

codex alimentarius commission

FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD HEALTH
ORGANIZATION

JOINT OFFICE: Via delle Terme di Caracalla 00100 ROME Tel.: 57971 Telex: 625852-625853 FAO I Cables: Foodagri Rome Facsimile: (6) 57973152-5782610

ALINORM 93/30

JOINT FAO/WHO FOOD STANDARDS PROGRAMME
CODEX ALIMENTARIUS COMMISSION
Twentieth Session
Geneva, 28 June - 7 July 1993

REPORT OF THE FIRST SESSION OF THE
CODEX COMMITTEE ON FOOD IMPORT AND EXPORT
INSPECTION AND CERTIFICATION SYSTEMS
Canberra, Australia, 21-25 September 1992

N.B.: This report incorporates Codex Circular Letter CL 1992/26-FICS.

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CX 4/70.2

CL 1992/26-FICS
October 1992

TO: - Codex Contact Points
- Interested International Organizations
- Participants at the First Session of the Codex Committee on
Food Import and Export Inspection and Certification Systems

FROM: Secretary, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, FAO, Via delle Terme di Caracalla, 00100 Rome, Italy

SUBJECT: Distribution of the Report of the First Session of the Codex Committee on Food Import and Export Inspection and Certification Systems (ALINORM 93/30)

The report of the First Session of the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS) is attached. It will be considered by the Twentieth Session of the Codex Alimentarius Commission, to be held in Geneva from 28 June to 7 July 1993.

Secretariat Note: In view of the extensive discussions held at the First CCFICS Session when drafting the Principles for Food Import and Export Inspection and Certification, and in consideration of the importance of these matters to the future work of the Committee, the Committee decided to submit this item, together with any comments received, directly to the Commission so that it may be adopted at the earliest opportunity. Governments and interested international organizations are invited to comment on the General Principles as directed under PART A below.

PART A: MATTERS FOR ADOPTION BY THE COMMISSION

1. Draft Terms of Reference, para. 34 and Appendix 2, ALINORM 93/30;
2. Draft Principles for Food Import and Export Inspection and Certification; para. 51 and Appendix 3, ALINORM 93/30, (see box above).

Governments wishing to propose amendments or to comment on the above draft Terms of Reference or Principles for Food Import and Export Inspection and Certification should do so in writing in conformity with the Guide to Consideration of Codex Standards (see Codex Alimentarius Procedural, Seventh Edition) to the Chief, Joint FAO/WHO Food Standards Programme, FAO, Via delle Terme di Caracalla, 00100 Rome, Italy, not later than 31 May 1993.

PART B: REQUEST FOR COMMENTS AND INFORMATION

1. Contacts for Food Import Control Agencies (para. 69, ALINORM 93/30)

The Committee agreed that government comments would be requested on the list of contacts for food import control agencies (see Attachment 3, CX/FICS 92/9) with a view towards its further development.

2. Legal Instruments Related to Certification (para. 66, ALINORM 93/30)

The Committee agreed that Codex member countries should circulate copies, summaries or abstracts of relevant national legislation, regulations or other legal instruments related to certification to other Codex Contact Points as a matter of information exchange.

Governments and international organizations wishing to submit comments and information on the above matters are invited to do so not later than 31 May 1993 and as directed below:

For Point B1:

Mr. Digby Gascoine
Director
Food Inspection Division
Australian Quarantine and Inspection Service
G.P.O. 858
Canberra ACT 2601
Australia

For Point B2:

To other Codex Contact Points as listed in CL 1992/7-CCP List and CL 1992/10-CCP List.

In addition, please forward a copy of the comments to: Chief, Joint FAO/WHO Food Standards Programme, FAO, Via delle Terme di Caracalla, 00100 Rome, Italy.

