorities or certifying bodies of the exporting country and required by the importing country in electronic form.**

Rationale: In order to adequately capture the process involved. Further, under paperless exchange, it would be two way flow of electronic information and therefore activities like providing, receiving and archiving will happen at the end of both, exporting and importing country. Also refer para 29 of the document.

2. Paragraph 30, second bullet may be modified as below:

the competent authority of the exporting country maintains the status of the exchanged certificate and shares the actual status with the ~~exporting applicant~~ **exporter or their agent** of the involved certificate.

Rationale: For uniformity and in line with paragraph 44

3. SECTION 8: Principle E, Para 22, bullet 7

Comment: suggest the following modification:

-enable its paperless exchange by submission and/or transmission through the involved system ~~in case a Single Window system is in use by the competent authority also enable paperless exchange by submission and/or transmission through the involved system~~

Rationale: To make the sub point more clear and meaningful

4. Presentation of original certificates, Para 46

Comment: We propose to amend the text as follows:

When countries use paperless exchange official certificates, ~~the importing country’s competent authorities should ensure that~~ the importer/consignee or their representative **should** provides necessary and appropriate details to the importing country’s authority or the authority carrying out import controls on behalf of the importing country to allow the consignment identity to be verified against the exchanged certificate.

Rationale: It should be the responsibility of the importer/consignee to provide details of the consignment for identification/tracing against the issued certificate, to the importing country’s competent authority. This is also reflected appropriately in the existing text in CXG 38-2001 (Para 41, Presentation of original certificates).

5. Revocation of certificates, Paragraph 48, second part may be modified as under:

In the situation ~~that~~ **where** the certificate is already under the responsibility of the importing country, the issuing authority should ~~be notified~~ **notify about the revocation** by electronic means or in hard copy and should receive confirmation **from importing country** that the involved original paper certificate ~~has been destroyed~~ or the electronic certificate is marked as revoked.

Rationale: To clearly define the process involved because revocation of certificate happens at the end of exporting country.

AGENDA 6: PROPOSED DRAFT GUIDELINES ON RECOGNITION AND MAINTENANCE OF NATIONAL FOOD CONTROL SYSTEMS

General comment: India compliments the work initiated by CCFICS on Proposed Draft Guidelines on Recognition and Maintenance of Equivalence of NFCS.

Specific comment:

Following text may be included under the Step 7: "Finalization and maintenance of the recognition" of Appendix 1 of these Draft Guidelines: "Wherever the countries enter into equivalence of NFCS in whole or in part, certification of food products would not be required in international trade and this should be specifically mentioned in the equivalence arrangements, e.g. identified phytosanitary requirements."

Rationale: As the objective of these Draft Guidelines is to facilitate smooth trade of food products ensuring food safety, protecting the health of consumers and ensuring fair practices in the food trade, one of the outcomes would be avoiding certification of food products in international trade.

AGENDA ITEM 8: DISCUSSION PAPER ON FOOD FRAUD

India appreciates the work done by eWG chaired by USA and co-chaired by European Union, the Islamic Republic of Iran and China. Recently, FAO has also come out with a document "Food Fraud – Intention, detection and Management". India support the development of guidance on food fraud by CCFICS. The scope of the proposed guidance identified by the eWG appears to be appropriate in general and covers the essential aspects.