

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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Agenda Item 8

CX/FICS 20/25/8/Add.1

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS

Twenty-fifth Session

DISCUSSION PAPER ON ROLE OF CCFICS WITH RESPECT TO TACKLING FOOD FRAUD IN THE CONTEXT OF FOOD SAFETY AND FAIR TRADE PRACTICES IN FOOD

Comments reply to CL 2020/41/OCS-FICS

Comments of Australia, Argentina, Brazil, Canada, Chile, Colombia, Cuba, Ecuador, European Union, Honduras, Indonesia, Iraq, Mexico, Morocco, New Zealand, Panama, Peru, Philippines, Thailand, United States of America, FAO, CCTA, Consumer Goods Forum, European Food Law Association, FIVS, Food Industry Asia, IAF, IFU, ISO, and USP

Background

1. As a result of the rescheduling of the CCFICS25 session from 27April-May 1, 2020 to 22-26 March 2021, the timelines for the EWG food fraud were adjusted. The EWG is continuing its work as part of the work continuity programme for CCFICS.

This document complies comments were received, through principally through Codex Online Commenting System (OCS) in response to CL 2020/41/OCS-FICS, which was issued in July 2020 with a deadline for submission of comments of 30 September 2020.

Explanatory notes

2. The comments submitted through the OCS are hereby attached as **Annex I** and are presented in table format, while Annex II contains comments submitted by email.

ANNEX I

Text	Comment
GENERAL COMMENT	
Australia thanks the United States (US) and co-chairs for leading the review of existing Codex texts and scoping potential future new work for the CCFICS to assist regulators address food fraud. Australia has provided an overall general response in the document.	Australia
<p>Argentina agree with the document with this general comments:</p> <p>It is fundamental to work in the construction of agreements regarding the definitions of key concepts, not only for the definition of food fraud, but also to define terms as “food authenticity”, "food integrity", “economically motivated adulteration”, "intentional adulteration" (and its link with the concept of food defense), among other mentioned terms.</p> <p>Given the fact that "food fraud" and "intentional adulteration" are mentioned separately throughout the document (most importantly in the Purpose and scope of the proposed standards) and they are not defined yet, expressing them separately is not appropriate. We consider that it might be more accurate to refer only to food fraud. Furthermore, we would like to point out that according to the previously circulated document (CX/FICS 18/24/7), adulteration is presumably considered a type of fraud.</p>	Argentina
Peru agrees with the document progressing through the appropriate formalities and only has editorial comments to make	Peru
Mexico agrees to develop guidance for the competent authorities to address the problem of food fraud and to review and, if necessary, update the existing guidelines.	Mexico
<p>The IAF Food Working Group appreciate the opportunity to contribute on this CODEX Discussion Paper.</p> <p>It is evident that the concept of Food Fraud in this document encompasses also situations that in GFSI certifications are usually treated as part of Food Defence system.</p>	IAF
<p>Brazil agrees with the conclusions and recommendations described and would like to reinforce that the work to be developed by CCFICS has to be within its mandate and jurisdiction. If there is any subject in common with other Codex Committees it is important that issues should be addressed in a collaborative way between Committees.</p> <p>Brazil can also agree with the “Draft Project Document for the Development of Guidance on Food Fraud” (Appendix I).</p>	Brazil
Australia thanks the United States (US) and co-chairs for leading the review of existing Codex texts and scoping potential future new work for the Codex Committee on Food Import and Export Certification and Inspection (CCFICS) to assist regulators address food fraud.	Australia

<p>Australia generally agrees with the proposed scope of new work for CCFICS outlined in the draft project document appended to the circular (CL 2020/41/OCS-FICS). The proposal is within the scope of new work on food integrity and authenticity agreed by member countries at CCFICS24, in October 2018.</p> <p>Although this project document is highly supportive of the development of specific guidance on food fraud, Australia has noted the document has allowed scope for the concurrent review and updating of existing Codex guidance to ensure the new guidance does not duplicate current guidance. This will be well supported by the Codex text gap analysis completed by the electronic working group earlier this year and Australia considers this an important step to be included in new work. However, Australia notes that under point 3 of the draft project document there are review parameters specified, that include ‘information exchange, vulnerability assessments, and traceability/traceback necessary to effectively prevent and manage food fraud.’ At this stage, given the effectiveness of different food fraud countermeasures and controls will be further examined within the scope of drafting the new guidance on food fraud, Australia suggests it is premature to specify these defined review parameters for existing Codex guidance text. Instead Australia suggests that this reference in the draft project document remains more open ended, by indicating that ‘Existing CCFICS texts will be reviewed and updated, as appropriate, to identify specific characteristics of National Food Control Systems and identification of countermeasures and controls that can be used by regulators to detect and monitor food fraud’.</p> <p>Australia is also supportive, under point 3 (4) to ensure the work for the ‘identification of technology and tools, countermeasures and controls that can be used by competent authorities and industry to detect acts of fraud’, also considers guidance on how competent authorities can determine which tools would be most adequate to apply and when. For each country/industry/supply chain/product, the drivers of food fraud and resultant food safety risks by these acts differ and so does the effectiveness/appropriateness of different control measures. Therefore, assisting competent authorities to understand how to evaluate different countermeasures/controls, and adopt a risk-based approach to their implementation, would be beneficial.</p> <p>Australia also notes the intended timeframes for the completion of the new guidance and suggests, given the interest from member countries and CAC to expedite this work that virtual electronic working group (eWG), virtual meetings could be considered to support the early delivery between CCFICS sessions.</p>	
<p>In principle, we have no objection with new work on the development of guidance on food fraud, as it will be useful for preventing problems on food fraud which is currently concerned and addressed by food manufacturers. However, it is important that the guidance on food fraud should not increase burden for the food manufacturers and competent authorities or cause trade barriers. In addition, the guidance on food fraud should be considered</p>	<p>Thailand</p>

<p>and applied in conjunction with relevant Codex texts for greater efficiency.</p>	
<p>FAO supports this work and looks forward participating into the discussions.</p>	<p>FAO-AGFF</p>
<p>USP thanks Codex and the Committee for the opportunity to comment on this document as a non-governmental organization. USP's Foods team has been developing guidance documents and analytical tools to detect food adulteration and prevent food fraud for approximately 10 years. We appreciate the efforts of Codex and CCFICS to create a harmonized approach for addressing the intentional adulteration of foods and are encouraged by the broad participation in the Committee's efforts. We recognize it is critical for interested stakeholders from member countries' regulatory bodies and NGOs from industry, public health organizations and scientific organizations to participate in safeguarding the global food supply and appreciate the Committee's leadership in this area. USP respectfully offers the following general comments and recommendations for consideration:</p> <p>1. USP believes that a wide variety of international standards for quality and purity may play an important role in detecting adulterated foods in global trade. We respectfully recommend that the Committee consider referencing the use of applicable standards where it may be relevant and useful to Codex member countries.</p> <p>2. USP believes this work is important to safeguard the global food supply, but we would also like to ask the Committee to consider the applicability of this work to the category of products regulated as dietary supplements. In many cases these products include the use of dietary (food) ingredients including food additives. As products in the global food supply, dietary ingredients and supplements are increasingly subject to adulteration (fraud) and pose an additional public health risk to many consumers. We believe Codex can play a critical role in addressing adulteration of this subcategory of products. Thank you again for offering the opportunity to comment. We hope to be involved in further work in this are at Codex.</p>	<p>USP</p>
<p>IFU Comments on the discussion paper on role of CCFICS with respect to tackling food fraud in the context of food safety and fir trade practices in food. CX/FICS 20/25/8</p> <p>Please see below IFU comments to the discussion paper. Thank you for your consideration.</p> <p><u>Para 14</u></p> <p>One area that has proved very useful in the fruit juice area is to have a well document standard by which the product should be judged. Looking at national/regional regulation there are a number of these (US 21 CFR 146.146, EU directive 2012, 12,) that are closely related to the International text Codex STAN 247. It would be useful to offer advice to Governments that this standard or a national version of this should be adopted into their local regulation as it allows easier policing of issues. This applies to all food products not only fruit juices. It should also be suggested that Governments contact their own industries to suggest that reference to the national/regional/International standards should be added</p>	<p>IFU</p>

to contracts and buying specifications as this also reduces any confusion as to what is and is not acceptable.

Para 15

Tackling food fraud is a complex issue and as many steps as feasible should be taken to make it as hard as possible to “cheat” with impunity. Here strong food control systems and transfer of information between relevant parties are important, as demonstrated by the EU RASFF https://ec.europa.eu/food/safety/rasff_en.

Industry based quality systems such as the AIJN’s EJCS (<https://aijn.eu/en/projects/ejcs>) and third party verification schemes such as SGF’s International raw material assurance scheme (<https://www.sgf.org/>) can assist in reducing a company’s vulnerability to an act of food fraud. By increasing the types and varieties of measures to help detect fraud in certain food / food ingredients to aid in identifying if an act of food fraud has occurred, firms can more readily detect threats to the integrity of food / food ingredients. Cumulatively, if vulnerability can be reduced and threats more readily detected, the risk can be lowered. Tests of these measures are needed in order to demonstrate that the quality systems and 3rd party schemes are contributing to food fraud risk reduction.

However, as shown by incidents that have occurred in fruit juice as well as in other foods, all these steps can not entirely stop the problem from occurring, and hence constant vigilance is required.

Para 16

Tackling issues of food fraud is not trivial and it is very difficult to determine when issues will occur. It is relatively straight forward to identify which products are likely to be prone to food fraud. This is where a vulnerability analysis can be very useful as it provides Governments with indications as to the most critical areas to monitor. As most countries will have limited budgets this helps them prioritize their spend and resources. In many food fraud cases involving fruit juice, there has fortunately been minimal public health impact up to this point, as they have been mostly those related to economic fraud. The adulteration that has occurred has involved the replacement of an expensive commodity (e.g. fruit juice solids) with a cheaper/less expensive food grade material or the substitution of an expensive juice (e.g. pomegranate) with a cheaper/less expensive alternative such as grape or apple. However, in other foods, the case of milk powder adulteration in 2008 and the addition of non-approved dyes (e.g. Sudan IV) or lead chromate to spices and chilli powders, shows that this is not always the case and can have a public health impact so it is imperative that Governments take this topic seriously. One aspect that proved useful in the early 90’s was the introduction into UK law of the food safety act.

