

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
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Agenda Item 5

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

Sixteenth Session

Surfer's Paradise, Queensland, Australia, 26-30 November, 2007

DISCUSSION PAPER ON THE NEED FOR GUIDANCE FOR NATIONAL FOOD INSPECTION SYSTEMS

(Prepared by Australia)

Background

1. The 15th Session of the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS) was held from 6-10 November 2006. CCFICS considered a Project Document¹ prepared by Australia that proposed a review of the terms of reference of CCFICS and subsequent development of guidelines for national food inspection systems. It was proposed that these guidelines could assist governments in the development of national food inspection procedures and practices that were consistent with import and export procedures. Existing guidelines encourage governments to base import and export inspection on international guidelines.

2. The Committee acknowledged the importance of guidance for national food inspection systems. Some delegations however, expressed the opinion that the current CCFICS Terms of Reference did not need to be modified as they were sufficiently broad to deal with aspects of national food control systems. It was also noted that some current CCFICS texts, such as the *Codex Guidelines for Food Import Control Systems* (CAC/GL 47-2003, Rev.1-2006), already cover aspects of national food control systems.

3. The Committee requested the Delegation of Australia to develop a comprehensive discussion paper identifying areas where guidance for national food inspection systems was needed and providing scope, justification and rationale for the work proposal to extend the terms of reference of CCFICS to include national food inspection systems.

4. The purpose of this paper is to;

- Examine whether existing Codex and/or CCFICS guidelines and standards provide sufficient direction for national food inspection and alignment with international standards; and
- Review the CCFICS Terms of Reference to examine whether the scope includes national food inspection systems.

¹ CRD 11 Proposal for New Work Australia

WHAT IS A NATIONAL FOOD INSPECTION SYSTEM?

5. Food inspection is defined as “the examination of food or the systems for control of food, raw materials, processing and distribution, including in-process and finished product testing, in order to verify that they conform to requirements”². National food inspection systems in the context of this paper are those systems that regulate food destined for the domestic market. The national food inspection system may incorporate a range of approaches, for example, a single authority for food inspection, sector based systems, regional approach and/or official recognition of inspection and certification agencies.

6. This discussion paper addresses the need for CCFICS to develop guidelines to assist in the implementation of national food inspection system infrastructure that may cover:

- Legislation
- Food safety management programs
- Inspection and enforcement
- Laboratories and other facilities

AREAS OF GUIDANCE FOR NATIONAL FOOD INSPECTION SYSTEMS

World Trade Organisation

7. The World Trade Organisation (WTO) Sanitary and Phytosanitary (SPS)³ (Article 2.3) and Technical Barriers to Trade (TBT) (Article 2.1)⁴Agreements stipulate that importing country authorities cannot impose sanitary measures or technical regulations on imported food that are more stringent than those imposed on domestically produced food. It also encourages members to establish national food inspection measures consistent with international standards. In the case of the SPS Agreement Codex is identified as the reference point for international standards.

CODEX - CCFICS

8. To provide guidance on the implementation of import and export food inspection, CCFICS has produced texts such as *Guidelines for Food Import Control Systems* (CAC/GL 47-2003, Rev.1-2006) and *Principles for Food Import and Export Inspection and Certification* (CAC/GL 20-1995) which operate in conjunction with *Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems* (CAC/GL 26-1997). These texts do not however specifically address the implementation of national food inspection systems.

9. The *Principles for Food Import and Export Inspection and Certification* (CAC /GL 20 1995)⁵ and *Guidelines for Import Food Control Systems* (CAC/GL 47-2003, Rev.1-2006)⁶, state that the

² CAC/GL 20-1995

³ Members shall ensure that their sanitary and phytosanitary measures do not arbitrarily or unjustifiably discriminate between Members where identical or similar conditions prevail, including between their own territory and that of other Members. Sanitary and phytosanitary measures shall not be applied in a manner which would constitute a disguised restriction on international trade.

⁴ Members shall ensure that in respect of technical regulations, products imported from the territory of any Member shall be accorded treatment no less favourable than that accorded to like products of national origin and to like products originating in any other country.

⁵ Countries should ensure that they avoid arbitrary or unjustifiable distinctions in the level of risk deemed to be appropriate in different circumstances so as to avoid discrimination or a disguised restriction on trade.

⁶ As far as possible, requirements should be applied equally to domestically produced and imported food. Where domestic requirements include process controls such as good manufacturing practices, compliance may be determined or equivalence confirmed by auditing the relevant inspection and certification systems and, as appropriate, the facilities and procedures in the exporting country. (Guidelines for the design, Operation,

requirements for imported food should be consistent with requirements for domestic food, and that implementation should ensure that the level of protection achieved is consistent with that for domestic food.

