



JOINT FAO/WHO FOOD STANDARDS PROGRAMME  
CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION  
AND CERTIFICATION SYSTEMS

Twenty-first Session

Brisbane (Australia), 13 - 17 October 2014

DISCUSSION PAPER ON PRINCIPLES AND GUIDELINES FOR THE ELABORATION AND  
MANAGEMENT OF QUESTIONNAIRES DIRECTED AT EXPORTING COUNTRIES

*(Prepared by Costa Rica)*

**Background**

1. At the 19th session of the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS) held in October 2011, the Committee agreed to establish an electronic working group with the following mandate: "(i) to prepare a discussion paper which described the problems—including examples, faced by exporting countries due multiple questionnaires and identify possible solutions, and (ii) a project document with a proposal for new work for the elaboration of a harmonized questionnaire.
2. At the 20th CCFICS session held in Thailand from February 18<sup>th</sup> to 22<sup>nd</sup> 2013, Costa Rica presented the report of the electronic working group. The Committee in principle supported the revised approach to address the issue of the burden of multiple questionnaires. However, the Committee considered it necessary to clarify in the project document: that the new work aimed at providing guidance on which information might be useful to assess the exporting country's national food control system or parts thereof; that the scope of the work was the exchange of information between competent authorities of importing and exporting countries; and that the focus of the work would initially be limited to specific areas of trade or specific products or groups of products entering the market for the first time. It was also suggested to indicate when the use of questionnaires was advisable." (Para 44, REP13/FICS)
3. The Committee generally supported this new work. However, it considered it necessary to further refine the scope of the new work before sending it to the Commission for approval. Therefore, in order to advance this proposal rapidly, the Committee agreed to establish an electronic working group, chaired by Costa Rica, working in English and Spanish and open to all Codex members and observers to: (i) *revise the project document taking into account the revised proposal presented at the current session and the above discussion; and (ii) prepare an outline of the proposed document for consideration at its next session.* (Para 45, REP13/FICS)
4. To further support the work of the electronic working group and CCFICS two informal workshops were held in Costa Rica and Belgium. The outcomes of these workshops can be found at **Annex 2**.
5. In general, participants in the workshops were of the view that it may be useful to broaden the scope of the original proposed work (to develop a harmonized questionnaire) to cover the exchange of information between importing and exporting countries in relation to the initiation or maintenance of trade for a product or group of products, and prior to conducting an audit, inspection or assessment.
6. In this regard, the workshops considered that while existing CCFICS texts covered the exchange of information in emergency situations (CAC/GL19-1995) and in the case of rejections of imported food (CAC/GL 25-1997) there could be substantial benefit in progressing new work on the exchange of information in respect of the initiation or maintenance of trade for specific commodities. In this regard, the scope of the work might consider the process for exchange of information including a standardized approach to the content and justification of information exchange, including the possibility of using questionnaires. Any new work should take into account the Principles and guidelines for national food control systems (CAC/GL 82-2013) and Guidelines for the design, operation, assessment and accreditation of food import and export inspection and certification systems" (CAC/GL 26-1997).

7. Discussions in the workshops also considered that the use of questionnaires could be minimized through:
- Provision of information by other means (country profiles);
  - Development of standardized information that may be publicly available (websites);
  - Review of what information is actually relevant and required in particular trade initiation or maintenance situations;
  - Ensuring the information required is justified;
  - Focusing on the national food control system (not on a particular establishment/processor); and
  - Exchange of information to improve transparency and build knowledge and confidence in exporting countries food control systems.