<https://www.legislation.gov.uk/ukpga/1990/16/contents>

This removed the ability of importers using as a legal defence that they had “certificates of analysis” showing the product was authentic. The act made it their sole responsibility to ensure that the product that they were importing conformed with the law. This is also a central

<p>part of the US FSMA regulation where a company is responsible for verification of their raw materials.</p> <p>It is commonly found that when issues involving adulteration occur it is because an ongoing supplier verification of the products is not in place by the importer/user of the product. Notification to suppliers that there will be random analysis of their product can assist in reducing/deterring these events from occurring.</p> <p><u>Para 24:</u></p> <p>Traceability of food ingredients is an important issue as is already defined in the national legislation of many countries. Knowing a history of a product/product-type may assist in determining the risk associated with that product/product-type. An example was the convoluted supply chain associated with some of the cases in the EU Horse meat issue (https://en.wikipedia.org/wiki/2013_horse_meat_scandal).</p>	
<p>Regarding the Discussion Paper Conclusions and Recommendations section 25, which mentions issues some countries believe should be considered out of scope for the new work on food fraud, e.g.:</p> <ul style="list-style-type: none"> i. misrepresentation of labelling, under the jurisdiction of Codex Committee on Food Labeling (CCFL) ii. identification of 'high risk' food products, analytical test methods and product specifications used to confirm the authenticity of a food, under the jurisdiction of Codex Committee on Methods of Analysis and Sampling (CCMAS) iii. detailed guidance on jurisdictional boundaries since the interaction with criminal law will vary in different jurisdictions iv. acts of bioterrorism that are intended to cause wide scale harm to public health v. issues of intellectual property, such as geographic indicators, which do not represent a risk to public health and may expand the scope of work beyond CCFICS jurisdiction <p>Although aspects i. and ii. above are covered by other Codex committees, these relate to requirements and guidelines; some are intended to prevent food fraud. Ideally, systems should be in place to ensure requirements are being met, to detect fraudulent activity and prevent it from occurring. Also see comments below on section 6 of the project document.</p>	<p>Canada</p>
<p>Canada supports undertaking new work in the development of guidance on food fraud, covering the elements identified in section 3 of the draft project document. Canada also supports the review and update of existing CCFICS texts to identify specific characteristics of National Food Control Systems related to information exchange, vulnerability assessments, and traceability/trace-back necessary to effectively prevent and manage food fraud.</p>	<p>Canada</p>
<p>The European Union and its Member States (EUMS) would like to thank the electronic working group led United States, the European Union, Islamic Republic of Iran and</p>	<p>European Union</p>

China for the discussion paper and a proposal for new work for the development of guidance on food fraud.

Food chains both at national and international level are becoming increasingly complex and therefore more vulnerable to fraud. Consequently, initiatives are under way by many governments, international organisations and within the industry to combat food fraud. It is therefore very timely for Codex to start new work to develop guidance on how to tackle fraudulent practices in food trade.

The EUMS support the proposal for new work as presented in Appendix 1 of CX/FICS 20/25/8 with the following comments:

a) The term “intentional adulteration” is used in the project document together with food fraud. This is confusing as intentional adulteration is commonly recognised as a form of food fraud. Therefore, the EUMS suggest deleting the term “intentional adulteration” from the project document.

b) In paragraph 27(a) of the discussion paper and in section 3 of the project document, it is suggested to develop guidance, which provides a summary of existing guidance in current Codex texts relevant for food fraud. In the view of the EUMS, developing such a summary would be an overly complicated task as it would be very difficult to determine in an exhaustive manner which provisions in different Codex texts are applicable for mitigation of food fraud. It would also be a cumbersome task to keep such a summary up to date. Therefore, the EUMS suggest taking out this element from the new work proposal by deleting the 1st sentence of section 3 of the draft project document.

c) Under Point 3 (3) “Guidance on how countries can modernize their national food control systems to address food fraud, e.g. extension of HACCP and good manufacturing practices”, it is important to underline that such guidance should be aimed at describing measures proportionate to the risk of food fraud to protect consumers’ health and ensure fair practices in the food trade. The goal should be that national food control systems focus action where it is most efficient preventing fraud. In particular, the use of sanitary certificates should not necessarily be considered as appropriate for products presenting a low-risk for consumers’ health.

d) Under Point 3 (4) “Identification of technology and tools, countermeasures and controls that can be used by competent authorities and industry to detect acts of fraud and to reduce vulnerabilities when designing control programs to prevent food fraud and/or intentional adulteration” it needs to be added that such technology and tools, countermeasures and controls should be designed to allow timely and efficient verification of the authenticity in a case of concrete suspicion and to avoid putting disproportionate and unjustified burdens on all producers, traders and authorities.

e) As definitions for food fraud, food integrity and food authenticity are of importance for the work of several Codex committees, it would be appropriate to adopt them eventually as formal Codex definitions and include them in

<p>the Procedural Manual in the section “Definitions for the purposes of the Codex Alimentarius”.</p>	
<p>The European Union and its Member States (EUMS) would like to thank the electronic working group led United States, the European Union, Islamic Republic of Iran and China for the discussion paper and a proposal for new work for the development of guidance on food fraud.</p> <p>Food chains both at national and international level are becoming increasingly complex and therefore more vulnerable to fraud. Consequently, initiatives are under way by many governments, international organisations and within the industry to combat food fraud. It is therefore very timely for Codex to start new work to develop guidance on how to tackle fraudulent practices in food trade.</p> <p>The EUMS support the proposal for new work as presented in Appendix 1 of CX/FICS 20/25/8 with the following comments:</p> <p>a) The term “intentional adulteration” is used in the project document together with food fraud. This is confusing as intentional adulteration is commonly recognised as a form of food fraud. Therefore, the EUMS suggest deleting the term “intentional adulteration” from the project document.</p> <p>b) In paragraph 27(a) of the discussion paper and in section 3 of the project document, it is suggested to develop guidance, which provides a summary of existing guidance in current Codex texts relevant for food fraud. In the view of the EUMS, developing such a summary would be an overly complicated task as it would be very difficult to determine in an exhaustive manner which provisions in different Codex texts are applicable for mitigation of food fraud. It would also be a cumbersome task to keep such a summary up to date. Therefore, the EUMS suggest taking out this element from the new work proposal by deleting the 1st sentence of section 3 of the draft project document.</p> <p>c) Under Point 3 (3) “Guidance on how countries can modernize their national food control systems to address food fraud, e.g. extension of HACCP and good manufacturing practices”, it is important to underline that such guidance should be aimed at describing measures proportionate to the risk of food fraud to protect consumers’ health and ensure fair practices in the food trade. The goal should be that national food control systems focus action where it is most efficient preventing fraud. In particular, the use of sanitary certificates should not necessarily be considered as appropriate for products presenting a low-risk for consumers’ health.</p> <p>d) Under Point 3 (4) “Identification of technology and tools, countermeasures and controls that can be used by competent authorities and industry to detect acts of fraud and to reduce vulnerabilities when designing control programs to prevent food fraud and/or intentional adulteration” it needs to be added that such technology and tools, countermeasures and controls should be designed to allow timely and efficient verification of the authenticity in a case of concrete suspicion and to avoid putting disproportionate and unjustified burdens on all producers, traders and authorities.</p>	<p>European Union</p> <p>Mixed Competence</p> <p>European Union Vote</p>

<p>e) As definitions for food fraud, food integrity and food authenticity are of importance for the work of several Codex committees, it would be appropriate to adopt them eventually as formal Codex definitions and include them in the Procedural Manual in the section "Definitions for the purposes of the Codex Alimentarius".</p>	
<p>FIA agrees with the objectives and reiterate the importance of identifying risk management activities related to food fraud to prevent and manage food fraud. FIA agrees with the proposed aspects to be covered. FIA agrees that this work is indeed important and timely.</p> <p>We support that the reference with other current Codex texts is important to ensure consistent terminologies and definitions are used throughout Codex texts.</p>	<p>Food Industry Asia</p>
<p>1) INTRO, The role of CCFIS (according to Codex webpage)</p> <p><i>The Committee on Food Import and Export Inspection and Certification Systems deals with the application of standards to foods moving in international trade, in particular to the regulatory measures applied by governments to assure their trading partners that foods and their production systems are correctly regulated to protect consumers against food-borne hazards and deceptive marketing practices. The guidelines developed by the Committee include advice on how governments should respond to emergencies in the food safety system, including channels of communication to the public and to other governments by means of the International Food Safety Authorities Network (INFOSAN) emergency information system operated by WHO.</i></p> <p>2) Our opinion</p> <p>Appendix 1, consist of a document named "Draft Project Document for the Development of Guidance on Food Fraud". Within this document, the purpose of the work is defined as <i>to provide guidance to competent authorities of importing and exporting countries and industry on the prevention and control of food fraud and intentional adulteration to protect the health of consumers and ensure fair practices in the food trade.</i></p> <p>We believe that in order to control food fraud and to ensure fair practices in the food trade, it is essential to respect the principle of legal certainty and the right of defence, including the possibility of judicial review of authorities' decisions.</p> <p>We note that in the text of the document no specific reference is made to legal certainty and the right of defence. Moreover, we miss in the text of the document a reference to the importance of better regulation of risk communications and a more comprehensive concept of transparency which includes not only transparency across the food chain but also across food control and food administration.</p> <p>We believe that regarding legal certainty, the right of defence, risk communication and transparency, the following aspects should be taken into account.</p>	<p>European Food Law Association</p>

2.1) The importance of legal certainty

Food regulations must be clear and predictable regarding the obligations imposed upon food business operators. Compliance must be defined by clear legal requirements regarding composition and labelling. Non-compliance must not be defined in a way that permit ample interpretations. Obligations cannot be retroactive.

Food testing must be based on clear, transparent and reliable methods of analysis and sampling. In case of non-compliance the possibility of contradictory analysis must be offered.

2.2) The importance of respecting the right of defence

There must exist the right to contest the accusation and exercise the right of defence before a final decision is adopted by the authority.

The right of defence includes the right to be informed, in a clear and accurate manner, of the grounds of the administrative action and it includes the right to access to analyses and technical opinion that justify the administrative action. No secret accusation, or based on non-accessible documents, must be allowed.

The right of defence includes the possibility of resorting to adequate legal means of proof to demonstrate product compliance and, particularly, carrying out contradictory analysis by independent laboratories.

The right of defence includes the possibility of judicial review of the decision of the authorities by an independent Court, under the rule of law.

Authorities must be held accountable for their decisions and there must exist the possibility of claiming appropriate extra-contractual liability of the authorities when an administrative restriction is unjustified.

It is important that rules are established to identify the competent jurisdiction where the decision of the authorities can be contested, establishing clear criteria to identify and give preference to a specific jurisdiction to enable the exercise of the rights of defence.

2.3) The importance of a definition of risk communication

We propose to include a reference to risk communication as defined in recent Regulation EU 2019/1381 *on the transparency and sustainability of the EU risk assessment in the food chain* underlying that “*That risk communication should also be capable of contributing to a participatory and open dialogue between all interested parties in order to ensure that the prevalence of the public interest, and accuracy, comprehensiveness, transparency, consistency and accountability are taken into account in the risk analysis process*” (whereas 4).

In coherence with Regulation EU 2019/1381 we believe in the importance on the participation to the public proceedings, and on the other side on confidentiality of the information transmitted to the public authority.