SUMMARY AND CONCLUSIONS

The First Session of the Codex Committee on Food Import and Export Inspection and Certification Systems reached the following conclusions during its deliberations:

Matters for Consideration by the Commission

- agreed to submit the revised draft Terms of Reference to the Commission for adoption (para. 34);
- agreed to notify the Commission that in view of the Committee's extensive programme of future work, it would more than likely occupy it for more than one further Session (para. 76);
- agreed to append draft principles for food import and export inspection and certification to its report for additional comment and to present both the principles and comments received to the Commission with a view to their accelerated adoption. This decision was taken in view of the extensive discussions held at the meeting when drafting the principles and in consideration of their importance to the future work of the Committee (para. 51);

Other Matters of Interest to the Commission

- agreed that close collaboration would be maintained with the Codex Committee on General Principles in regard to those aspects of the Codex Code of Ethics for International Trade in Foods dealing with certification and inspection systems (para. 19);
- did not endorse the proposal of the Coordinating Committee for Latin America and the Caribbean that a system of certification services be established by Codex for member countries or that a Codex symbol or mark be established to indicate conformity with Codex standards or codes (para. 33);
- agreed that matters related to codes of practice and related texts for food laboratory practices, including analytical quality assurance and proficiency programmes, were the responsibility of the Codex Committee on Methods of Analysis and Sampling working in cooperation with other international organizations competent in this field (para. 23);
- agreed that the proposed draft principles for food import and export inspection and certification included requirements for products produced under specified religious requirements as well as their generic application to the certification of organically/biologically produced foods or processes such as food irradiation (para. 50);
- decided to consider the development of objective criteria for assessing the competence of inspection and certification systems and the development of procedures for the accreditation of food inspection and certification bodies, while taking account of guidance and procedures elaborated by other international bodies (paras. 56);

SUMMARY AND CONCLUSIONS (Cont.d)

- encouraged interested governments to identify their priorities in regard to assistance in the area of import/export inspection through FAO and WHO with a view towards increasing this support (para. 60);
- noted that the development of model legislation for government certification systems probably fell outside the scope of the Codex programme and therefore, decided not to commence with the elaboration of such legislation (para. 65);
- agreed that member countries should circulate copies, summaries or abstracts of relevant national legislation, regulations or other legal instruments related to certification to other Codex Contact Points as a matter of information exchange (para. 66);
- agreed to develop, at a future session, indicative guidelines for the application of quality assurance systems based on the ISO 9000 Series, HACCP and the FAO Manuals of Food Quality Control (para. 66);
- agreed that government comments would be requested on the list of contacts for food import control agencies with a view towards its further development (para. 69);
- agreed that guidelines should be developed for the exchange of information on rejections, including the reasons for rejection and the notification of potential transshipment to ports where controls may not be adequate (para. 70);
- agreed to elaborate guidelines for informative exchange in food control emergency situations such as cholera outbreaks (para. 72);
- agreed to request the Secretariat through the Commission to develop a link with the UNECE Working Party on Facilitation of International Trade Procedures due to the importance of electronic information exchange systems in facilitating international trade (para. 74), and
- agreed on its future programme of work, with the understanding that for the time being, all of the items would be of equal priority (para. 76);

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INTRODUCTION

1. The Codex Committee on Food Import and Export Inspection and Certification Systems held its First Session in Canberra from 21 to 25 September 1992, at the kind invitation of the Government of Australia. The Session was chaired by Mr. Digby Gascoine, Director, Food Inspection Division, Australian Quarantine and Inspection Service. It was attended by 149 participants from 25 countries and 8 international organizations. A complete list of participants, including members of the Joint FAO/WHO Secretariat, is given in Appendix 1.

OPENING OF THE SESSION (Agenda Item 1)

2. The Session was opened by Dr. Geoffrey Miller, Secretary of the Department of Primary Industries and Energy, who welcomed Delegates and Observers on behalf of the Minister for Primary Industries and Energy, the Honourable Simon Crean, MP, and the Government of Australia. Dr. Miller stressed the importance of the primary objectives of Codex: protection of consumers' health and the promotion of fair trade in food. He noted that success in achieving these objectives was important to Australia as well as to all developing and industrialised countries, and to humanity.

3. Dr. Miller noted Australia's long period of commitment to the Codex Programme and to the international work of FAO and GATT. He stressed that the successful conclusion of the Uruguay Round of Multilateral Trade Negotiations was essential to the future of the world economic system. He also noted that the Codex Alimentarius Commission was largely an unheralded organization which had already achieved a great deal for human health and world trade. The work of Codex would be greatly magnified when the concluded GATT negotiations completed the bridge between the professional organizations such as Codex, OIE and the IPPC, and the body of international law embodied in the GATT, which underpins the world trading system. The development and operation of food inspection and certification systems of the highest standards of professional integrity must be an essential part of world food trading strategies. By harmonizing inspection and certification systems on the basis of sound professional principles, Dr. Miller stated, the Committee would lay the basis for the foundation of trust between trading partners which was essential to enhance world trade whilst at the same time improving human health and hygiene. By strengthening the Codex system, the Committee would improve the capacity to operate with the GATT system and provide a new and historic basis for the advancement of world food and agriculture.