### **Introduction**

8. Sometimes food exporting countries receive questionnaires from importing countries aimed at understanding the nature and competence of national food control systems (NFCS) applied to products exported. A fundamental part of these questionnaires is substantially similar, even if their scope, length and level of detail differ, depending on the objectives and the level of protection established by the importing country. The differences of approach and different formats of questionnaires affect the ability of exporting countries to manage them and respond promptly.
9. For this reason, a harmonized and simplified approach that facilitates the exchange of information between importing and exporting countries would contribute to the reduction of time spent in the response and analysis of these types of questionnaires, thus decreasing the workload and helping facilitate the understanding between the parties.
10. In accordance with the Agreement on Sanitary and Phytosanitary Measures (SPS) of the World Trade Organization (WTO), countries, through their competent authorities, should not require more information than is necessary to understand the nature and competence of the NFCS of the exporting country. Additionally, confidential information provided by the exporting countries to comply with the control, inspection and approval concerning imported food must be safeguarded.
11. Traditionally, questionnaires have been used to assist the competent authority of the importing country to obtain information on the NFCS of the exporting country and can be used in different situations, such as when there is a need to:
- develop a clear understanding of the organization and infrastructure of the competent authority of the importing country and the legislation that supports it;
  - obtain information on the procedures for inspection and certification of imports and exports of specific foods;
  - keep records of exporting establishments updated;
  - streamline communication with the exporting countries;
  - provide assurance on the effectiveness of the NFCS;
  - demonstrate understanding of and compliance with the standards/requirements of the importing country;
  - strengthen ties and confidence between competent authorities;
  - gather information on the NFCS before conducting audit missions;
  - contribute to the assessment of the performance of the inspection and certification systems regularly.
12. In that sense, it is necessary that when seeking information competent authorities are clear in their purposes and that they only request the technical information necessary in regard to relevant measures associated with the production of a food or group of foods so as to enable comparison between the sanitary measures of the exporting country and the importing country's requirements. Such comparisons should take into account issues such as equivalence and harmonization. Clarity and transparency as to the definition of the purpose and justification for the exchange of the information are also a consideration.

13. In order to determine whether the information exchange should be through the use of questionnaires, experience, knowledge and confidence in the NFCS of the exporting country should also be considered, as well as the information that other importing countries or international organizations (e.g. OIE) have on the NFCS of the exporting country.

#### **Description of the problem**

14. Under the SPS Agreement, member countries of WTO are entitled to protect their legitimate interests and to establish regulatory requirements to protect human, animal and plant health. The requirements for each country will depend on their appropriate level of protection.
15. To facilitate international food trade, information may be required from the competent authority of the exporting country to assess whether its controls are effective and if their NFCS offers the protection needed to ensure that exported foods meet the requirements of the importing country.
16. The information requested by the competent authorities of importing countries is usually extensive and varies from one country to another, leading to the country of export competent authority having to answer multiple questionnaires according to the requirements of each importing country.
17. The main obstacles exporting and importing countries face include:
- a) Excessive delay in the review of the questionnaires by the competent authorities of importing countries;
  - b) Loss of potential customers and business opportunities for importers and exporters;
  - c) Shortages and delays in the availability of specific foods in the destination countries;
  - d) Often, competent authorities must develop and respond to multiple questionnaires for each product they want to place in different markets, which in turn *requires* a lot of resources;
  - e) Inappropriate handling of confidential information provided by the production/processing sector through the competent authority of the exporting country;
  - f) Sometimes questionnaires are outdated, which means that competent authorities ~~having~~ *have* to make significant institutional efforts to respond to documents that are obsolete;
  - g) Often, questionnaires are available only in the language of the importing country;
  - h) Occasionally, international reference organizations do not keep updated reports of NFCS;
  - i) Each importing country has its own questionnaire, which generates multiple different formats; and
  - j) Questionnaires are not available for consultation at the competent authorities' websites.

#### **Outcome sought**

18. Principles and guidelines for governments on the use, scope and format of questionnaires for exporting and importing countries, so as to facilitate food trade and strengthen the knowledge and confidence in the NFCS of the country of origin of the products.

#### **Recommendations**

19. Recommend that CCFICS carry out a new work to develop principles and guidelines regarding the development of questionnaires for the assessment of an exporting country's national food control system or parts thereof prior to a specific product or groups of products entering the market for the first time, and where appropriate prior to conducting an audit; inspection or assessment at an exporting country. This being understood that the application of questionnaires is not intended to be generalized or extended to all food products, but must be limited to the products that actually require it (exception rather than the rule), and recognizing that countries should make greater efforts to automate information through technological means.