10. While these CCFICS texts refer to the desirability of consistent national and imported food control measures, guidance is limited to the implementation of food control measures for imports or exports. There is no direct reference that deals specifically with the implementation a nationally integrated food inspection system.

Other CODEX texts

11. Codex has produced many sector specific guidelines and commodity standards that cover horizontal matters such as hygienic practice in production of food, e.g. *Recommended International Code of Practice – General Principles of Food Hygiene* (CAC/RCP 1-1969, Rev. 4-2003), and vertical commodity specific standards addressing more prescriptive elements such as compositional requirements, e.g. *Standard for Cheese* (Codex Standard A-6-1978, Rev.1-1999, Amended 2006).

12. The Code of Hygienic Practice is directed at the food production industry and provides minimal guidance from the perspective of implementation of a regulatory system. While the commodity standards may be directed at governments as well industry they do not provide guidance on the implementation from a regulatory context.

13. It may be useful, particularly to developing national governments, to provide a framework or guidance on the integration of these disparate texts into a regulatory system for the domestic food supply.

14. The development of guidelines for national food inspection systems, the equivalent of *Guidelines for Food Import Control Systems* (CAC/GL 47-2003, Rev.1-2006), and *Principles for Food Import and Export Inspection and Certification* (CAC /GL 20 1995) ⁷ may assist members, particularly developing countries, in achieving national food safety objectives whilst retaining compliance with international obligations.

CCFICS Terms of Reference⁸

- to develop principles and guidelines for food import and export inspection and certification systems with a view to harmonising methods and procedures which protect the health of consumers, ensure fair trading practices and facilitate international trade in foodstuffs;
- to develop principles and guidelines for the application of measures by the competent authorities of exporting and importing countries to provide assurance where necessary that foodstuffs comply with requirements, especially statutory health requirements;
- to develop guidelines for the utilisation, as and when appropriate, of quality assurance systems to ensure that foodstuffs conform with requirements and to promote the recognition of these systems in facilitating trade in food products under bilateral/multilateral arrangements by countries;
- to develop guidelines and criteria with respect to format, declarations and language of such official certificates as countries may require with a view towards international harmonization;
- to make recommendations for information exchange in relation to food import/export control;
- to consult as necessary with other international groups working on matters related to food inspection and certification systems; and

Assessment and accreditation of Food Import and Export Inspection and certification Systems CAC/GL 26-1997)

⁷ Countries should ensure that they avoid arbitrary or unjustifiable distinctions in the level of risk deemed to be appropriate in different circumstances so as to avoid discrimination or a disguised restriction on trade.

⁸ Codex Alimentarius Commission, Procedural Manual 15th Edition page 132 - 133

- to consider other matters assigned to it by the Commission in relation to food inspection and certification systems.

15. The wording of the terms of reference of CCFICS, in particular “to develop principles and guidelines for food import and export inspection and certification systems with a view to harmonising methods and procedures which protect the health of consumers, ensure fair trading practices and facilitate international trade in foodstuffs” is focused on import and export inspection and certification systems. The Committee has subsequently developed a number of guidelines on import and export inspection systems. While it is possible these texts also relate indirectly to national systems, there is no Codex text that directly references the method by which national food inspection programs may be applied to integrate existing Codex text and ensure consistency with international standards and with imported food inspection systems.

16. The *Guidelines for Import Food Control Systems* (CAC/GL 47-2003, Rev.1-2006), developed under the existing terms of reference, does state however that the requirements for imported food should be consistent with requirements for domestic food, and that implementation should ensure that the level of protection achieved is consistent with that for domestic food. Given that national inspection systems should be the basis against which import measures are determined, and with the CCFICS terms of reference including the scope and operation of food import and export inspection and certification systems, it follows that the CCFICS terms of reference indirectly refers to national food inspection measures.

17. The mandate of the CCFICS terms of reference to “develop principles and guidelines for the application of measures by the competent authorities of exporting and importing countries to provide assurance where necessary that foodstuffs comply with requirements, especially statutory health requirements” may also provide CCFICS with the means to address domestic food inspection procedures. While several such guidelines and standards, the *Recommended International Code of Practice – General Principles of Food Hygiene* (CAC/RCP 1-1969, Rev. 4-2003) and the *Principles for the Establishment and application of Microbiological Criteria for Foods* (CAC/GL 21 1997) have been introduced by other Codex Committees, it could be argued that further systems/procedures need to be developed to assist in the implementation of these Codex norms when developing national systems.

18. The terms of reference of CCFICS include “*other matters assigned to it by the Commission in relation to food inspection and certification systems*”. If CCFICS determines that development of food inspection guidelines should be developed it could seek endorsement from CAC and in doing so meet its terms of reference.