4. The Secretary of the Codex Alimentarius Commission, Mr. Richard J. Dawson, speaking on behalf of the Directors-General of FAO and WHO, thanked the Government of Australia and the Department of Primary Industries and Energy in particular for its generous support of the Codex Programme by hosting the Committee. He outlined the developments which had led to the establishment of the Committee, particularly the recognition of the problems faced by exporting developing countries in meeting the requirements of importing countries and the obvious cost savings to all parties which mutual recognition of certification procedures would mean. Countries had also recognised that the development of detailed commodity-specific standards was no longer an appropriate strategy for the facilitation of international trade in foods, and that emphasis needed to be placed on general standards, particularly in sensitive areas such as food additives, contaminants and hygiene. The 18th Session of the Commission, recognizing the importance of these issues and the parallel developments taking place within the Uruguay Round of Multilateral Trade Negotiations had requested FAO and WHO to convene an international conference to develop new strategies and priorities for FAO, WHO and the Joint FAO/WHO Food Standards Programme. This hugely successful Conference had met in March 1991, and among its recommendations was the establishment of a new Codex Committee to develop mutual international recognition of food import and export inspection and certification systems, and to harmonize national approaches in this area.

5. Mr. Dawson concluded by reiterating FAO's and WHO's appreciation of Australia's generous support, and wished the Committee every success in its work.

6. Professor F.G. Winarno, Chairman of the Codex Alimentarius Commission, thanked the Government of Australia for its outstanding contributions and efforts towards the work of Codex, especially as related to the convening of the first session of the Codex Committee on Import and Export Food Certification and Inspection Systems.

7. Professor Winarno noted with great satisfaction the interest and input of developing country governments in the activities of the Committee, especially as related to the facilitation of international trade, the establishment of food import and export control systems, and in the interest of avoiding technical barriers to food trade. He hoped that the establishment of regional groupings in Asia and the Pacific as well as in North America should be noted and considered as significant. However, he also hoped that free trade zones would not become exclusive regional blocs, but would instead serve as stepping stones to a global system of free trade in an integrated world economy. The prospect of an eventual merger between them should be welcomed.

8. Professor Winarno looked forward to receiving a report on the successful outcome of the Committee's deliberations at the forthcoming 20th Session of the Codex Alimentarius Commission in June 1993, and thanked the Government of Australia for its generous assistance towards this end.

9. Mr. Gardner Murray, the Executive Director of the Australian Quarantine and Inspection Service, which provided the host government Secretariat, welcomed delegates to Canberra and wished the Committee success in its deliberations. Dr. Murray emphasised the importance of the Codex mechanism and also the need for it to do its work with maximum efficiency and speed. He looked forward to the exchange of experiences and the sharing of information about approaches to inspection and certification systems which the Committee would encourage.

ADOPTION OF THE AGENDA (Agenda Item 2)

10. The Committee agreed to adopt the Provisional Agenda (CX/FICS 92/1) as proposed, with the understanding that discussions concerning the Identification of Work Priorities (Agenda Item 7) would take place under Future Work (Agenda Item 11 (a)). The Committee also agreed that the subject of Guidelines on Organically/Biologically Produced Foods would be discussed under Agenda Item 6, Terms of Reference (see para. 50).

MATTERS OF INTEREST ARISING FROM THE CODEX ALIMENTARIUS COMMISSION AND OTHER CODEX COMMITTEES (Agenda Item 3)

11. The Committee had before it document CX/FICS 92/2 concerning matters arising from the 19th Session of the Codex Alimentarius Commission and other Codex Committees, and document CX/FICS 92/2-Add.1 on matters arising from the 39th Session of the Executive Committee. The Secretariat also provided a verbal summary of those matters arising from the most recent 10th Session of the Codex Committee on General Principles.

12. The Committee, while noting that most of those issues highlighted in the documents were scheduled for discussion elsewhere, focused its comments on the following matters.