**CODEX COMMITTEE ON  
FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS  
(CCFICS)**

**Proposal for new work to develop principles and guidelines for the simplification and harmonization  
of the questionnaires used in the food trade**

**(Prepared by Costa Rica)**

**1. Purpose**

The objective of the proposed new work is to provide guidance to the competent authorities of importing and exporting countries through principles and guidelines on the development and use of questionnaires that facilitate the assessment of the NFCS of an exporting country.

**2. Scope**

The scope is limited to the exchange of substantiated and appropriate information between the competent authorities of the importing and exporting countries, in order to obtain information about the NFCS of an exporting country prior to entry into the market of specific products or groups of products for the first time and when necessary, so as to maintain the existing trade.

**3. Relevance and timeliness**

Multiple questionnaires with duplication of information that are requested by the authorities of importing countries impose on the authority of the exporting country, the need to make a greater effort to achieve the same objective. These principles and guidelines should result in more efficient ways to collect required information and limit the burden on exporting countries to complete the questionnaires, and limit the time required for importing countries to review submissions.

A harmonized approach to the process for exchanging information, which may include the use of questionnaires, could provide useful guidance to importing countries to identify the type of information that might be required. It could be used by importing countries to gain experience, knowledge and confidence in the NFCS of the exporting countries, reducing the need for multiple models of certificates and complex attestations or even the execution of *in-situ* audits.

The Principles and Guidelines for National Food Control Systems (CAC/GL 82-2013) adopted by the 36<sup>th</sup> session of CAC could provide a solid basis for this new work.

**4. The main aspects to be covered**

This new work proposes the establishment of principles and guidelines for the exchange of information, including the use of questionnaires, in order to provide guidance to the competent authorities of importing countries on the type of information required to assess the NFCS or parts thereof of the exporting country, which are consistent with the Codex documents related to international food trade.

**5. An assessment against the criteria for the establishment of work priorities**

The elaboration of the principles and guidelines would provide a framework to assist competent authorities in obtaining relevant information to assess NFCS, benefiting both importing and exporting countries, and therefore, promoting mutual confidence in these systems, reducing or eliminating complex existing procedures, and optimizing time spent on the preparation, completion and review of the questionnaires, always with the view to determine that products and production systems provide the appropriate level of protection in order to safeguard the health of consumers and to ensure fair practices in food trade.

**6. Relevance to Codex strategic objectives**

The proposed work is directly related to the purpose of the Codex Alimentarius Commission, according to its *statutes*, to protect the health of the consumers and ensure fair practices in the food trade, as well as to the first Strategic Goal of the Codex Alimentarius Commission's Strategic Plan 2014-2019 "establish international food standards that address current and emerging food issues", and is consistent with Objective 1.2 "proactively identify emerging issues and member country needs and, where appropriate, develop relevant food standards". Further, it contributes to Activity 1.2.2 "develop and revise international and regional standards as needed, in response to needs identified by Members and in response to factors that affect food safety, nutrition and fair practices in the food trade". It is also consistent with Objective 1.3 "strengthen coordination and cooperation with other international standards-setting organizations seeking to avoid duplication of efforts and optimize opportunities."

## **7. Information on the relation between the proposal and other existing Codex documents**

The work will take into consideration the Principles and Guidelines for National Food Control Systems (CAC/GL 82-2013). The Committee may also consider annexing it to the standard or as a stand-alone document. The finalized guidelines should be read in conjunction with the Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems (CAC/GL 26-1997). Also, it should be read in conjunction with the Guidelines for Food Import Control Systems (CAC/GL 47-2003).

This list is not exhaustive and there may be other applicable documents, either from Codex or other reference bodies such as the World Organization for Animal Health (OIE) or the International Plant Protection Convention (IPPC), to take into account when appropriate.

## **8. Identification of any requirement for and availability of expert scientific advice.**

Not required.

## **9. Identification of any need for technical input to the standard from external bodies so that this can be planned for.**

The development of new work will take in consideration the collaboration of international organizations of reference in accordance with the SPS Agreement of the WTO.

## **10. Completion of the new work and other conditions**

The proposed timeline for completion of the new work includes the start date, the proposed date for adoption at Step 3 and the proposed date for adoption by the Commission. The time frame for developing a standard should not exceed a period of five years. This will be dependent on the future schedule of CCFICS meetings as the Committee is currently meeting every 18 months rather than every year.