2.4) A more comprehensive definition of transparency

<p>We believe that transparency means transparency not only across the food chain but also transparency across food control and food administration. Furthermore, when we are dealing with proposals for a new international framework addressed to deal with “food integrity/authenticity” and based on international cooperation, it appears important to establish - just from the beginning – transparency and right of judicial review as a basic element of effectiveness of the proposed regulatory framework.</p> <p>2.5) The importance of a definition of authenticity / integrity</p> <p>Many countries are adopting definitions of authenticity / integrity of food (see, e.g., the position of USP referring “to the fraudulent addition of nonauthentic substances or removal or replacement of authentic substances without the purchaser’s knowledge for economic gain of the seller.” – see in Europe the well-known case of horse meat sold as sow meat).</p> <p>We believe that a shared definition of qualities of food, including fair declaration of the substantial characteristic of ingredients and products, of the processes adopted, and of the origin of ingredients can be an important contribution to international fair practices.</p> <p>3) Points in the document where a reference to legal certainty and the right of defence, and to authenticity/integrity could be included (as per Codex instructions)</p> <p><u>Conclusions and Recommendations</u></p> <p><i>27. The Committee is invited to support undertaking new work on food fraud in the following areas:</i></p> <p><i>a) Develop guidance on food fraud, which provides a summary of existing guidance in current Codex texts with the view to improving risk management activities related to the prevention of food fraud. The guidance would cover the elements identified in section 3 of the draft project document (See Appendix1)</i></p> <p><i>b) Review and update, as appropriate, existing CCFICS texts to identify specific characteristics of National Food Control Systems related to information exchange, vulnerability assessments, and traceability/trace-back necessary to effectively prevent and manage food fraud.</i></p>	
<p>SPECIFIC COMMENTS</p>	
<p>Conclusions and Recommendations</p>	
<p>General conclusions and recommendations</p>	<p>Chile General Comments</p> <p>Against a background of various Codex texts that cover aspects of this subject area, we consider the proposal to be positive in that a guideline should be drawn up at CCFICS level, which harmonizes concepts associated with fraud and strengthens the exchange of information between Codex members to bridge the existing gaps when addressing this issue.</p> <p>The new work should also ensure it does not create unnecessary obstacles and burdens for</p>

	<p>countries; the guidance should be aimed at assisting the authorities to prevent and control fraud, which has an impact on food safety and is within the scope of the authorities' responsibilities. The guidance should primarily be developed as part of the guidelines on National Food Control Systems and the standard on information exchange.</p>
<p>General conclusions and recommendations</p>	<p>Panama Panama supports this work and agrees with the conclusions and recommendations of the electronic working group, which discussed the role of the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS) in tackling the challenge of food fraud in the context of food safety and fair practices in food trade.</p> <p>Panama's food industry is addressing food fraud by exporting or aiming to export its products to countries that have specific regulations on preventing and detecting food fraud. Panama's food industry likewise demands that our authorities have effective food control systems in place, which guarantee robust controls on illegal imports of products.</p> <p>It would be helpful for the competent authorities in our country to have a Codex standard based on the structure outlined in the "Project on the Development of Food Fraud Guidance", to assist them in designing and implementing these recommendations and in integrating them into the national food control system.</p>
<p>As a result of the review there is agreement on the Conclusions and Recommendations section (paragraphs 24-27) and on the proposed draft document on developing guidance on food fraud (Appendix 1)</p>	<p>Colombia</p>
<p>New Zealand is concerned that the discussion paper both conflates the widely varying impacts of different types of food fraud and overemphasises the current international significance of it.</p> <p>Repeated international studies have not shown that food fraud associated with international trade is particularly prevalent, as relative to legitimate trade. They have also identified that where it occurs it has generally been focussed around the trade of certain commodities. Such studies have not shown it to be of such critical importance that countries need to develop broad additional controls and regulatory programmes across their National Food Control Systems or for products being traded to specifically address it.</p> <p>New Zealand would like to further highlight that Codex has gone down this route previously and rejected the development of specific guidance for a variety of reasons that would appear not to have changed.</p>	<p>New Zealand</p>
<p>FIVS welcomes the opportunity to comment on the Discussion Paper on the Role of CCFICS with Respect to Tackling Food Fraud in the context of Food Safety and Fair</p>	<p>FIVS</p>

<p>Practices in Food as requested via Circular Letter CL 2020/41/OCS-FICS, of July 2020.</p> <p>FIVS is a non-governmental, global organisation that fosters collaboration between its industry and government members from the wine (and to a lesser extent, beer and spirits) sectors to advocate on public policy matters of mutual interest, and in relation to which consensus positions are reached by its members. FIVS gathers and disseminates this information to international and intergovernmental organisations as well as governments. Our members include producers, distributors, importers, regulators, exporters, and trade associations which collectively represent 75% of the international wine sector.</p>	
Conclusions and Recommendations (LISTED ACCORDING TO PARAGRAPH NUMBERS)	
<p>Para 1</p> <p>In the second round of comments from the EWG, thirteen countries provided information on their national programs to address food fraud and/or intentional adulteration, and suggestions for a path forward at CCFICS25 for defining the scope of the CCFICS guidance on food fraud. Countries expressed greatest support for harmonized international definitions and enhanced guidance on information sharing. Many countries also supported guidance on the use of national food control system elements as tools to combat food fraud and intentional adulteration; with specific support for additional guidance on traceability/product tracing systems and vulnerability assessments.</p>	
<p>In the second round of comments from the EWG, thirteen countries provided information on their national programs to address food fraud and/or intentional adulteration, and suggestions for a path forward at CCFICS25 for defining the scope of the CCFICS guidance on food fraud. Countries expressed greatest support for the harmonized international definitions and enhanced-specific guidance on information sharing. Many countries also supported guidance on the use of national food control system elements as tools to combat food fraud and intentional adulteration; with specific support for additional guidance on traceability/product tracing systems and vulnerability assessments.</p>	Peru
<p>The Conclusions section provides a reasonable summary of the comments made by the EWG, except with respect to the last two sentences of this first paragraph. New Zealand agrees that the greatest support was “for harmonised international definitions and enhanced guidance on information sharing”. This is where any proposal for new work should focus. However, the project proposal appears to emphasis and further reinterpret the lesser consensus represented by the second sentence.</p>	New Zealand
<p>During the next steps, when reflecting about the guidance related to vulnerability assessments, FAO believes that care needs be taken not to create unnecessarily heavy procedures for SMEs (and manufacturers that use traditional processes), to demonstrate compliance. That would globally negatively affect the food sector operating loyally while ironically, fraudsters would gain an additional advantage.</p>	FAO-AGFF
<p>Para 2</p> <p>Some countries identified issues that should be considered out of the scope for the new work on food fraud. Those included misrepresentation of labelling (under the jurisdiction of Codex Committee on Food Labelling (CCFL)); the identification of ‘high risk’ food</p>	CCTA

<p>products and analytical testing methods and product specifications used to confirm the authenticity of a product (under the jurisdiction of Codex Committee on Methods of Analysis and Sampling (CCMAS)); detailed guidance on jurisdictional boundaries since the interaction of^{with} criminal law will vary in different jurisdictions; acts of bioterrorism that are intended to cause wide scale harm to public health; and issues of intellectual property, such as geographic indicators, which do not represent a risk to public health and may expand the scope of work beyond CCFICS jurisdiction.</p>	
<p>Para 3</p> <p>In undertaking new work, it is particularly important that CCFICS give consideration to the jurisdiction of other Codex Committees and should coordinate closely with other general subject Codex committees, for example, CCMAS (analytical testing); CCFL (labeling); and Codex Committee on Food Hygiene (CCFH) (HACCP/GMPs).</p>	
<p>FIVS supports giving consideration to the jurisdiction of other Codex Committees to avoid redundancies or contradictions.</p>	<p>FIVS</p>
<p>In undertaking new work, it is particularly important that CCFICS give consideration to the jurisdiction of other Codex Committees and should coordinate closely with other general subject Codex committees^{Committees}, for example, CCMAS (analytical testing); CCFL (labeling); and Codex Committee on Food Hygiene (CCFH) (HACCP/GMPs).</p>	<p>CCTA</p>
<p>As the adoption of methods of analysis for the detection of adulteration of foods at a high risk of extension is outside the scope of CCFICS, and the expertise of this committee, it might be appropriate to approach CCMAS to see if they can assist in their area to identify methods for this purpose that they would consider “fit for purpose”. Presently some food commodity standards (e.g. STN 247) already contains methods that were approved as suitable for the detection of the quality and authenticity of fruit juices.</p>	<p>IFU</p>
<p>Para 4: The Committee is invited to support undertaking new work on food fraud in the following areas:</p>	
<p>In general, we support the recommendations in (a) and (b) and propose that this work be continued within the framework of the CCFICS mandate and in concert with other Codex Committees, which have recommendations on fraud, such as the CCFL.</p> <p>It is important, for example, to consider existing National Food Control Systems as tools to control this fraud so as not to create new processes that could require financial and organizational resources and discourage the establishment from setting up this type of control.</p>	<p>Chile</p>
<p>Para 4 (a) Develop guidance on food fraud, which provides a summary of existing guidance in current Codex texts with the view to improving risk management activities related to the prevention of food fraud. The guidance would cover the elements identified in section 3 of the draft project document (See Appendix 1)</p>	
<p>New Zealand can support the development of guidance on food fraud that provides a summary of existing guidance in current Codex text and that covers 1) Definitions for key food fraud terms and 2) roles and responsibilities of industry and government. New Zealand does not support new work related to the other two areas of work set out in section 3 of the draft project document.</p>	<p>New Zealand</p>

<p>CCFICS could consider new work in the following areas:</p> <p>1. Develop guidance on food fraud which includes vulnerabilities when designing control programs to prevent food fraud and/or intentional adulteration and administrative measures specifically targeting those activities;</p> <p>We support this proposed CCFICS work to develop a guidance on food fraud, which includes vulnerabilities when designing control programs to prevent food fraud and/or intentional adulteration and administrative measures specifically targeting those activities.</p> <p>GFSI thinks that vulnerability assessments should be embedded in food safety systems and it should be mandatory to perform food fraud vulnerability assessment that will help in identifying the major vulnerabilities and support in prioritizing the food fraud mitigation measures, a food fraud mitigation plan should be mandatory. GFSI position on food fraud has included a vulnerability assessment and food fraud mitigation plan in all food safety management system which is mandatorily verified in all audits through the inclusion in the GFSI benchmarking requirements of the following requirements:</p> <p>Food fraud vulnerability assessment: The standard shall require that the organization has a documented food fraud vulnerability assessment procedure in place to identify potential vulnerability and prioritise food fraud mitigation measures.</p> <p>Food fraud mitigation plan: The standard shall require that the organization has a documented plan in that specifies the measures the organization has implemented to mitigate the public health risks from the identified food fraud vulnerabilities.</p> <p>Food fraud mitigation plan (Scope): The standard shall require that the organization's Food fraud mitigation plan shall be supported by the organization's Food Safety Management System.</p>	<p>Consumer Goods Forum</p>
<p>While we recognize the importance of being respectful of the jurisdiction of other Codex Committees, USP believes this work is cross-cutting in nature and may best be addressed by working in a coordinated matter with other Codex Committees if the structure and function of Codex Committees allows such collaboration. This would presumably avoid development of conflicting guidance and gives recognition to the concern for adulteration in all aspects of food production and trade.</p>	<p>USP</p>
<p>IFU recommends the following edits to ensure focus of the new work:</p> <p>a) Develop guidance on food fraud mitigation, which provides a summary of existing guidance in current Codex texts with the view to improving risk management and mitigation activities related to the prevention of food fraud. The guidance would cover the elements identified in section 3 of the draft project document (See Appendix1)</p>	<p>IFU</p>