- Establishment of a Committee to Deal with Export/Import Control

13. The Committee noted that the Commission had decided to establish a subsidiary body to consider matters of import/export inspection and certification and that it would be essential to review the need for the

Committee's continuing activity after two sessions (paras. 82-86, ALINORM 91/40).

14. In response to a request from the delegation of the United Kingdom to further clarify the Committee's future status, it was agreed to decide this issue at the termination of plenary discussions under Agenda Item 11 (a) (Future Work).

- Code for the Control and Inspection of Tropical Fresh Fruits and Vegetables

15. The Committee, while noting that the Codex Committee on Tropical Fresh Fruits and Vegetables was currently elaborating the subject Code, agreed with the Delegation of Mexico as to the importance of circulating Codex documents in a timely manner to allow for adequate input by all interested parties.

16. The Secretariat agreed to keep the Committee advised of future developments concerning this issue.

- Cholera

17. The Committee, while noting that the Codex Committee on Food Hygiene was elaborating guidance on actions to be taken in an emergency such as a cholera outbreak, agreed that guidance on rapid information exchange in emergency situations would be discussed under Agenda Item 10 (a), Information Exchange on Import/Export Problems, (see paras. 71-72).

- Terms of Reference for the Codex Committee on Methods of Analysis and Sampling

18. The Committee was informed that the Codex Committee on General Principles had proposed a revision of the terms of reference for the Codex Committee on Methods of Analysis and Sampling which included special reference to proficiency testing. The Committee on General Principles had concluded that programmes of laboratory accreditation, while relevant to many aspects of the Commission's work, were adequately handled by other organizations, and fell outside the Commission's mandate.

- Code of Ethics for International Trade in Foods

19. The Committee on General Principles, noting that a number of aspects of certification and inspection systems were included in the Code of Ethics for International Trade in Foods, had requested that close liaison be maintained between both Committees. The Committee agreed that close collaboration would be maintained through the Secretariat.

TERMS OF REFERENCE OF THE COMMITTEE (Agenda Item 4)

20. The Committee had before it documents CX/FICS 92/3, prepared by the Secretariat, and CX/FICS 92/3 - Addendum 1 (Conference Room Document 3) containing comments received from the governments of Canada, New Zealand and the United States. The Committee recalled that draft terms of reference had been prepared by the Secretariat for submission to the 19th Session of the Codex Alimentarius Commission (ALINORM 91/10, Appendix II) on the basis of the recommendations of the FAO/WHO Conference on Food Standards, Chemicals in Food and Food Trade. The Commission decided that the Committee should review the proposed draft terms of reference and make recommendations to the Commission for consideration. At the same time, the Commission requested the Committee to examine the proposal of the Regional Coordinating Committee for Latin America and the Caribbean that a system of certification services be established by the Codex Alimentarius Commission and made available to Member countries, and that a

characteristic Codex symbol or mark be established to indicate conformity with Codex standards and Codes (see paras. 82-86 and 127-128, ALINORM 91/40).

21. The proposed draft Terms of Reference contained in paragraph 6 of CX/FICS 92/3 were used as the basis for the Committee's discussions. Several delegations were of the opinion that the proposed mandate of the Committee was still too broad and too ambitious. Concern was expressed that some aspects of the proposed draft terms of reference were too intrusive into matters which rightly remained the responsibility of sovereign national governments, or overlapped with the responsibilities of other Codex Committees or other international organizations working in the same or related fields. Some delegations felt that the proposed terms of reference were too prescriptive, especially for developing countries. Other delegations stated that it was also necessary for the Committee to focus clearly on the need for inspection and certification systems to facilitate trade without duplicating the work of other Committees or organizations. A number of delegations were also concerned that the proposed draft terms of reference seemed to emphasize the commercial quality aspects of inspection and certification rather than health and safety issues which were of greater priority to the Commission's overall work.

22. The Committee agreed that its principle responsibility should be to develop principles and guidelines for food inspection and certification systems with a view to harmonizing methods and procedures that protect the health of consumers, ensure fair trading practices and facilitate international trade in foodstuffs.

23. In regard to the proposal contained in CX/FICS 92/3 (para. 6 (b)) that the Committee should develop codes of practice and related texts for food laboratory practices including analytical quality assurance and proficiency programmes, the Committee agreed that these matters were the responsibility of the Codex Committee on Methods of Analysis and Sampling working in cooperation with other international organizations competent in this field. It therefore decided that no reference should be made in the Terms of Reference to such matters.