Subject to the Codex Alimentarius Commission approval at its 38<sup>th</sup> session in 2015, it is expected that the work can be completed in three to four years with:

- Consideration at Step 3 by CCFICS 22: 2016;
- Consideration at Step 5 by CCFICS 23; and
- Adoption of the proposed Guidelines by the Commission within a period of 4 years.

**WORKSHOP ON THE BURDEN OF MULTIPLE QUESTIONNAIRES DIRECTED AT EXPORTING COUNTRIES FOR INITIATING MARKET ACCESS**

**SAN JOSE, COSTA RICA**

**DECEMBER 2013**

**Introduction**

A workshop of 45 participants from 15 countries, 1 member organization, 1 International Government Organization and 2 Non-Government Organizations was convened in San Jose, Costa Rica, on 3 and 4 December 2013. The purpose of the workshop was to exchange views and discuss the proposed new work on the burden of multiple questionnaires directed at exporting countries for initiating market access, to be considered by CCFICS in October 2014.

The workshop considered a number of presentations providing both the importing country and exporting country perspectives on the use of questionnaires in regard to the commencement and maintenance of trade.

The meeting discussed whether any redundancy, poor practices and potentially disconnected information flows existed. It was clear that some countries used tools other than questionnaires to obtain information. The workshop identified a range of issues and these are listed in the attachment.

The consensus of the workshop was that there could be substantial benefits in progressing new work on the exchange of information in relation to the initiation or maintenance of trade.

The workshop identified a number of areas listed below and in the annex which could be considered in the development of a new work by Codex, through the elaboration of a new text or the modification of an existing text by CCFICS.

**Focus of the proposed new work**

The workshop considered that a harmonized approach for the process of information exchange and a standardized approach for the content and justification of the information exchange, would be beneficial. In addition, it led the development of the ideas in this paper.

The workshop identified that requests from importing countries for information could support a variety of purposes, such as initiation of trade, maintenance of trade, pre-audit, establishment listing and specific commodity. The workshop acknowledged that there are several ways to exchange information; one such way is the use of questionnaires.

The proposal for a new work will need to clearly define the scope of any guidance that is developed, and will have to establish guidance applicable to requests, analysis or assessments, and management of information requests.

The workshop discussed that the following areas might be appropriate for development. The form of any new work may need to address, where appropriate, objective, scope, principles, key elements and other considerations.

This guidance should take into account the applicable principles from the CAC/GL 82-2013 principles and guidelines for national food control systems and CAC/GL 26-1997.

Requests for information should:

- Be directed at the relevant competent authority of the exporting country,
- Be justified as essential to the required assessment,
- Be as high level and outcome focused as possible,
- Not routinely require the exchange of commercially sensitive information,
- Utilize electronic tools as far as possible, and
- Should not duplicate information already supplied or readily available.

Consideration should also be given to the following:

- Methods of reducing unnecessary/redundant/irrelevant requests for information,
- Alternative methods or technologies to questionnaires,

- To explore methods on how to avoid duplication of requests for information, and
- Ensuring the necessary flexibility with regard to information requests to allow for the variation that exists in NFCS and/or import and export certification systems.

The assessment of information:

- Should be timely and transparent,
- Allow for an interactive process where necessary,
- Should protect sensitive information, and
- Should be outcome focused.

Elements for which information might be requested may include:

- Competent authority and legislative authority (e.g. laws, decrees, etc.),
- Administrative policies and procedures,
- Controls / requirements,
- Inspectional verification,
- Enforcement controls / programs,
- Laboratory support including sampling and analytical testing,
- Emergency response and recall including outbreak response and epidemiological programs,
- Foodborne disease surveillance and investigation systems,
- Documentation requirements,
- Training, and
- Monitoring, self-auditing and system review.