<p>Para 4 (b) Review and update, as appropriate, existing CCFICS texts to identify specific characteristics of National Food Control Systems related to information exchange, vulnerability assessments, and traceability/trace-back necessary to effectively prevent and manage food fraud.</p>	
<p>- New Zealand does not support this recommendation. The need for countries to amend their National Food Control Systems has not been justified and is inconsistent with the commitment of Codex to develop standards based on scientific evidence and risk. This proposal is also far too open ended and potentially opens up multiple existing standards for possible amendment without specific justification.</p>	<p>New Zealand</p>
<p>- Since this work directly aligns with the purpose of Codex, it is important that Codex addresses measures dealing with food safety and defense. In constructing such a guidance it is essential that the terms are defined and that Codex provides tools, examples and knowledge sharing to ensure that Food Business Operators' can use the materials effectively. The implications of the guidance should also aid in regulatory actions and facilitate global trade.</p> <p>We recommend eWG to consider the following suggestions when developing the respective guidance:</p> <ol style="list-style-type: none"> 1. Development of harmonised definitions and terminology in the area of food fraud 2. Information sharing among the various stakeholders will be of great importance and should be encouraged. 3. GFSI supports the development of a CODEX guideline specifically on food fraud and/or intentional adulteration and recommends that Codex considers a guidance document for a "FOOD SAFETY MANAGEMENT SYSTEM" which includes the following elements: <ul style="list-style-type: none"> ● Food Safety: Mitigation of unintentional/accidental adulteration ● Food Defense: Mitigation of intentional adulteration ("Ideologically" motivated) ● Food Fraud: Mitigation of intentional adulteration (Economically motivated) <p>The guidance document should also include a template for vulnerability assessments. Note that these terms do not currently appear in Codex texts.</p> <p>GFSI would welcome a harmonized and agreed definition of the following terms: food fraud, mitigation, vulnerability and authenticity. This information could be then addressed to other appropriate committees for alignment.</p>	<p>Consumer Goods Forum</p>
<p>- CXG 82-2013 (principles and guidelines for national food control systems) include general considerations related to ensuring fair practices in the food trade. In parallel to developing new specific guidance related to Food Fraud (or as a result of that work), it could be useful to consider reviewing this document to include some more specific elements related to fraud prevention/mitigation.</p>	<p>FAO-AGFF</p>

<p>- USP would like to highlight the importance of information exchange and transparency in addressing food fraud. We believe active communication between interested bodies (National and Global) can be a primary factor in identifying potentially adulterated products and reducing the public health and economic impacts of incidents of intentional adulteration globally. This can be facilitated by a trusted global organization like Codex.</p>	<p>USP</p>
<p>IFU recommends the following edits to ensure focus of the new work:</p> <p>b) Review and update, as appropriate, existing CCFICS texts to identify specific characteristics of National Food Control Systems related to information exchange, vulnerability assessments, and traceability/trace-back necessary to effectively reduce the risks posed by food fraud</p>	<p>IFU</p>
<p>DRAFT PROJECT DOCUMENT FOR THE DEVELOPMENT OF GUIDANCE ON FOOD FRAUD (COMMENTS LISTED SECTION BY SECTION)</p>	
<p>we are agree with proposed draft without any comments.</p>	<p>Iraq</p>
<p>DRAFT PROJECT DOCUMENT TO DEVELOP FOR THE DEVELOPMENT OF GUIDANCE ON GUIDANCE ON FOOD FRAUD</p>	<p>Honduras DRAFT DOCUMENT TO DEVELOP GUIDANCE ON FOOD FRAUD</p>
<p>DRAFT PROJECT DOCUMENT FOR THE DEVELOPMENT OF GUIDANCE ON FOOD FRAUD</p>	<p>CCTA</p>
<p>Purpose and scope of the proposed standards</p> <p>The purpose of the work is to provide guidance to competent authorities of importing and exporting countries and industry on the prevention and control of food fraud and intentional adulteration to protect the health of consumers and ensure fair practices in the food trade. The scope of the guidance is to develop definitions for key food fraud terms and to guide the actions taken by national authorities to prevent and detect acts of fraud and to reduce vulnerability of food production industries to food fraud. This includes the identification of key elements of a national food control system related to technology and tools, countermeasures and controls to help build international harmonization on the prevention and control of food fraud.</p>	
<p>FIVS supports the general objectives of the draft project document to help governments and the industry with the prevention and control of food fraud.</p>	<p>FIVS</p>
<p>The purpose of the work is to provide guidance to competent authorities of importing and exporting countries and industry on the prevention and control of food fraud and intentional adulteration to protect the health of consumers and ensure fair practices in the food trade. The scope of the guidance is to develop definitions for key food fraud terms and to guide the actions taken by national authorities to prevent and detect acts of fraud and to reduce vulnerability of food production industries to food fraud. This includes the identification of key elements of a national food control system related to technology and tools, countermeasures and controls to help build international harmonization on the prevention and control of food fraud.</p>	<p>European Food Law Association</p> <p>1. Purpose and scope of the proposed standards</p>
<p>Food fraud caused by the intentional deception aims to mislead consumers which may be or may be not related to food safety. The guidance on food fraud should identify clear scope and definitions for key food fraud terms.</p> <p>Considering food control systems, the guideline on food fraud should be specific on the management and control</p>	<p>Thailand</p>

<p>of food fraud; meanwhile food safety control systems, including HACCP and GMPs, currently, can effectively control unintentional contamination of food. So, to be distinctive and obtain the specific guideline, we propose that the scope of guideline on food fraud should explicitly not include the extension of HACCP and GMPs to manage and control food fraud.</p>	
<p>The purpose of the work is to provide guidance to competent authorities of importing and exporting countries and industry on the prevention and control of food fraud and intentional adulteration to protect the health of consumers and ensure fair practices in the food trade. The scope of the guidance is to develop definitions for key food fraud terms and to guide the actions taken by national authorities to prevent and detect acts of fraud and to reduce vulnerability of food production industries to food fraud. This includes the identification of key elements of a national food control system related to technology and tools, countermeasures and controls to help build international harmonization on the prevention and control of food fraud.</p>	<p>Morocco</p> <p>Given that the fight against food fraud also affects consumers and other stakeholders in the food chain (private laboratories, science research centres, etc.), we think it would be advisable to include these players in the guidelines to be developed.</p>
<p>The purpose of the work is to provide guidance to competent authorities of importing and exporting countries and industry on the prevention and control of food fraud and intentional adulteration to protect the health of consumers and ensure fair practices in the food trade. The scope of the guidance is to develop definitions for key food fraud terms and to guide the actions taken by national authorities to prevent and detect acts of fraud and to reduce vulnerability of food production industries to food fraud. This includes the identification of key elements of a national food control system related to technology and tools, countermeasures and controls to help build international harmonization on the prevention and control of food fraud.</p>	<p>Honduras</p> <p>According to the Royal Spanish Academy RAE, “technology” refers to the set of industrial instruments and procedures for a given sector or product. What do technology and tools refer to?</p>
<p>The purpose of the work is to provide guidance to competent authorities of importing and exporting countries and industry on how they can cooperate in the prevention and control of food fraud and intentional adulteration to protect the health of consumers and ensure fair practices in the food trade. The scope of the guidance is to develop definitions for key food fraud terms to help build international harmonisation and to identify those current components of Codex standards that guide the actions taken by national authorities authorities can take to prevent and detect acts of fraud and to reduce vulnerability of food production industries to food fraud. This includes the identification of key elements of a national food control system related to technology and tools, countermeasures and controls to help build international harmonization on the prevention and control of food fraud.</p>	<p>New Zealand</p> <p>Rationale: Codex guidelines provide guidance to competent authorities, not industry on how to undertake their role and responsibilities, which includes the interaction with industry therefore it is appropriate to include ‘cooperate’ in the purpose statement. Codex guidelines do appropriately identify the role and responsibility of industry which is why this is identified as an aspect of the work set out in section 3. Building international harmonisation is linked to the development of definitions and is now stated in the second sentence. While identification of currently available technology may be useful information for competent authorities it is not appropriate for a Codex guideline to specify their use, nor do Codex guidelines.</p>
<p>Recommend the EWG considers the definitions for food fraud and food defence that are already established in the GFSI Benchmarking Requirements to ensure consistency in the vocabulary and intent that has already been established by various actors across the global food supply</p>	<p>IAF .</p>

<p>The purpose of the work is to provide guidance to competent authorities of importing and exporting countries and industry on the prevention and control of food fraud and intentional adulteration to protect the health of consumers and ensure fair practices in the food trade. The scope of the guidance is to develop definitions for key food fraud terms <u>terms, consistent with the Codex dual mandate</u>, and to guide the actions taken by national authorities to prevent and detect acts of fraud and to reduce vulnerability of food production industries stakeholders to food fraud. This includes the identification of key elements of a national food control system related to technology and tools, countermeasures and controls to help build international harmonization on the prevention and control of food fraud.</p>	<p>USA Rationale: The vulnerability extends to all stakeholders, including food businesses, consumers and other stakeholders within the food production chain.</p>
<p>The purpose of the work is to provide guidance to competent authorities of importing and exporting countries and industry on the prevention and control of food fraud and intentional adulteration to protect the health of consumers and ensure fair practices in the food trade. The scope of the guidance is to develop definitions for key food fraud terms and to guide the actions taken by <u>national competent authorities and industries</u> to prevent and detect acts of fraud and to reduce vulnerability <u>at any point along the supply chain</u> of food production industries to food fraud<u>production</u>. This includes the identification of key elements of a national food control system related to technology and tools, countermeasures and controls to help build international harmonization <u>and collaboration, taking into account to the development level of member countries</u> on the prevention and control of food fraud.</p>	<p>Indonesia Rationale:</p> <ul style="list-style-type: none"> a. We replace “national” into “competent” following the word “authorities” because each ministries or department have authority for the surveillance of product against food fraud, so it will be more appropriate and commonly to use “competent” instead of “national” ; b. Competent authorities together with industries have responsibilities to prevent food fraud, therefore the word “industries” should be put in this sentence and also as referred to the beginning of the paragraph so it will make more concise; c. We would like to add phrase “at any point along the supply chain” to describe specifically points in the supply chain contributing for food production from upstream to downstream; d. We would like to add phrase “and collaboration, taking into account to the development level of member countries” to consider collaboration between countries to build the capacity for member countries to develop or improve National Food Control Systems (NFCS) in the context of preventing food fraud.
<p>Relevance and timeliness</p>	
<p>Canada believes that new work on food fraud is indeed a relevant and timely endeavor; the volume of food sold through e-commerce and risk of food fraud have increased during the Covid-19 pandemic. While governments may be focusing more of their resources on dealing with the pandemic, entities committing food fraud may perceive there to be less oversight by competent authorities and therefore a better opportunity for food fraud.</p>	<p>Canada</p>
<p>Increasing complexity of food processing systems and increasing global trade in food makes food chains more vulnerable to food fraud. Protecting the global food supply is a common goal for food control authorities to protect public health and to prevent economic loss and trade disruption. Countries also have a strong interest in controlling the dumping of substandard foods into their</p>	<p>Honduras Countries also have a strong interest in controlling the dumping of substandard foods into their markets translation ... therefore it makes no sense to refer to the</p>