24. The Committee was concerned that proposals to develop recommendations on administrative practices to ensure compliance with regulations or standards (CX/FICS 92/3, para. 6 (c)) could be intrusive on the rights of sovereign governments, and noted the reservation of the Delegation of France in this respect. However, the Committee recognized that Codex principles and guidelines would be needed for the application of measures by the competent authorities of exporting and importing countries to provide a basis for assurance that foodstuffs complied with requirements, and agreed to include a statement in the draft Terms of Reference to this effect. The Committee noted that the establishment of recommendations in this area should also be consistent with the Code of Ethics for International Trade in Foods (CAC/RCP 20-1979, Rev. 1 (1985), Article 7.1).

25. The Committee noted that both the FAO/WHO Conference on Food Standards, Chemicals in Food and Food Trade and the 19th Session of the Codex Alimentarius Commission had encouraged the Committee to recognize and set out principles for the application of quality assurance systems such as the ISO 9000 Series. The Committee was concerned that differing interpretations of terms such as "quality assurance" could lead to confusion in its future work and in international trade. It therefore agreed that one of its early priorities would be to establish a Glossary of Terms based on internationally accepted definitions. It also agreed that the ISO definition of "quality assurance" be included in a footnote to the proposed statement that the Committee would develop guidelines for the application of quality assurance systems to ensure that foodstuffs conformed with requirements. It also agreed that the Committee should promote the recognition of these systems in facilitating trade in food products under bilateral/multilateral arrangements by countries.

26. In proposing this statement in its Terms of Reference, the Committee noted the concerns of several delegations and the Observer of the EEC that a clear distinction needed to be made between the actions taken on a voluntary basis by enterprises to establish quality assurance programmes to ensure the quality of food products, and the actions taken by the competent authorities in member countries to ensure that food inspection systems met appropriate performance criteria. The Committee noted that the ISO definition for quality assurance covered both situations.

27. In the course of the discussion on a proposed text which would indicate that quality assurance could be used as the basis of international certification, the Delegation of France and the Observer from the EEC, supported by several other delegations, expressed their strong reservations about the implications of such a statement and its inclusion in the Terms of Reference. Although the Delegation of the USA stated that there was merit in retaining the statement, the Committee agreed not to include it in the draft Terms of Reference. The Committee noted that by promoting the recognition of quality assurance systems, it would also be encouraging their use in relation to international certification, without stating that such systems would be the basis of international certification programmes.

28. The Committee agreed that it would be appropriate for it 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 harmonisation (see also CX/FICS 92/3, para. 6 (e)). The Committee agreed that when preparing such guidelines consideration would have to be given to the appropriateness of recommending the use of certification systems except for certain defined situations.

29. The Committee agreed that its Terms of Reference should include a statement on recommendations for information exchange in relation to food import/export control (see also CX/FICS 92/3, para. 6 (f)). In this regard the Committee again noted that this activity was covered in general terms by the Code of Ethics for International Trade in Foods (Article 7.1 (b)(iii)) and that its work in this area should be consistent with the Code of Ethics and should strengthen the application of the Code.

30. The Committee did not agree to include a statement to promote the acceptance of equivalency in food inspection systems and/or procedures as proposed by New Zealand (CX/FICS 92/3 - Addendum 1; Conference Room Document 3) but did agree that this would be included in its list of principles. It did, however, agree to include two additional statements; one to ensure that the Committee would serve as a coordinating body with other international organizations working in related areas, and another to allow the Committee to consider other matters assigned to it by the Commission within its field of competence. In proposing the first of these statements, the Committee noted that the Codex Committee on General Principles was in the process of revising the text governing the relationships between Codex Committees to assure that the working procedures of the General Subject Committees would be strengthened. The Committee understood that coordination between the Committee and other Codex General Subject and Commodity Committees would be taken up in the course of this revision.

31. In relation to the proposal of the Codex Regional Coordinating Committee for Latin America and the Caribbean (CX/FICS 92/3, para. 4 and Appendix I), the Delegation of Mexico expressed its strong support for the establishment of a system to provide certification services to all Codex Member countries and the establishment of a characteristic symbol or mark of conformity with Codex standards and codes. The Delegation noted the benefits which this would have for exporting developing countries which faced the problems and the costs of establishing national systems for export certification. It further noted that this would require additional resources from FAO and WHO and could require changes in the internal rules and procedures of the two Organizations.