Recommendations

19. While Codex has developed many Standards, Guidelines and Codes of Hygienic Practice, there are few texts that specifically deal with the implementation of national food inspection procedures. The Committee is invited to consider these issues:

20. Whether there is benefit in developing principles and guidelines for national food inspection systems.

21. Whether CCFICS is the appropriate Committee to conduct this work, and if so:

i) Whether the current terms of reference provide scope for this work; or

ii) Revision of the terms of reference if CCFICS considers work should proceed and the existing ToRs are insufficient.

22. The Committee is invited to consider the Project Document at Attachment 1.

ATTACHMENT 1

Project Document

Proposal for New Work to Develop Guidelines for National Food Inspection Systems

Prepared by: AUSTRALIA

Purposes and scope of the proposed standard

The purpose is to prepare guidelines for implementation of national food inspection systems that may assist governments develop systems that contribute to the protection of the health of their populations and meet international obligations.

Should CCFICS consider the proposed work to be justified, the Committee should assess whether the existing Terms of Reference (ToR) of CCFICS provide scope for the task. CCFICS may need to conduct a review of the ToR if these are insufficient.

Its relevance and timeliness

While Codex and CCFICS have produced several standards for food production and hygiene, there are limited publications providing guidance on the implementation of these guidelines and standards to create a national food inspection system that protects public health and meets international obligations.

The existing CCFICS guidelines are narrowly focused on import and export inspection and certification systems however:

- Food is primarily prepared and inspected for the purposes of domestic consumption;
- Many countries directly adopt Codex documents into their domestic regulations
- There is little guidance available on the implementation of Codex or other international standards.

The main aspects to be covered

Australia proposes the development of guidelines for national food inspection systems, that add to the information provided in *Guidelines for Food Import Control Systems* (CAC/GL 47-2003), *Principles for Food Import and Export Inspection and Certification* (CAC /GL 20 1995) and *Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems* (CAC/GL 26-1997).

Australia proposes that should CCFICS agree in principle to the development of such guidelines that the work be covered by:

- Assessment and if necessary, revision of the ToRs for the Committee
- Examination of existing CCFICS (and Codex texts) to identify areas where further guidance is required in relation to national inspection. Drafting proposed guidelines that deal with policy and infrastructure required for implementation of a domestic food inspection system as detailed below.

An assessment against the *Criteria for the Establishment of Work Priorities*

The proposal is consistent with the criteria as follows:

Diversification of national legislations and apparent resultant or potential impediments to international trade:

While Codex has produced several standards for food production and hygiene, there are limited publications providing guidance on national food inspection. The proposed guidelines would provide guidance on the consistent implementation of national food inspection measures and alignment with international standards to the benefit of both exporting and importing countries and international trade.

Scope of work and establishment of priorities between the various sections of work:

The development of these guidelines will provide a framework or guidance on the integration of existing Codex texts into an integrated national food inspection system.

The scope of the work may also involve a review of the ToR of CCFICS to determine whether the current terms of reference provide scope for this work and/or a revision of the ToRs if these are insufficient

Work already undertaken by other international organizations in this field and/or suggested by the relevant international intergovernmental body (ISO):

Not applicable.

Relevance to Codex Strategic Objectives

The proposal is consistent with Goal 1 Promoting Sound Regulatory Frameworks of the Codex Strategic Plan 2008-2013 which states:

- In strengthening the strategic focus of Codex in the development of standards and related texts based on risk and performance for broad application across a range of commodities, the CAC must give priority to establishing a coherent and integrated set of food standards covering the entire food chain. Such an approach can serve as a model for the members of the CAC to pursue food regulatory systems that provide consumers with safe food and ensure fair practices in the food trade

The work will benefit developing countries by providing them with the necessary tools to ensure their national systems are consistent with international standards and may also encourage the application of Codex standards.

Information on the relation between the proposal and other existing Codex documents

CCFICS has produced texts such as *Guidelines for Food Import Control Systems* (CAC/GL 47-2003) and *Principles for Food Import and Export Inspection and Certification* (CAC/GL 20-1995) which operate in conjunction with *Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems* (CAC/GL 26-1997) to provide guidance on the implementation of import and export food inspection. The proposed guidelines will complement the existing texts and specifically address the implementation of national food inspection systems.

Identification of any requirement for and availability of expert scientific advice

None required

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

None required

The proposed timeline for completion of the new work, including the start date, the proposed date for adoption at Step 5, and the proposed date for adoption by the Commission; the time frame for developing a standard should not normally exceed five years

Subject to Commission approval at its 31st session in 2008, it is expected that the work can be completed in two to three years with:

- commencement of work and consideration of a scope for the consolidated text by 16 CCFICS in 2007
- consideration at Step 3 by CCFICS 17 in 2008
- consideration at Step 5 by CCFICS 18 in 2009
- adoption of the proposed Guidelines by the Commission in 2010.