<p>markets. Incidents of food fraud and intentional adulteration of food can cause disruption in trade, as well as public health risk(s), since the adulterants may be unsafe, unconventional, unexpected and/or uncontrolled when added to food. While many food fraud incidents are a low public health risk, government oversight and controls or good manufacturing practices are important to avoid an environment of vulnerability for the food system. Food fraud and the intentional adulteration of food can be prevented or minimized using the controls and countermeasures available to countries' national food control systems or by adopting new measures, if necessary. The industry is responsible for knowing their supply chains and having control measures in place to tackle food fraud, while the government has regulatory oversight and a role in increasing awareness of food fraud, building partnerships and collaborating with industry, academia, and other government departments to prevent and manage food fraud and/or intentional adulteration.</p>	<p>dumping (Disposal) in environmental terms or to the quality of the product on the market (financial economic terms)</p>
<p>Increasing complexity of food production systems and increasing global trade in food makes food chains more vulnerable to food fraud. Protecting the global food supply is a common goal for food control authorities to protect public health and to prevent economic loss and trade disruption. Countries also have a strong interest in controlling the <u>dumping-availability</u> of substandard foods into their markets. Incidents of food fraud and intentional adulteration of food can cause disruption in trade, as well as public health risk(s), since the adulterants may be unsafe, unconventional, unexpected and/or uncontrolled when added to food. While many food fraud incidents are a low public health risk, government oversight and controls or good manufacturing practices are important to avoid an environment of vulnerability for the food system. Food fraud and the intentional adulteration of food can be prevented or minimized using the controls and countermeasures available to countries' national food control systems or by adopting new measures, if necessary. The industry is responsible for knowing their supply chains and having control measures in place to tackle food fraud, while the government has regulatory oversight and a role in increasing awareness of food fraud, building partnerships and collaborating with industry, academia, and other government departments to prevent and manage food fraud and/or intentional adulteration.</p>	<p>Honduras</p>
<p>Increasing complexity of food production systems and increasing global trade in food makes food chains more vulnerable to food fraud. Protecting the global food supply is a common goal for food control authorities to protect public health and to prevent economic loss and trade disruption. Countries also have a strong interest in controlling the <u>dumping-supply</u> of substandard foods into their markets. Incidents of food fraud and intentional adulteration of food can cause disruption in trade, as well as public health risk(s), since the adulterants may be unsafe, unconventional, unexpected and/or <u>uncontrolled unmanageable</u> when added to food. While many food fraud incidents are a low public health risk, government oversight and controls or good manufacturing practices are important to avoid an environment of vulnerability for the food system. Food fraud and the intentional adulteration of food can be prevented or minimized using</p>	<p>Peru</p>

<p>the controls and countermeasures available to countries' national food control systems or by adopting new measures, if necessary. The industry is responsible for knowing their supply chains and having control measures in place to tackle food fraud, while the government has regulatory oversight and a role in increasing awareness consciousness of food fraud, building partnerships and collaborating with industry, academia, and other government departments to prevent and manage food fraud and/or intentional adulteration.</p>	
<p>Increasing complexity of food production systems and increasing global trade in food makes food chains more vulnerable to food fraud. Protecting the global food supply is a common goal for food control authorities to protect public health and to prevent economic loss and trade disruption. Countries also have a strong interest in controlling the dumping of substandard foods into their markets. Incidents of food fraud and intentional adulteration of food can cause disruption in trade, as well as public health risk(s), since the adulterants may be unsafe, unconventional, unexpected and/or uncontrolled when added to food. While many food fraud incidents are a low public health risk, government oversight and controls or good manufacturing practices are important to avoid an environment of vulnerability for the food system. Food fraud and the intentional adulteration of food can be prevented or minimized using the controls and countermeasures available to countries' national food control systems or by adopting new measures, if necessary. The industry is responsible for knowing their supply chains and having control measures in place to tackle food fraud, while the government has regulatory oversight and a role in increasing awareness of food fraud, building partnerships and collaborating with industry, academia, and other government departments to prevent and manage food fraud and/or intentional adulteration.</p>	<p>Cuba Cuba welcomes the opportunity to comment on the document for the development of guidance on food fraud and states as follows:</p> <ol style="list-style-type: none"> 1. We recommend that the title of the Appendix be amended and limited to: DRAFT DOCUMENT FOR THE DEVELOPMENT OF GUIDANCE ON FOOD FRAUD. Rationale: it avoids duplicating the words project/draft in the same sentence. 2. With respect to paragraph 2 Relevance and timeliness (page 7), continuing the point in the first paragraph as well as in other parts of the document, food fraud and intentional adulteration of food are two separate activities. However, previous documents such as the one in Item 5 of the Twenty-third Session of the CCFICS, paragraph 9 of the document DISCUSSION PAPER ON FOOD INTEGRITY AND AUTHENTICITY, specify that the intentional economically motivated adulteration of food is also known as "food fraud" Rationale: it must be made very clear whether the intention to adulterate is covered by the concept of food fraud. 3. Paragraph 3 of The main aspects to be covered, page 6, item 4 includes controls that competent authorities and industry can use to detect acts of fraud. However, the document does not cover cases where fraud is detected by non-governmental organizations or external markets. Rationale: although the Guidelines for the Exchange of Information between Countries on Rejections of Food (CAC/GL 25-1997, Revision 2016) mention adulteration and non-conformity with requirements and labelling among the reasons for rejection, it is not clear whether they are intentional or not. It is also known that a large number of cases are reported by non-governmental consumer protection organizations. In short, Codex must be very clear on the extent of its scope.

<p>Increasing complexity of food production systems and increasing global trade in food makes food chains more vulnerable to food fraud. Protecting the global food supply is a common goal for food control authorities to protect public health and to prevent economic loss and trade disruption. Countries also have a strong interest in controlling the dumping of substandard foods into their markets. Incidents of food fraud and intentional adulteration of food can cause disruption in trade, as well as public health risk(s), since the adulterants may be unsafe, unconventional, unexpected and/or uncontrolled when added to food. While many food fraud incidents are a low public health risk, government oversight and controls or good manufacturing practices are important to avoid an environment of vulnerability for the food system. Food fraud and the intentional adulteration of food can be prevented or minimized using the controls and countermeasures available to countries' national food control systems or by adopting new measures, if necessary. The industry is responsible for knowing their supply chains and having control measures in place to tackle food fraud, while the government has a regulatory oversight and a role in increasing awareness of food fraud, building partnerships and collaborating with industry, academia, and other government departments to prevent and manage food fraud and/or intentional adulteration.</p>	<p>New Zealand</p> <p>This section needs significant editing and reworking as it is confusing and somewhat contradictory. For example, in the first paragraph the sentence 'While many food fraud incidents are a low public health risk, government oversight and controls or good manufacturing practice are important to avoid an environment of vulnerability for the food system.' This is a very weak argument and totally fails to address the fact that the most significant factor driving food fraud is economic gain. Further while it may be true that some 'Food fraud and intentional adulteration may be prevented or minimised using the controls and countermeasures available to countries national food control system or adopting new measures, if necessary' – using these mechanisms to prevent or minimise activities driven by economic gain without an risk assessment that takes into account the specific circumstance of the country, the food and its production or manufacturing and other associated processes, or the significant costs to both government agencies and food producers and manufactures is neither appropriate nor reasonable. New Zealand suggests that both these sentences are deleted from the first paragraph.</p>
<p>Increasing complexity of food production systems and increasing global trade in food makes food chains more vulnerable to food fraud. Protecting the global food supply is a common goal for food control authorities to protect public health and to prevent economic loss and trade disruption. Countries also have a strong interest in controlling the dumping of substandard foods into their markets. Incidents of food fraud and intentional adulteration of food can cause disruption in trade, as well as public health risk(s), since the adulterants may be unsafe, unconventional, unexpected and/or uncontrolled when added to food. While many food fraud incidents are a low public health risk, government oversight and controls or good manufacturing practices are important to avoid an environment of vulnerability for the food system. Food fraud and the intentional adulteration of food can be prevented or minimized using the controls and countermeasures available to countries' national food control systems or by adopting new measures, if necessary. The industry is responsible for knowing their supply chains and having control measures in place to tackle food fraud, while the government has a regulatory oversight and a role in increasing awareness of food fraud, building partnerships and collaborating with industry, academia, and other government departments to prevent and manage food fraud and/or intentional adulteration.</p>	<p>IAF</p> <p>In reference to "The industry is responsible for knowing their supply chains" it could be highlighted the role of existing voluntary third-party certification schemes (e.g. ISO 22005 Traceability in the feed and food chain), and tools (e.g. supply chain mapping) in facilitating information exchange and reduction of space for frauds. The concept of these schemes could be also introduced in other existing Food safety certification programs (e.g. GFSI approved ones) in order to strength the role and the effectiveness of certification in fighting food fraud.</p>
<p>Increasing complexity of food production systems and increasing global trade in food makes food chains more vulnerable to food fraud. Protecting the global food supply is a common goal for food control authorities to protect public health and to prevent economic loss and trade disruption. Countries also have a strong interest in</p>	<p>USA</p> <p>Rationale: Delete references to "economic" to maintain focus on the Codex dual mandate of health of the consumers and ensure fair practice in the food trade. Other edits adding text for clarity.</p>

<p>controlling the dumping of substandard foods into their markets. Incidents of food fraud and intentional adulteration of food can cause disruption in trade, as well as public health risk(s), since the adulterants may be unsafe, unconventional, unexpected and/or uncontrolled when added to food. While many food fraud incidents are a low public health risk, government oversight and controls or good manufacturing practices are important to avoid an environment of vulnerability for the food systems<u>system</u> <u>and to protect consumer confidence in the safety of the foods purchased.</u> Food fraud and the intentional adulteration of food can be prevented or minimized using the controls and countermeasures available to countries' national food control systems or by adopting new measures, if necessary. The industry is responsible for knowing their supply chains and having control measures in place to tackle food fraud, while the government has a regulatory oversight and a role in increasing awareness of food fraud, building partnerships<u>partnerships, including interacting with law enforcement to identify fraud cases that may cause harm to human health,</u> and collaborating with industry, academia, and other government departments to prevent and manage food fraud and/or intentional adulteration.</p>	
<p>Codex work to address food fraud is considered a timely endeavour as many global initiatives are underway to help combat food fraud. While several existing Codex texts provide tools for members wishing to manage potentially fraudulent activity, there is widespread support and need for developing a Codex guideline specifically on food fraud. Noting the economic drives of food fraud, it will also address the linkages between food safety and food fraud.</p>	<p>Honduras Consider adding the following wording to Relevance and Timeliness</p> <p>Food Fraud has created a need to encourage or promote the establishment of private standards and certification mechanisms with the aim of having a third party declaration that a food product is responsible for contamination or for certain elements associated with food fraud</p>
<p>Codex work to address food fraud is considered a timely endeavor as many global initiatives are underway to help combat food fraud. While several existing Codex texts provide tools for members wishing to manage potentially fraudulent activity, there the development of globally agreed definitions in relation to food fraud will be beneficial in reducing the variability, inconsistency and confusion that has arisen due to the 'many global initiatives' currently underway. <u>There is therefore widespread support and need</u> for developing a Codex guideline specifically on food fraud<u>fraud to help address this.</u> Noting the economic drives of food fraud, it will also address the linkages between food safety and food fraud.</p>	<p>New Zealand</p> <p>As drafted there is a complete failure to mention that the development of globally agreed definitions in relation to food fraud could be beneficial in reducing the variability and the confusion that goes hand in hand with inconsistency that that arisen due to the 'many global initiatives' currently underway. New Zealand suggest that this point is covered in the second sentence as this is the area in which there was the greatest level of support. If this benefit is not mentioned then New Zealand would suggests that the word 'widespread' should be deleted.</p>
<p>Codex work to address food fraud is considered a timely endeavor as many global initiatives are underway to help combat food fraud. While several existing Codex texts <u>already address fraudulent activities and</u> provide tools for members wishing to manage potentially fraudulent activity, there is widespread support and need for developing a Codex guideline specifically on food fraud. Noting the economic drives of food fraud, it will also address the linkages between food safety and food fraud.</p>	<p>USA</p>
<p>Codex work to address food fraud is considered a timely endeavor as many global initiatives are underway to help</p>	<p>CCTA</p>