32. Several delegations in response stated that it was not appropriate for the Codex Alimentarius Commission to become a certification body, as the Commission had other well-defined and internationally recognised responsibilities which were carried out within the framework of limited resources. They stated that it might be appropriate for the Commission to give consideration to the matter at some time in the future, but that the proposal was premature at this time. The Chief of the Food Quality and Standards Service of FAO, Mr. Richard Dawson, stated that the correct approach in making such a proposal to FAO and WHO would be through the appropriate channels in these Organizations. In the case of FAO, this would be the FAO Conference and Council, and the Council's Programme Committee and Committee on Agriculture. Member governments of FAO would then have the opportunity to evaluate the proposal and its cost implications for them as part of their assessed contributions to the Organization.

33. The Committee did not endorse the proposal of the Coordinating Committee for Latin America and the Caribbean.

Status of the Revised Draft Terms of Reference

34. The revised Draft Terms of Reference of the Committee are contained in Appendix 2 to this report. The Committee agreed to submit them to the Commission for adoption.

ACTIVITIES OF OTHER INTERNATIONAL AND REGIONAL ORGANIZATIONS WORKING IN RELATED FIELDS (Agenda Item 5)

35. The Committee had before it Conference Room Document 1 which contained information provided by the International Dairy Federation. Conference Room Document 8 containing matters of interest from WHO was also available to participants. In addition, other international bodies presented verbal summaries of their activities, as outlined below.

Office Internationale des Epizooties (OIE)

36. The observer from the OIE outlined the work of the organization and its method of operating through subject Commissions. Information exchange was a fundamental role of the OIE Code which recommends that importing countries take into account animal health information systems and the regularity and rapidity of transmission of animal health information in the exporting country. Transparency of regulations had been advocated and the development of a system of notification of national regulations had been proposed. The observer also stated that OIE had taken part in the meetings of the GATT Working Group on Sanitary and Phytosanitary measures. OIE is working on a general methodology for risk assessment applicable to all diseases and, to support the Codes, an assessment of Veterinary Services in the risk assessment procedure. OIE had also developed recommendations on certification and established models for species and products. In concluding, the observer noted there were similarities between some OIE activities and the proposed responsibilities of the CCFICS and stressed the need to avoid duplication of the work of international organizations.

International Organization for Standardization (ISO)

37. The observer from ISO summarized the work of the ISO Council Committee on Conformity Assessment (CASCO) which is chaired by Australia. CASCO had undertaken a work programme to: review existing guides on product certification, assessment of quality systems, acceptance of certification bodies, inspection bodies and testing laboratories; prepare guides in response to requests arising from the International Laboratory Accreditation Conference; and the promotion of recognition and acceptance of certification systems established on the basis of ISO guidelines. In addition, another ISO committee

had prepared an initial document on 'General Criteria for Registration Organizations Operating Quality System Registration' and that the principle of reciprocal recognition of accredited registration organizations should be encouraged worldwide as a means of decreasing the number of multiple assessments and audits.

International Dairy Federation (IDF)

38. The observer from the International Dairy Federation (IDF), while noting that international trade in milk powder, cheese and butter is approximately 3 million tons per year, outlined IDF activities related to the establishment of export certificates for these products (Conference Room Document 1). It was indicated that the harmonization of export certificates was undertaken in view of the wide variety of requirements demanded by exporters, traders and governments.

39. The export certificate was developed to be suitable for use in all countries and to replace the wide variety of existing documents used in trade. The IDF had the following three objectives in introducing the document to the Committee:

- to offer the services and expertise of the IDF as a specialist dairy organization which could liaise with the Committee on matters of international inspection and certification;
- to provide an example of a harmonized certificate and guidelines for consideration by the Committee, and;
- to obtain feedback and information from members of the Committee and the Codex Alimentarius Commission.