**Attachment**

Issues identified were in general as follows:

- Define what a questionnaire is
- What do we use questionnaires for? i.e. when should they be used?
- Core components of a questionnaire and how it should be used
- Commercial and proprietary information
- What is the objective of the questionnaire?
- Scope of the questionnaire (animal and plant health, food control system, establishment and/or commodity specific)
- Which is the designated competent authority when there is more than one authority involved?
- What is the appropriate channel for the exchange of information between competent authorities?
- Protocol for dealing with questionnaires (exporting country and importing country) – including how to evaluate the information contained in the questionnaire
- How do we ensure minimum repetition of questionnaires over a sustained period of time? – consideration of systems design to ensure effective use of maintained information, i.e. questionnaires and the preservation of captured information
- What is the relationship between questionnaires, audits, port of entry inspection, importer due diligence, country and establishment listings?
- Options to use other information exchange tools
- Options to simplify the burden of questionnaires
- Promote cooperation with other international organisations (FAO, OIE, IPPC)
- Delays in responding, delay in processing responses to questionnaires, never ending cycle of questionnaires – how do you get off the roundabout?
- Certainty with the commencement of trade in connection with questionnaires
- Resource demands in completing questionnaires
- Implications for existing trade where questionnaires are subsequently imposed
- Language for the questionnaire, delays in translation into the requesting country's language



**WORKSHOP ON THE BURDEN OF MULTIPLE QUESTIONNAIRES DIRECTED AT EXPORTING COUNTRIES FOR INITIATING MARKET ACCESS**

**BRUSSELS, BELGIUM**

**FEBRUARY 2014**

### **Introduction**

A workshop of 53 participants from 28 countries, 1 member organization, 2 International Government Organization and 3 Non-Government Organizations was convened in Brussels on 3 February 2014 to discuss the proposed new work on the burden of multiple questionnaires directed at exporting countries. The workshop reviewed the initial proposal and aimed to build on the development of ideas that occurred at the 20<sup>th</sup> CCFICS session in Thailand in February 2013 and the workshop held in Costa Rica in December 2013.

It was noted at the workshop as in previous discussions, that it may be appropriate to broaden the scope of the work to incorporate the concept of exchange of information in relation to the initiation or maintenance of trade. Discussions centered on how the use of questionnaires could be minimized through:

- Provision of information by other means,
- Development of standardized information that may be publicly available (e.g. on websites), and
- Review of the information that is relevant and required in particular trade initiation or maintenance situations.

The workshop confirmed that there would be significant benefits to be gained in the progression of a new work by Codex, through the development of a new text or the modification of an existing text by CCFICS. This conclusion of the Brussels workshop reaffirms those views expressed previously by a large number of countries in the Costa Rican workshop. No opposition to the progression of new work was noted in the Brussels workshop.

To assist with the development of guidelines in relation to exchange of information, the workshop split into four discussions groups who provided a number of responses to a range of questions proposed by the Chair. It is foreseen that this material will be substantially beneficial to the progression of the new work in this area.

The unedited workshop responses are as outlined below.

### ***Question 1: Three key issues of high importance to be addressed in this new work.***

#### Group 1

- Division of the information in core and non-essential information: the core information should be the focus of the questionnaires and the non-essential information should be made available by the exporter.
- Build common concepts in order to ensure clear understanding between importing and exporting countries (information management).
- Build common trust among the countries.

#### Group 2

- Questionnaire should be kept to a minimum - risk based and scientifically justified where appropriate.
- Questionnaire should not be trade restrictive (undue delay – timely manner)
- Context and main objective of the questionnaire - clear phraseology.

#### Group 3

- Ability of using existing information, something that recognizes the using of existing information.
- Focus on the national control system. Within the framework of the document of NFCS, so it can be related to the competent authority. Not particular to an establishment.
- Applicable to everybody. Interpretation must be clear to everyone.

#### Group 4

- Identify key categories of information needed (e.g. high level areas describing the country's food safety control system) to develop a skeleton doc. Could base this on the NFCS document, and include reference to address safeguarding of proprietary information.
- Guideline as to when the use of questionnaires is and isn't needed.
- Guideline could cover information exchange as a general topic with reference to questionnaires and alternatives to questionnaires (country profiles, other tools for info exchange) and address ways to identify information critical to decision making.

**Question 2: The objective of this guideline is to...**Group 1

- To reduce unnecessary burden of questionnaires while securing sufficient access to relevant information for the importing countries.
- Establish guidelines for the content and the way of information exchange between import and export competent authorities in order to facilitate trade while guaranteeing food safety (good guidelines for the exchange of information).
- To provide assistance on how to complete the questionnaires.