<p>combat food fraud. While several existing Codex texts provide tools for members wishing to manage potentially fraudulent activity, there is widespread support and need for developing a Codex guideline specifically on food fraud. Noting the economic drives <u>drivers</u> of food fraud, it will also address the linkages between food safety and food fraud.</p>	
<p>The main aspects to be covered</p>	
<p>Number (4) of the main aspects to be covered should clarify what is meant by “Identification of technology” and “countermeasures”. The first should not be understood to refer to a specific service offered in the market, and the second does not appear to be a concept used in the CCFICS standards.</p> <p>The concept of “vulnerability assessments” should be explained clearly to see if it is different from what is carried out in “Risk Assessment”.</p> <p>We support what is said in point 23 about geographic indicators, as these do not present a risk to health.</p>	<p>Chile</p>
<p>The main aspects to be covered</p>	<p>New Zealand</p> <p>This section needs to focus on the core aspects of the work – it is currently too open ended and proposed aspects of work that may well step outside the mandate of Codex let along CCFICS.</p>
<p>The main aspects to be covered</p> <p>The work will include the development of guidance on food fraud, which provides a summary of existing guidance in current Codex texts with a view of improving risk management activities related to the prevention of food fraud that may cause harm to the consumer and/or disruption of trade. The guidance should also include the following elements: (1) Definitions for key food fraud terms, such as food fraud, integrity, authenticity, and intentional adulteration; (2) Roles and responsibilities of industry and government entities when addressing food fraud; (3) Guidance on how countries can modernize their national food control systems to address food fraud, e.g. extension of HACCP and good manufacturing practices; and (4) Identification of technology and tools, countermeasures and controls that can be used by competent authorities and industry to detect acts of fraud and to reduce vulnerabilities when designing control programs to prevent food fraud and/or intentional adulteration. Existing CCFICS texts will be reviewed and updated, as appropriate, to identify specific characteristics of National Food Control Systems, information exchange, vulnerability assessments, and traceability/traceback necessary to effectively prevent and manage food fraud.</p>	<p>European Food Law Association</p>
<p>The work will include the development of guidance on food fraud, which provides a summary of existing guidance in current Codex texts with a view of improving risk management activities related to the prevention of food fraud that may cause harm to the consumer and/or disruption of trade. The guidance should also include the following elements: (1) Definitions for key food fraud</p>	<p>Morocco</p> <p>The work will include the development of guidance on food fraud, which provides a summary of and updates to existing guidance in current Codex texts</p>

<p>terms, such as food fraud, integrity, authenticity, and intentional adulteration; (2) Roles and responsibilities of industry and government entities when addressing food fraud; (3) Guidance on how countries can modernize their national food control systems to address food fraud, e.g. extension of HACCP and good manufacturing practices; and (4) Identification of technology and tools, countermeasures and controls that can be used by competent authorities and industry to detect acts of fraud and to reduce vulnerabilities when designing control programs to prevent food fraud and/or intentional adulteration. Existing CCFICS texts will be reviewed and updated, as appropriate, to identify specific characteristics of National Food Control Systems, information exchange, vulnerability assessments, and traceability/traceback necessary to effectively prevent and manage food fraud.</p>	
<p>The work will include the development of guidance on food fraud, which provides a summary of existing guidance in current Codex texts with a view of improving risk management activities related to the prevention of food fraud that may cause harm to the consumer and/or disruption of trade. The guidance should also include the following elements: (1) Definitions of key terms relating to food fraud, such as food fraud, integrity, authenticity and intentional adulteration; (2) Roles and responsibilities of industry and government agencies when addressing food fraud; (3) Guidance on how governments can modernize national food control systems to address fraud, e.g. extension of the HACCP system and good manufacturing practices; and (4) Identification of technology and tools, countermeasures and control that competent authorities and industry can use to detect cases of fraud and minimize vulnerability when designing control programmes to prevent food fraud and/or intentional adulteration. Existing CCFICS texts will be reviewed and updated, as appropriate, to identify specific characteristics of National Food Control Systems, information exchange, vulnerability assessments, and traceability/traceback necessary to effectively prevent and manage food fraud.</p>	<p>Honduras Comment Is the whole food chain more vulnerable to food fraud? From primary production?</p>
<p>The work will include the development of guidance on food fraud, which provides a summary of existing guidance in current Codex texts with a view of improving risk management activities <u>and the exchange of information between competent authorities and other relevant government agencies</u> related to the prevention of food fraud that may cause harm to the consumer and/or disruption of trade. The guidance should also include the following elements: (1) Definitions for key food fraud terms, such as food fraud, integrity, authenticity, and intentional adulteration; (2) Roles and responsibilities of industry and government entities when addressing food fraud; (3) Guidance on how countries can modernize their national food control systems to address food fraud, e.g. extension of HACCP and good manufacturing practices; and (4) Identification of technology and tools, countermeasures and controls that can be used by competent authorities and industry to detect acts of fraud and to reduce vulnerabilities when designing control programs to prevent food fraud and/or intentional adulteration. Existing CCFICS texts will be reviewed and updated, as appropriate, to identify specific characteristics of National Food Control Systems,</p>	<p>New Zealand New Zealand believes it is both undesirability and inappropriate for a Codex guideline to imply the necessity for end-to-end tracking and traceability mechanisms to be in place for all food and food ingredients or that vulnerability assessments are necessary for all food producers or manufacturers. Such requirements would impose costs and restraints on trade that have not be justified at the national level of most countries, let alone at the international level. Changes to existing tracking and traceability guidance or requirements, as well as the introduction of vulnerability assessments need to be justified by risk assessments relevant to the specific country, food type and its associated production or manufacturing processes. New Zealand also continues to support information sharing between competent authorities and other relevant government agencies as the</p>

<p>information exchange, vulnerability assessments, and traceability/traceback necessary to effectively prevent and manage food fraud.</p>	<p>most effective mechanism to address food fraud.</p>
<p>The work will include the development of guidance on food fraud, which provides a summary of existing guidance in current Codex texts with a view of improving risk management activities related to the prevention of food fraud that may cause harm to the consumer and/or disruption of trade. The guidance should also include the following elements: (1) Definitions for key food fraud terms, such as food fraud, integrity, authenticity, and intentional adulteration; (2) Roles and responsibilities of industry and government entities when addressing food fraud; (3) Guidance on how countries can modernize their national food control systems to address food fraud, e.g. extension of HACCP and good manufacturing practices; and (4) Identification of technology and tools, countermeasures and controls that can be used by competent authorities and industry to detect acts of fraud and to reduce vulnerabilities when designing control programs to prevent food fraud and/or intentional adulteration. Existing CCFICS texts will be reviewed and updated, as appropriate, to identify specific characteristics of National Food Control Systems, information exchange, vulnerability assessments, and traceability/traceback necessary to effectively prevent and manage food fraud.</p>	<p>IAF In reference to (1) Definitions for key food fraud terms, such as food fraud, integrity, authenticity, and intentional adulteration. In third-party certification food fraud definition include not only those activities which could lead to a food safety risk, but also those that are purely economic motivated.</p> <p>It would be reductive to limit the field of application of the new Codex document to only those frauds with the potential to cause a public health concern e.g. it is known that in the EU one of the top-ten counterfeited product groups is organic goods, for which very rarely the fraud is also connected to food safety issues. If not limit the field of application, then separate between food fraud (food safety risk) and food fraud (non food safety risk).</p>
<p>The work will include the development of guidance on food fraud, which provides a summary of existing guidance in current Codex texts with a view of improving risk management activities related to the prevention of food fraud that may cause harm to the consumer and/or disruption of trade. The guidance should also include the following elements: (1) Definitions for key food fraud terms, such as food fraud, integrity, authenticity, and intentional adulteration; (2) Roles and responsibilities of industry and government entities when addressing food fraud; (3) Guidance on how countries can modernize their national food control systems to address food fraud, e.g. extension of HACCP and good manufacturing practices; and (4) Identification of technology and tools, countermeasures and controls that can be used by competent authorities and industry to detect acts of fraud and to reduce vulnerabilities when designing control programs to prevent food fraud and/or intentional adulteration. Existing CCFICS texts will be reviewed and updated, as appropriate, to identify specific characteristics of National Food Control Systems, information exchange, vulnerability assessments, and traceability/traceback necessary to effectively prevent and manage food fraud.</p>	<p>IAF With reference to (2) Roles and responsibilities of industry and government entities when addressing food fraud. It should be highlighted as the recognition by Government and Authorities of third-party voluntary food safety certifications could support national program to prevent food fraud and would raise awareness in food operators about good practices of food fraud mitigation strategies.</p> <p>This topic was partly discussed by the IAF TF within RTTT project (issue 2), as input to GFSI.</p>
<p>The work will include the development of guidance on food fraud, which provides a summary of existing guidance in current Codex texts with a view of improving risk management activities related to the prevention of food fraud that may cause harm to the consumer and/or disruption of trade. The guidance should also include the following elements: (1) Definitions for key food fraud terms, such as food fraud, integrity, authenticity, and intentional adulteration; (2) Roles and responsibilities of industry and government entities when addressing food</p>	<p>IAF Due to rapidly evolving technology in the development of tools to detect food fraud, it is recommended that the EWG consider the outcomes to be achieved by different types of tools for their consideration in international harmonisation on the prevention and control of food fraud rather than the recommendation of specific tools.</p>

<p>fraud; (3) Guidance on how countries can modernize their national food control systems to address food fraud, e.g. extension of HACCP and good manufacturing practices; and (4) Identification of technology and tools, countermeasures and controls that can be used by competent authorities and industry to detect acts of fraud and to reduce vulnerabilities when designing control programs to prevent food fraud and/or intentional adulteration. Existing CCFICS texts will be reviewed and updated, as appropriate, to identify specific characteristics of National Food Control Systems, information exchange, vulnerability assessments, and traceability/traceback necessary to effectively prevent and manage food fraud.</p>	
<p>The work will include the development of guidance on food fraud, which provides a summary of existing guidance in current Codex texts with a view of improving risk management activities related to the prevention of food fraud that may cause harm to the consumer and/or disruption of trade. The guidance should also include the following elements: (1) Definitions for key food fraud terms, such as food fraud, integrity, authenticity, and intentional adulteration; (2) Roles and responsibilities of industry and government entities when addressing food fraud; (3) Guidance on how countries can modernize their national food control systems to address food fraud, e.g. extension of HACCP and good manufacturing practices; and (4) Identification of technology and tools, countermeasures and controls that can be used by competent authorities and industry to detect acts of fraud and to reduce vulnerabilities when designing control programs to prevent food fraud and/or intentional adulteration. Existing CCFICS texts will be reviewed and updated, as appropriate, to identify specific characteristics of National Food Control Systems, information exchange, vulnerability assessments, and traceability/traceback necessary to effectively prevent and manage food fraud.</p>	<p>IAF With reference to (3) Guidance on how countries can modernise their national control systems to address food fraud e.g. extension of HACCP and GMP it is recommended that there is recognition that the process to identify food fraud vulnerabilities is a separate and distinct risk assessment to a HACCP food safety assessment and that controls to detect, deter and/or mitigate food fraud will be distinct and different to those used for food safety (e.g. GMP).</p>
<p>The work will include the development of guidance on food fraud, which provides a summary of existing guidance in current Codex texts with a view of improving risk management activities related to the prevention of food fraud that may cause harm to impact the <u>health and safety of the</u> consumer and/or disruption of trade. The guidance should also include the following elements: (1) Definitions for key food fraud terms, such as food fraud, integrity, authenticity, and intentional adulteration; (2) Roles and responsibilities of industry and government entities when addressing food fraud; (3) Guidance on how countries can modernize their national food control systems to address food fraud, e.g. extension of HACCP and good manufacturing practices; and (4) Identification of technology and tools, countermeasures and controls that can be used by competent authorities and industry to detect acts of fraud and to reduce vulnerabilities when designing control programs to prevent food fraud and/or intentional adulteration. Existing CCFICS texts will be reviewed and updated, as appropriate, to identify specific characteristics of National Food Control Systems, information exchange, vulnerability assessments, and</p>	<p>USA Editorial. Rationale: Additional text added for clarity. Substantive Rationale: There is no need to list specific examples of key food fraud terms. These will be decided by the work group drafting the guidance.</p>