Food and Agriculture Organization of the United Nations (FAO) and World Health Organization (WHO)

40. The Representatives of FAO and WHO provided information on a number of their activities relative to the field of food inspection and control, especially in relation to import and export controls. The Representatives emphasized the special attention being given to the needs of developing countries, which were being addressed through technical cooperation projects, training activities and workshops, and the preparation of technical manuals covering various aspects of food control and inspection. The Representative of FAO described FAO's Regular Programme and field activities including technical assistance projects for the development and strengthening of national food control systems in food import and export programmes. The representative of WHO further identified that the activities of WHO in areas related to the activities of the Committee emphasized the need to assure consumer safety through the complementary development of both import inspection capability as a verification procedure and export inspection and certification systems to assure the safety and quality of foods. Activities also emphasized the need to minimize barriers to trade that are unjustified in public health terms, e.g., activities on cholera control and harmonization of food irradiation regulations.

General Agreement on Tariffs and Trade (GATT)

41. The observer from the Secretariat of the General Agreement on Tariffs and Trade noted the great importance and interest of GATT in the activities of the Committee. It was emphasized that consultations and the preparation of working documents under the draft Agreement on Agriculture and other elements of the Uruguay Round were progressing effectively. More importantly, it was indicated that no GATT contracting party had objected to those principles contained in the draft Agreement on Sanitary and Phytosanitary Measures or the draft revised Agreement on Technical Barriers to Trade.

GENERAL PRINCIPLES FOR FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION (Agenda Item 6)

42. The Committee had before it the following documents when discussing this Agenda Item:

- CX/FICS 92/5: General Principles for Food Import and Export Inspection and Certification;
- CX/FICS 92/5-Add.1: Draft Uruguay Round Decision on Sanitary and Phytosanitary Measures; Agreement (1991) on Technical Barriers to Trade, and;
- Conference Room Document 5: Inspection and Certification with Regard to Religious Requirements.

43. The Delegation of Australia, on behalf of the Committee's Secretariat, provided a brief summary of document CX/FICS 92/5, outlining the background and issues for consideration in relation to the establishment of principles for food inspection and certification.

44. The Committee had extensive discussions concerning the elements required when establishing principles for food inspection and certification. This included the need to avoid duplication of efforts with other international bodies such as GATT and ISO, the importance of risk assessment in improving food safety and the need for transparency when dealing with consumers. The need for validation procedures for certification and inspection controls based on sound scientific principles with a view towards increasing confidence in the systems was also indicated. The Committee strongly supported the idea that the principles should take account of those already elaborated under the GATT and the Uruguay Round of Multilateral Trade Negotiations.

45. In response to concerns that the Uruguay Round negotiations regarding sanitary and phytosanitary measures were not finalized to date and that Codex action concerning general principles might be premature, the Committee noted that Codex was a body independent of GATT, although it worked closely with it. In this regard, it was agreed that issues concerning equivalence, transparency, non-discrimination, least trade restrictiveness, economic factors and developing country needs could all be addressed through principles established by Codex.

46. The Committee then established a group¹ to draft principles for food inspection and certification. The Committee agreed that the drafting group should adhere to the following general guidelines:

- the need to follow those concepts under elaboration in the current GATT SPS negotiations.
- references to non-discrimination, least trade restrictiveness and needs of developing countries should be included, and;
- matters concerning definitions (CX/FICS 92/5, paras. 6-8), and the relationship between Codex and GATT (CX/FICS 92/5, paras. 23-26) should be deleted as these concepts were addressed elsewhere.

The Committee subsequently considered in detail the proposals of the drafting group.

¹ The group consisted of representatives from Australia, Canada, Mexico, the Netherlands, the United Kingdom and the United States.

47. In regard to *risk assessment*, the Committee noted that consumers' perceptions of risk could best be addressed through adequate risk management at the national level rather than through international risk assessment procedures. It noted that these perceptions were often subjective in nature and could be balanced against other factors. All of these considerations could be taken into account by the Codex Committee when arriving at international recommendations. The Committee agreed that consumer confidence could be enhanced through increased transparency of the national inspection and certification processes and agreed to make an appropriate statement to this effect in the Principles.

Inspection and Certification with Regard to Religious Requirements

48. The Committee was reminded of the background discussions concerning this issue as summarized in Conference Room Document 5. In particular, the Committee noted that the 39th Session of the Executive Committee had referred this matter to the First CCFICS Session with a view to presenting a work proposal to the next session of the Commission.