Group 2

- The objective of the guideline is to provide, where appropriate, importing and exporting countries competent authorities with a concise framework on which to base questionnaire relating to initiating and continuing international trade in food.

Group 3

- To clearly describe agreed common elements of information about NFCS that when necessary, can be exchanged between countries to initiate and subsequently maintain trade, and can be easily updated.

Group 4

- Provide guidance to countries on exchange of information between countries for opening or maintaining market access.

**Question 3: Scope - What do you see as the scope of work of the new document? i.e. what are the boundaries of the work to be addressed in the new guidelines? For instance, what is to be included/excluded from the new work? Does it only apply to new trade or does it relate to all areas of information exchange of importance to the importing country?**

Group 1

The group worked on the scope of how the work should be done and not in the content of the work itself. The scope of this document should include core and non-core elements of the NFCS in a way that the information provided by the exporting country to the importing country covers any information exchange prior or during existing trade.

Group 2

The scope of the document is intended for new trade only. Notwithstanding existing trade, may/should *should* be including where changes to control system within the exporting (importing?) country have occurred.

Group 3

The scope is limited to the exchange of information between the competent authorities of the importing and exporting countries in order to obtain information on the NFCS of an exporting country prior to specific product or groups of products entering the market for the first time and where appropriate prior to *the* conduct of an audit; inspection or assessment.

The guidance shouldn't require process information of establishments or specific process controls nor commercial intellectual property or trading information. Not extend to equivalence submissions.

This guideline would not prevent the exchange of information between trading partners associate with a specific problem and shouldn't replace the normal exchange of information between importers and exporters

Group 4

Decided to keep the original scope as drafted by Costa Rica with the following clarification:

The scope is limited to the appropriate and justified exchange of information between competent authorities of the importing and exporting countries in order to obtain information on the NFCS (or food import and export inspection and certification systems) of an exporting country for opening or maintaining market access for a product or group of products, and prior to conducting an audit, inspection or assessment. The scope should address the exclusion of facility information and commodity-specific information.

**Question 4: What are the two "Principles" that should be reflected in the new guideline – i.e. questionnaires should not be trade restrictive.**

Group 1

- The questionnaires should not be trade restrictive; information exchange should be transparent and focused on building confidence and facilitating trade, rather than being trade restrictive.
- Should be based on agreed concepts and common language (clarity), based on international food control standards

Group 2

- Questionnaires are not necessary when info is available to public.
- Questionnaires should only be applied when appropriate; contain only core components; be transparent; use proper phraseology.

Group 3

- All energy we put into this work should save us at least half of what we are investing now (not duplicate and repeating information already available). Countries should have appropriate systems to retain and assess the information they get.
- The information required should be system based and outcome focused, and assessed in a timely manner.
- The questions asked should be clear and easy to understand (so that they are easily translated).

Group 4

- Questionnaires should be used only in cases where information is required and is not otherwise available.
- If the information is not available by other means, information requested should be justified and pertinent for the specific purpose and should not duplicate prior exchanges.

***Question 5: What would you envisage being elaborated in the Annex (if anything)? How would you envisage a harmonized questionnaire being developed?***

Group 1

Other sources of information can be identified in the Annex.

Define core elements and the concepts that are linked to it, and then define the non-core elements.

General information covering group of products, avoiding specific commodity questions, unless health concerns are involved.

Group 2

Elaboration in Annex:

- Decision tree on when questionnaire is appropriate;
- Develop and define core components.

Group 3

- The Annex can elaborate process steps; set of questions; decision tree could be useful tools when deciding what needs to be in a questionnaire, for example, do we have information about this country and product already (to give us confidence), country profiles, OIE web site, etc. This could encourage countries to make this information available. List of benefits of making information more transparent – it saves time.
- If the country asking the questions (the importer) could describe how they achieve the objectives, this would help the exporter in responding to the questions raised.

Group 4

The annex could include a flow chart to help guide decision making as to whether a questionnaire is needed.

When needed, elements of the questionnaire should include categories of information relevant to information gathering (these categories could reflect the system design elements of the NFCS document). The annex should consider elements needed for commodity-specific risk based information gathering.