

CODEX ALIMENTARIUS COMMISSION **E**



**Food and Agriculture
Organization of
the United Nations**



**World Health
Organization**

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CX 4/10

**CL 2010/20-FL
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TO: Codex Contact Points
Interested International Organizations

FROM: Secretariat,
Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme

SUBJECT: Request for comments and information concerning exchange of information between
competent authorities when suspecting fraud concerning organic products

DEADLINE: **1 December 2010**

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Background (discussion at the 38th CCFL)¹

174. The European Union introduced the discussion paper proposing an improved mechanism for the exchange of information between competent authorities when suspecting fraud concerning organic products including the scope of possible new work.

175. In the discussion paper the European Union proposed that: 1) CCFL should recommend to FAO to set up and maintain a list of all Competent Authorities as referred to in section 6.2 of the Guidelines; 2) to amend the text of the Guidelines to add reference to all relevant CCFICS texts, in particular to specific sections of CAC/GL 25-1997, and 3) to add new guidance text to the *Guidelines* on the exchange of information between competent authorities.

176. In response to the recommendation relating to the FAO, the representative from the FAO informed the Committee that a list of competent authorities could be posted on its website.

177. With respect to the other recommendations, some delegations expressed the view that such work should more appropriately be dealt with in the Committee on Food Import and Export Certification Systems (CCFICS) and that the *Guidelines on Exchange of Information Between Countries on Rejections of Imported Food* (CAC/GL 25-1997) were broad enough to accommodate exchange of information between

¹ ALINORM 10/33/22, paras 174-181

governments on fraud concerning organic products. Further clarifications were also requested on the type of fraud being discussed.

178. Other delegations welcomed this proposal for new work and were of the opinion that CAC/GL 25-1997 did not provide sufficient guidance and that CCFL would be the appropriate committee to undertake such work.

179. The Codex Secretariat reminded the Committee that a discussion had taken place at the 37th CCFL on the most appropriate body to undertake such work, and it had been indicated that current procedures placed no impediment for CCFL to discuss the possibility to undertake such work and prepare a project document. The Executive Committee through the critical review process and consequently the Commission would then decide which subsidiary body should undertake the new work.

180. Recognizing that the late submission of the discussion paper had not permitted a full consideration by Codex members, the Committee agreed that the current paper would be re-circulated for comments, and a revised discussion paper would be prepared for consideration at its next Session. It also noted that, at that time, a series of questions could be prepared and forwarded to CCFICS to consider to provide advice on addressing issues of fraud in organic products, taking account of the gaps identified by the CCFL on the effectiveness of controls in this respect.

181. It was agreed that the Codex Secretariat would prepare a Circular Letter which would include the discussion paper (CX/FL 10/38/15). On the basis of comments received, the European Union would prepare a revised discussion paper for consideration at the next session of the CCFL.

DISCUSSION PAPER ON EXCHANGE OF INFORMATION BETWEEN COMPETENT AUTHORITIES WHEN SUSPECTING FRAUD CONCERNING ORGANIC PRODUCTS

(Prepared by the European Union previously distributed as CX/FL 10/38/15)

Background

One of the objectives of the Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods (CAC/GL 32-1999) is the protection of consumers against deception and fraud in the market place and unsubstantiated product claims.

Another aim is to protect producers and processors of organic produce against misrepresentation of other agricultural produce as organic.

The international market for organic products has grown rapidly and is still developing. Unfortunately the number of serious infringements indicating fraud has also grown in proportion. There is a danger that infringements will damage consumer confidence in organic products resulting in significant damage to the market.

In order to ensure attaining the above mentioned objectives of the Guidelines, it is of crucial importance that competent authorities (e.g. authorities of both importing countries and exporting countries) as well as control authorities and control bodies exchange relevant information. Currently the exchange of information seems to be done on a case by case basis. A more systematic approach would be needed to prevent exporters with fraudulent intentions redirecting their products to other countries when certain importing countries take preventive measures.

The only reference to the exchange of information in the Guidelines is found in article 6.10. This article refers to the exchange of information between Countries on Rejections of Imported Food (CAC/GL 25 1997). Those guidelines deal with import rejections caused by failure to comply with importing country requirements. More specifically those guidelines deal with exchange of information between the competent authorities of the importing and exporting country. The notification of authorities in other likely destination countries is only mentioned in the "Action taken" section of the Annex of CAC/GL 25-1997.

The guidelines CAC/GL 25 1997 do not include:

- Recommendations on the exchange of information between countries and possible use of electronic information systems²;
- Recommendations on the exchange of information between control bodies, control authorities and competent authorities, e.g. the exchange of information in case of suspected fraud, residue detection or cross checking between control bodies;
- Recommendations on the exchange of information between the authorities in importing countries and other likely destination countries.

In its 37th Session the Committee agreed that the Delegation of the European Community would prepare a discussion paper on these issues and on the scope of possible new work for consideration by the next session of the Committee.

Possible new work

Having regard to the background explained above, it seems appropriate to integrate the need for communication in the Guidelines while taking into account and respecting the relevant provisions established by CCFICS in particular in CAC GL 25.

The committee is invited to consider the following proposals.

The CCFL should recommend to FAO to set up and maintain a list of all Competent Authorities as referred to in section 6.2

Add references to all relevant CCFICS texts, in particular to specific sections of CAC GL 25.

Amendment to section 6 of the Guideline:

Add a new paragraph to section 6.7:

c) to communicate to other official and/or officially recognised certification bodies or authorities concerned the relevant information on any case of serious infringement or irregularity with regard to the respect of the guidelines which has an effect on trade or presents a risk of trading products incorrectly labelled as organic.

² e.g. INFOSAN (limited to food safety) and the project 'Anti-Fraud Initiative' (<http://www.organic-integrity.org>)

Add a new paragraph to section 6.9:

c) to exchange relevant information on the results of their controls where justified by the necessity to guarantee that a product has been produced in accordance with the guidelines or when products incorrectly labelled as organic are or have been traded.

Introduce a section 6.11 to the Guideline:

The competent authority of each exporting country should notify to the competent authorities of other countries likely to be concerned any information deemed necessary when a risk of serious irregularity in the export of products labelled as org