<p>traceability/traceback necessary to effectively prevent and manage food fraud.</p>	
<p>The work will include the development of guidance on food fraud, which provides a summary of existing guidance in current Codex texts with a view of improving risk management activities related to the prevention of food fraud that may cause harm to the consumer and/or disruption of trade. The guidance should also include the following elements: (1) Definitions for key food fraud terms, such as food fraud, integrity, authenticity, and intentional adulteration; (2) Roles and responsibilities of industry and government entities when addressing food fraud; (3) Guidance on how countries can modernize their national food control systems to address food fraud, e.g. extension of HACCP and good manufacturing practices; and (4) Identification of technology and tools, countermeasures and controls that can be used by competent authorities and industry to detect acts of fraud and to reduce vulnerabilities when designing control programs to prevent food fraud and/or intentional adulteration. Existing CCFICS texts will be reviewed and updated, as appropriate, to identify specific characteristics of National Food Control Systems, information exchange, vulnerability assessments, and traceability/traceback necessary to effectively prevent and manage food fraud.</p>	<p>Thailand Food fraud should not be linked or related with HACCP and GMPs as our comments mentioned above, so we propose to delete examples of HACCP and GMPs from this section.</p>
<p>The work will include the development of guidance on food fraud, which provides a summary of existing guidance in current Codex texts with a view of improving risk management activities related to the prevention of food fraud that may cause harm to the consumer and/or disruption of trade. The guidance should also include the following elements: (1) Definitions for key food fraud terms, such as food fraud, integrity, authenticity, and intentional adulteration; (2) Roles and responsibilities of industry and government entities when addressing food fraud; (3) Guidance on how countries can modernize their national food control systems to address food fraud, e.g. extension of HACCP and good manufacturing practices; and (4) Identification of technology and tools, countermeasures and controls that can be used by competent authorities and industry to detect acts of fraud and to reduce vulnerabilities when designing control programs to prevent food fraud and/or intentional adulteration. Existing CCFICS texts will be reviewed and updated, as appropriate, to identify specific characteristics of National Food Control Systems, information exchange, vulnerability assessments, and traceability/traceback necessary to effectively prevent and manage food fraud.</p>	<p>Thailand We would like to ask for clarification for “technology and tools” can be used by competent authorities and industry that what is its scope and when it will be used. And, importantly “technology and tools” should not cause unnecessary burden for food manufacturers who do not conduct intentional adulteration.</p>
<p>The work will include the development of guidance on food fraud, which provides a summary of existing guidance in current Codex texts with a view of improving risk management activities related to the prevention of food fraud that may cause harm to the consumer and/or disruption of trade. The guidance should also include the following elements: (1) Definitions for key food fraud terms, such as food fraud, integrity, authenticity, and intentional adulteration; (2) Roles and responsibilities of industry and government entities when addressing food fraud; (3) Guidance on how countries can modernize their</p>	<p>FAO-AGFF Roles and responsibilities of Governments: emphasis could be given already at this stage on the need for coordination, cooperation and exchange of information as these are paramount in the preventing and managing food fraud.</p>

<p>national food control systems to address food fraud, e.g. extension of HACCP and good manufacturing practices; and (4) Identification of technology and tools, countermeasures and controls that can be used by competent authorities and industry to detect acts of fraud and to reduce vulnerabilities when designing control programs to prevent food fraud and/or intentional adulteration. Existing CCFICS texts will be reviewed and updated, as appropriate, to identify specific characteristics of National Food Control Systems, information exchange, vulnerability assessments, and traceability/traceback necessary to effectively prevent and manage food fraud.</p>	
<p>The work will include the development of guidance on food fraud, which provides a summary of existing guidance in current Codex texts with a view of improving risk management activities related to the prevention of food fraud that may cause harm to the consumer and/or disruption of trade. The guidance should also include the following elements: (1) Definitions for key food fraud terms, such as food fraud, integrity, authenticity, and intentional adulteration; (2) Roles and responsibilities of industry and government entities when addressing food fraud; (3) Guidance on how countries can modernize their national food control systems to address food fraud, e.g. extension of HACCP and good manufacturing practices; and (4) Identification of technology and tools, countermeasures and controls that can be used by competent authorities and industry to detect acts of fraud and to reduce vulnerabilities when designing control programs to prevent food fraud and/or intentional adulteration. Existing CCFICS texts will be reviewed and updated, as appropriate, to identify specific characteristics of National Food Control Systems, information exchange, vulnerability assessments, and traceability/traceback necessary to effectively prevent and manage food fraud.</p>	<p>FAO-AGFF regarding vulnerability assessments: see previous comment (paragraph 1)</p>
<p>The work will include the development of guidance on food fraud, which provides a summary of existing guidance in current Codex texts with a view of improving risk management activities related to the prevention of food fraud that may cause harm to the consumer and/or disruption of trade. The guidance should also include the following elements: (1) Definitions for key food fraud terms, such as food fraud, integrity, authenticity, and intentional adulteration; (2) Roles and responsibilities of industry and government entities when addressing food fraud; (3) Guidance on how countries can modernize their national food control systems to address food fraud, e.g. extension of HACCP and good manufacturing practices; and (4) Identification of technology and tools, countermeasures and controls that can be used by competent authorities and industry to detect acts of fraud and to reduce vulnerabilities when designing control programs to prevent food fraud and/or intentional adulteration. Existing CCFICS texts will be reviewed and updated, as appropriate, to identify specific characteristics of National Food Control Systems, information exchange, vulnerability assessments, and traceability/traceback necessary to effectively prevent and manage food fraud.</p>	<p>FAO-AGFF regarding definitions: as many definitions already exist in different countries and are embedded in national laws, an alternative approach could be to outline concepts and/or criteria to characterize fraud; this could help clarifying the context while not locking the discussion into the usual challenges encountered with “definitions”. The discussion could also include the root causes that cause fraud, such as economic gain, negligence, revenge, sabotage, bioterrorism; and help deciding if some need to be excluded from the scope, such as bioterrorism, or misrepresentation in labelling, as noted in paragraph 2 (Conclusions) . This discussion would be useful to inform when considering vulnerability assessments, as vulnerabilities will differ depending on the root cause.</p>

<p>The work will include the development of guidance on food fraud, which provides a summary of existing guidance in current Codex texts with a view of improving risk management activities related to the prevention of food fraud that may cause harm to the consumer and/or disruption of trade. The guidance should also include the following elements: (1) Definitions for key food fraud terms, such as food fraud, integrity, authenticity, and intentional adulteration; (2) Roles and responsibilities of industry and government entities when addressing food fraud; (3) Guidance on how countries can modernize improve their national food control systems to address food fraud, e.g. extension of HACCP and good manufacturing practices; and (4) Identification of technology and tools, countermeasures and controls that can be used by competent authorities and industry to detect acts of fraud and to reduce vulnerabilities when designing control programs to prevent food fraud and/or intentional adulteration; (5) Identification of scheme of international harmonization and collaboration, taking into account to the development level of member countries on the prevention and control of food fraud. Existing CCFICS texts will be reviewed and and updated, as appropriate, to identify specific characteristics of National Food Control Systems, information exchange, vulnerability assessments, and traceability/traceback necessary to effectively prevent and manage food fraud. Comprehensive review will also be done to other existing related Codex texts to avoid overlapping.</p>	<p>Indonesia</p> <p>Rationale:</p> <p>a. We prefer “improve” because it is more suitable in explaining countries efforts in national food control systems to address food fraud.</p> <p>b. We add clause (5) due to harmonization at the international level and collaboration between countries are needed given the different levels between countries in preventing food fraud and to make it consistent with the section 1;</p> <p>c. We would like to add phrase “Comprehensive review will also be done to other existing related Codex texts to avoid overlapping” is intended to consider the Codex text in other committees in developing the guideline on food fraud.</p>
<p>An assessment against the Criteria for the Establishment of Work Priorities</p>	
<p>The proposal is consistent with the criteria as follows:</p> <p>General Criterion: Consumer protection from the point of view of health, food safety, ensuring fair practices in the food trade and taking into account the identified needs of developing countries.</p>	<p>European Food Law Association</p>
<p>The proposed new work will facilitate the trade of safe food while helping to prevent public health hazards to food, thus meeting the general criterion of consumer protection. The guidance will be developed to provide flexibility in its application by countries with differing levels of development of national food control systems.</p>	<p>Accredited third party certification should be included. In Europe, several regulatory schemes that have a lot of problems with food fraud are controlled by accredited certification bodies, like products labelled with PDO (Protected Designation of Origin) or organic products.</p>
<p>a. Diversification of national legislations and apparent resultant or potential impediments to international trade:</p>	
<p>The proposed new work will facilitate the trade of safe food while helping to prevent public health hazards to food, thus meeting the general criterion of consumer protection. The guidance will be developed to provide flexibility in its application by countries with differing levels of development of national food control systems.</p>	<p>FAO-AGFF</p> <p>This sentence gives emphasis to consumer protection mainly from the food safety perspective. While the relationships between fraud and food safety are acknowledged, FAO believes that ensuring fair practices in the food trade is to be emphasized here in its own right. Public health concerns are a very effective way to direct attention to food fraud issues, but the triggers behinds food fraud and food safety problems are very different; and we might miss the point in addressing fraud issues appropriately: addressing food safety is based on trust and transparency, whereas fraud is</p>

	most often an conscious decision and requires other instruments.
The proposed new work will facilitate the trade of safe food while helping to prevent public health hazards to food food and ensuring fair practices , thus meeting the general criterion of consumer protection. The guidance will be developed to provide flexibility in its application by countries with differing levels of development of national food control systems.	<p>Canada General Criterion as stated in the Codex Procedural Manual: “Consumer protection from the point of view of health, food safety, ensuring fair practices in the food trade and taking into account the identified needs of developing countries.”</p> <p>Although health and food safety are high priority, consumer protection in this general criterion also includes ensuring fair practices in the food trade – this aspect is missing. Therefore Canada suggests adding “...and ensuring fair practices...” for clarity and to be inclusive:</p>
Diversification of national legislations and apparent resultant or potential impediments to international trade:	
Countries are increasingly developing guidance in the area of food fraud. Development of Codex guidance in this area should assist in obtaining international harmonization of nationally developed guidance in this area.	<p>Morocco To compensate for the significant differences between the countries of the South and the North on this matter, while giving due consideration to the economic realities prevailing in the developing countries, certain parameters need to be clarified in order to galvanize countries into achieving an international consensus. The parameters are as follows:</p> <ol style="list-style-type: none"> 1. The laws and regulations in each country; 2. The countries' intentions with regard to sanctions; 3. Consumers' expectations; 4. The economic impacts of international regulation on all value chains; and 5. General guidelines on penalties. <p>Category: TECHNICAL</p>
b) Scope of work and establishment of priorities between the various sections of work:	
Refer to Scope above.	FAO-AGFF ref to comment on paragraph 4/b
c) Work already undertaken by other international organizations in this field and/or suggested by the relevant international intergovernmental body(ies):	
Work in the area of food fraud is widespread in multinational forums, seeking to address the increasing vulnerability to the deceptive practices practices in global food industries. There is a surge of innovation, technology advances, and market changes as consumer choices and preferences evolve. Many organizations and governments are embracing the need for definitions, guidance, development of food fraud prevention programs, tools, and training activities, including: Food and Agriculture Organization of the United Nations (FAO); Global Food Safety Initiative (GFSI); Institute of Food Technologists–Global Food Traceability Center (GFTC/IFT); International Association for Food Protection–Food Fraud Professional Development Group (IAFP/PDG); International Life Sciences Institute (ILSI).	Ecuador

