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INTERNATIONAL FOOD STANDARDS



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GUIDELINES FOR THE EXCHANGE OF INFORMATION BETWEEN COUNTRIES ON REJECTIONS OF IMPORTED FOOD

CAC/GL 25-1997

Adopted in 1997. Revision: 2016.

1. INTRODUCTION¹

The following guidelines provide the basis for structured information exchange on rejections of imported food where the reason for the rejection is related to food safety and fair practices in food trade.

These guidelines apply where food has been refused entry to a country due to a failure to comply with importing country requirements. Where a food safety emergency situation² has been identified, the *Guidelines for the Exchange of Information in Food Safety Emergency Situations* (CAC/GL 19-1995) should be used.

The use of these guidelines is intended to improve transparency where food is rejected and to build on:

- the *Principles for Food Import and Export Inspection and Certification* (CAC/GL 20-1995), in particular the transparency provisions contained in paragraph 15 of the Principles
- the *Guidelines for Food Import Control Systems* (CAC/GL 47-2003), in particular the decisions and information exchange provisions contained in paragraphs 27-29 and 34 of the guidelines respectively.

2. GENERAL CONSIDERATIONS

Rejections may occur where the competent authority of the importing country has identified that the consignment does not comply with importing country requirements, which may include:

- evidence the consignment presents a food safety risk
- evidence that the consignment has been compromised during handling, storage or transport
- evidence of misrepresentation or consumer fraud.

When the competent authority rejects a consignment of food presented for importation due to non-compliance with importing country requirements, information should be exchanged to advise relevant parties of the rejection, to enable relevant parties to attain any necessary clarifications, and where appropriate implement corrective and preventative measures.

Where appropriate, information should be provided to the competent authority of the exporting country (or embassy if the competent authority is not known) and the importer and/or exporter of the rejected consignment.

Where appropriate, the competent authority of the exporting country should have reasonable access to the evidence found by the importing country, so as to be able to investigate the cause of the non-compliance and implement and manage any corrective actions as required.

If requested, the competent authority in the exporting country should provide the competent authority in the importing country with information on the outcome of the necessary investigations and corrective actions taken.

Based on the information provided, in accordance with the importing country's legislation, the importer and/or exporter, in consultation with the competent authority of the importing and exporting countries as appropriate, may determine what action to take³.

Where there is evidence of repeated failures of a correctable nature that are not associated with food safety (e.g. labelling errors, mislaying of documents) or there have been systematic failures, the competent authority in the importing country may also make appropriate notification to the competent authority in the exporting country, either periodically or upon request.

Bilateral discussions should take place as necessary between the competent authorities of the importing and exporting countries regarding information of rejected food.

As far as possible, importing countries should minimise restrictions on the disclosure to exporting countries of information on rejected foods.

¹ For the purposes of these guidelines, food shall be taken to include feed for food producing animals where the reason for the rejection is related to food safety.

² A food safety emergency is defined in CAC/GL 19-1995 as a situation, whether accidental or intentional, that is identified by a competent authority as constituting a serious and as yet uncontrolled foodborne risk to public health that requires urgent attention.

³ As described in paragraphs 27-29 of the *Guidelines for Food Import Control Systems* (CAC/GL 47-2003)

To enable FAO and WHO to assist exporting countries in their efforts to meet the requirements of importing countries, information on rejections of imported food should be made available to FAO and WHO if their assistance is requested by an exporting country.

3. DETAILED INFORMATION

Information exchange should be:

- transmitted electronically to all relevant parties wherever possible
- transparent, structured and timely to ensure rapid resolution and so alternative actions may be taken wherever possible
- made in the language of the importing country, English or a third language, as mutually agreed.

The reason(s) why a consignment of food has been rejected should be clearly stated and reference should be made to the regulations or standards which have been contravened. A clear description of the criteria for rejection should be provided to ensure transparency. Details on the type of information to exchange are provided in Annex 1.

Where a consignment is rejected on the basis of analysis performed in the importing country, the competent authority of the importing country should make available, upon request, details of the sampling and analytical methods employed, the results obtained and the details of the testing laboratory.

Where the level of a contaminant has been found to be above the maximum permitted level, the contaminant should be specified, together with the level found and the maximum permitted level. In the case of biological contamination or contamination by biological toxins, where no maximum level has been fixed, the identity of the organism or toxin should be given as specifically as possible, and as appropriate, the level of contamination found.

Contraventions of regulations on food additive or compositional standards should be specified.

Some countries accept certain foods (e.g. fresh meat) only from specifically approved establishments in the exporting country. If such foods are refused entry because of evidence that they come from such an establishment is lacking or incomplete, this should be stated.

STANDARD FORMAT FOR EXCHANGE OF INFORMATION BETWEEN COUNTRIES ON REJECTIONS OF IMPORTED FOOD

The following information should be provided by countries in relation to rejections of imported food, as available and appropriate to the circumstances.

Identification of the food concerned

The foods concerned should be described as completely as possible. If available, the following information should be provided:

- Description and quantity of product
- Harmonized System (HS) code of the product
- Type and size of package
- Lot identification (number, production date, etc.)
- Container number, bill of lading or similar transportation details
- Other identification stamps, marks or numbers
- Certificate number (if applicable) and a copy of the certificate if applicable
- Name and address of manufacturer, producer, seller and/or exporter, establishment number

Importation details

Information on the following should be provided:

- Exporter name and contact information
- Importer name and contact information
- Container and shipping details, including port of origin and destination
- Date presented for entry

Details of rejection, decision

Information about the decision to refuse importation should be provided including:

- Whole/part of (specify) consignment rejected
- Name and address of competent authority making decision to reject
- Date of decision
- Name and address of competent authority which can provide more information on reason for rejection

Reason(s) for rejection

The reasons for rejection must be specified and supporting evidence provided as appropriate. The reason for rejection may include:

- Biological/microbiological contamination
- Chemical contamination (heavy metals, etc.)
- Pesticide or veterinary drug residues
- Radionuclide contamination
- Incorrect or misleading labelling
- Compositional defect
- Non-conformity with food additive requirements
- Organoleptic quality unacceptable
- Noncompliance of temperature requirements
- Technical or physical defects (e.g. packaging damage)

- Incomplete or incorrect certification
- Does not come from an approved country, region or establishment
- Food adulteration
- Other reasons

Action taken

Information on action taken should be provided, such as:

- Food destroyed
- Food held pending reconditioning/rectification of deficiencies in documentation
- Import granted for use other than human consumption
- Re-export granted under certain conditions, e.g. to specified informed countries
- Importer notified
- Embassy/food control authorities of exporting country notified
- Authorities in other likely destination countries notified
- Other