<p>Work in the area of food fraud is widespread in multinational forums, seeking to address the increasing vulnerability to the deceptive practices-practices in global food industries. There is a surge of innovation, technology advances, and market changes as consumer choices and preferences evolve. Many organizations and governments are embracing the need for definitions, guidance, development of food fraud prevention programs, tools, and training activities, including: Food and Agriculture Organization of the United Nations (FAO); Global Food Safety Initiative (GFSI); Institute of Food Technologists–Global Food Traceability Center (GFTC/IFT); International Association for Food Protection–Food Fraud Professional Development Group (IAFP/PDG); International Life Sciences Institute (ILSI).</p>	<p>CCTA</p>
<p>Work in the area of food fraud is wide spread in multinational forums, seeking to address the increasing vulnerability to the deceptive practices in global food industries. There is a surge awareness of innovation, technology advances, and market changes as consumer choices and preferences evolveddeceptive practices. Many organizations and governments are embracing the need for definitions, guidance, development of food fraud prevention programs, tools, and training activities, including: Food and Agriculture Organization of the United Nations (FAO); Global Food Safety Initiative (GFSI); Institute of Food Technologists-Global Food Traceability Center (GFTC/IFT); International Association for Food Protection—Food Fraud Professional Development Group (IAFP/PDG); International Life Sciences Institute (ILSI).</p>	<p>USA Rationale: Provides clarity to the relevant issue of deceptive practices.</p>
<p>d) Amenability of the subject of the proposal to standardisation:</p>	
<p>The Committee believes that the guidelines can be developed to address the issues identified.</p>	<p>Ecuador Ecuador asks, what do you want to say? We suggest that the paragraph be developed further to make it clearer</p>
<p>e. Consideration of the global magnitude of the problem or issue:</p>	
<p>The Committee has assessed that there is currently a significant burden imposed on importing and exporting countries due to a lack of definitions and practical international guidance in this area.</p>	<p>Honduras Consider adding the following in point e) or as a new bullet point. c) Analyse the context and scope of the private standards on food fraud Improve access to and management of the database on food fraud by official systems</p>
<p>The Committee has assessed that there is currently a significant burden imposed on importing and exporting countries due to a lack of definitions and practical international guidance in this area.</p>	<p>USA Rationale: This is subjective and unnecessary.</p>
<p>6. Information on the relation between the proposal and other existing Codex documents</p>	
<p>As described in section 6, food fraud is already covered in a variety of existing Codex documents and should prevent fraud; though Canada recognizes that this is provided they are followed. Some requirements and guidance exist, yet food fraud remains a global concern. Canada suggests the</p>	<p>Canada</p>

<p>new guidance to be developed on systems to tackle food fraud should also ensure adherence to those other existing Codex texts, so that food fraud is prevented, or detected and dealt with accordingly.</p>	
<p>The Committee’s comprehensive review of existing Codex texts illustrates that food fraud is already covered in a variety of Codex documents. The Codex Code of Ethics for International Trade in Food Including Concessional and Food Aid Transactions (CXC 20-1979) contains basic principles relating to preventing trade in unsafe, adulterated, out of date, or otherwise unsatisfactory food. Food fraud as it pertains to improper, inaccurate, false or misleading labelling is addressed in relevant Codex standards. For example, the <i>General Standard for the Labelling of Prepackaged Foods (CXS 1-1985)</i> and the <i>General Standard for the Labelling of Food Additives when sold as such (CXS 107-1981)</i> prohibit false, misleading or deceptive labelling for foods and food ingredients. Therefore, labelling that is inaccurate would already be addressed by existing Codex standards. Further, several existing CCFICS texts provide tools for members wishing to manage potentially fraudulent activity. Examples include the traceability concepts found in the <i>Principles for Traceability / Product Tracing as a Tool Within a Food Inspection and Certification System (CXG 60-2006)</i>; utilization of <i>Guidelines for Design, Production, Issuance and Use of Generic Official Certificates (CXG 38-2001)</i> to prevent fraudulent certificates; and exchange of information between national governments could be relevant in instances of fraud detection.</p>	<p>USA Repetitive word</p>
<p>The Committee’s comprehensive review of existing Codex texts illustrates that food fraud is already covered in a variety of Codex documents. The Codex Code of Ethics for International Trade in Food Including Concessional and Food Aid Transactions (CXC 20-1979) contains basic principles relating to preventing trade in unsafe, adulterated, out of date, or otherwise unsatisfactory food. Food fraud as it pertains to improper, inaccurate, false or misleading labelling is addressed in relevant Codex standards. For example, the <i>General Standard for the Labelling of Prepackaged Foods (CXS 1-1985)</i> and the the <i>General Standard for the Labelling of Food Additives when sold as such (CXS 107-1981)</i> prohibit false, misleading or deceptive labelling for foods and food ingredients. Therefore, labelling that is inaccurate would already be addressed by existing Codex standards. Further, several existing CCFICS texts provide tools for members wishing to manage potentially fraudulent activity. Examples include the traceability concepts found in the <i>Principles for Traceability / Product Tracing as a Tool Within a Food Inspection and Certification System (CXG 60-2006)</i>; utilization of <i>Guidelines for Design, Production, Issuance and Use of Generic Official Certificates (CXG 38-2001)</i> to prevent fraudulent certificates; and exchange of information between national governments could be relevant in instances of fraud detection.</p>	<p>CCTA</p>
<p>9. Completion of the new work and other conditions</p>	
<p>Subject to the Codex Alimentarius Commission approval at its 43rd session in 2020, it is expected that the new work</p>	<p>Honduras Consider the link with the document being</p>

<p>can be completed within two or three sessions of CCFICS, should it continue to meet as currently scheduled, i.e., every 18 months.</p>	<p>discussed on the voluntary third-party certification schemes since these voluntary schemes have requirements on food fraud, so this point should be known with regard to recognition by the NFCSS</p>
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ANNEX II

COMMENTS OF PHILIPPINES

The Philippines would like to congratulate the Electronic Working Group led by the United States of America and co-chaired by the European Union, Islamic Republic of Iran, and China in coming up with the Discussion Paper on Role of CCFICS with respect to tackling Food Fraud in the context of Food Safety and Fair Trade Practices in Food.

The Philippines reiterates its support in the conduct of new work on this area specifically on the use of a risk-based approach to food fraud, including Identification of technology and tools, countermeasures and controls to prevent food fraud and/or intentional adulteration.

REASON

Relevant to the request for comments on paragraphs 24 to 27 and Appendix 1 of this document at Step 3, we are pleased to submit our general and specific comments:

Comment Type	Comments
General Comment	<p>We generally agree with the provisions of the draft. We agree that the elements of a national food control system be worked on to cover food fraud.</p> <p>We believe the objectives of tackling food fraud in the context of food safety and fair trade practices in food should focus on the following:</p> <ol style="list-style-type: none"> 1. Protect the integrity of the food chain and build consumer, industry and trading partners' trust; and 2. Providing vigorous enforcement of food regulations. <p>As such, the above-stated objectives will address the following:</p> <ol style="list-style-type: none"> 1. Applicability of regulations and exemptions from certification 2. Authenticity of Import/Export Certificates 3. Recordkeeping and product traceability 4. Certifying agent and competent authority personnel qualifications and training 5. Standardized certificates of food chain operation 6. Unannounced on-site inspections of certified operations 7. Oversight of certification activities 8. Foreign conformity assessment systems, and 9. Content of multi-ingredient products, among others. <p>The Philippines "Food Safety Act" addresses elements of food fraud such as adulteration and we are willing to share this information to the Committee.</p>
<p>Specific Comment</p> <p>27. The Committee is invited to support undertaking new work on food fraud in the following areas:</p> <p>a) Develop guidance on food fraud, which provides a summary of existing guidance in current Codex texts with the view to improving risk management activities related to the prevention of food fraud. The guidance would cover the elements identified in section</p>	<p>We propose to add the following statement: 1) To enhance the building up of partnership and collaboration between and among the industry, academics and other government institutions to prevent and manage food fraud and international adulterations.</p>

3 of the draft project document (See Appendix 1)	
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COMMENTS OF ISO

Line number (e.g. 17)	Clause/ Subclause (e.g. 3.1)	Paragraph/ Figure/ Table/ (e.g. Table 1)	Comments	Proposed change
			<p>We are concerned with two aspects of the discussion paper, as follows:</p> <ul style="list-style-type: none"> • Need of a clear distinction between food fraud and food defence • More emphasis on industry role and guidance for industry is needed 	See proposed changes below
2	Background	Para. 2 ()	Normally, tampering is not economically but ideologically motivated and is related to sabotage (i.e. a food defense issue).	Delete the example of tampering
5-6	Background	Para. 2 (background)	Acts of disgruntled employees, consumers or competitors are ideologically motivated and are food defense issues	Delete the example of disgruntled employees, consumers or competitors
1-2	Information Sharing	18	<p>The first sentence does not read well (something is missing). Suggest including a reference to food industry</p>	<p>Reword the first sentence into: <i>Country responses focused on the need for collaboration and established communication channels between both national authorities (law enforcement and regulatory) and relevant food businesses.</i></p>
1-3	Appendix I	Para. 1: Purpose and scope of the proposed standards	<p>The project document should clearly state that the focus be on tackling food fraud, not addressing ideologically motivated adulteration (food defence, acts of bioterrorism). Food fraud with public health impact should be addressed by HACCP systems, whereas other types of food fraud (e.g. issues of intellectual property, such as authenticity (e.g. geographic indicators), require a different approach. Tackling food fraud (counterfeiting) that has no negative public health impact is also of importance for international trade, but requires an approach that is different from HACCP/risk management</p>	<p>Add the following at the end of the first paragraph: <i>The purpose of the work is to provide guidance to competent authorities of importing and exporting countries and industry on the prevention and control of food fraud and intentional adulteration to protect the health of consumers and ensure fair practices in the food trade. The scope of the guidance is to develop definitions for key food fraud terms and to guide the actions taken by national authorities to prevent and detect acts of fraud and to reduce vulnerability of food production industries to food fraud. This includes the identification of key elements of a national food control system related to technology and tools,</i></p>

				<i>countermeasures and controls to help build international harmonization on the prevention and control of food fraud. <u>The scope does not include ideologically motivated adulteration (food defence, acts of bioterrorism).</u></i>
2-3	Appendix I	Para 2: Relevance and timeliness	Tackling food fraud is important for food businesses, as well	Protecting the global food supply is a common goal for food control authorities <u>and industry</u> to protect public health and to prevent economic loss and trade disruption
6-7		Para 3: The main aspects to be covered	In indent 3), the draft project document implies that guidance is solely to be developed for countries (i.e. competent authorities). Swift tackling of food fraud is important for food businesses, as well	Guidance on how countries can modernize their national food control systems and <u>how food businesses can adapt</u> food safety & quality management systems to address food fraud, e.g. extension of HACCP and good manufacturing practices
4-5		Para. 4: An assessment against the Criteria for the Establishment of Work Priorities	The scope is broader than food safety	<i>The proposed new work will facilitate the trade of safe food while helping to prevent public health hazards to food <u>and to prevent misleading trading practices, thus.....</u></i>