49. The Committee recognized the importance of trade in products produced under religious conditions and agreed that inspection and certification systems for these products were relevant to the Committee's work. However, it was also agreed that this matter would best be treated in a generic sense and that it would more logically be included in the principles elaborated for food inspection and certification systems.

50. The Committee agreed that in paragraph 5 of the revised Principles the term "relevant standards" included requirements for products produced under specified religious requirements. The Committee also agreed that the generic application of the revised principles applied to certification of organically/biologically produced foods (see para. 10) or processes such as food irradiation.

Status of the Proposed Draft Principles for Food Import and Export Inspection and Certification

51. The Committee agreed to include the draft principles as Appendix 3 to the report. It requested the Codex Secretariat to obtain the comments of governments and international organizations by means of a Circular Letter. The draft principles, together with the comments received, would be submitted to the 20th Commission Session with a view to the accelerated adoption of the principles. The observer from the EEC stated that the EEC was not in a position to endorse the proposed draft Principles, nor the accelerated procedure proposed for their adoption. The Delegation of France expressed a reservation on the draft Principles which were not available in the French language.

IDENTIFICATION OF WORK PRIORITIES (Agenda Item 7)

52. See under Agenda Item 11 (a) in para. 76 (Future Work).

PROPOSED DRAFT OUTLINE FOR HARMONIZED EXPORT/IMPORT SYSTEMS (Agenda Item 8)

53. The Committee had for its consideration document CX/FICS 92/7 when discussing this Agenda Item, which described the main elements of certification and inspection required to arrive at harmonized export and import trading systems.

54. In introducing the paper, the Delegation of Australia, on behalf of the Committee's Secretariat, recommended that the Committee could consider undertaking a programme of work consisting of the following elements:

- development of generic guidelines for the design and operation of food inspection and certification systems;
- development of a guidance document on the application of the principle of equivalence to inspection and certification systems;
- review of existing Codex Standards and Codes to determine whether or not they should be expanded or amended to facilitate the harmonization of inspection and control systems; and
- development of a guidance document on decision criteria and associated action.

55. The Committee also agreed to consider the assessment and verification of inspection and certification systems as exemplified by the draft OIE system attached as Annex 1 to CX/FICS 92/7.

56. The Committee noted the importance of mutual confidence in the reliability of inspection systems and their professional capabilities. It agreed that objective criteria for the mutual recognition of competent and reliable inspection systems through accreditation and appropriate assessment criteria was a major aspect of harmonized systems and therefore decided to consider the development of objective criteria for assessing the competence of inspection and certification systems, and the development of procedures for the accreditation of food inspection and certification bodies as part of its future programme of work.

57. Several delegations stressed that there were cases where trade in some foods did not require certification, and that this should be reflected in the Committee's future recommendations. They also expressed concern that recommendations in this area should not be too restrictive. It was also noted that advice should be provided to cover situations in which consignments which were certified in accordance with importing country requirements were rejected by the importing country, in which case an explanation should be given. It was further suggested that notification of rejections should be made to other interested parties to prevent the re-export of rejected products.

58. Several delegations stressed that the guidelines should reflect the importance of avoiding multiple inspection of the same products or processing facilities and systems and the multiple verification of exporting certifying authorities by the authorities of importing countries as these practices could result in differential treatment and additional costs.

59. The Committee decided to include all of the above matters for its future consideration while taking account of guidance and procedures elaborated by other international bodies including ISO. The programme of work agreed to by the Committee was included in its overall programme of future work, (see Agenda Item 11 (a) and Appendix 4).

60. The Chairman of the Codex Alimentarius Commission, with strong support expressed by some other delegations, highlighted the importance of providing assistance to developing countries in designing quality assurance programmes, as systems in developing countries were often less advanced than those established in the developed world. The representative of FAO indicated that over \$60 million had been provided for assistance in the area of import/export inspection, and encouraged interested governments to identify their priorities through FAO and WHO with a view towards increasing this support.

PROPOSED DRAFT OUTLINE FOR MODEL LEGISLATION OF GOVERNMENT CERTIFICATION SYSTEMS BASED ON QUALITY ASSURANCE PRINCIPLES

(Agenda Item 9)

61. The Delegation of Australia, on behalf of the Committee's Secretariat, introduced document CX/FICS 92/8 concerning a draft outline of Model Legislation for Government Certification Systems Based on Quality Assurance Principles and Conference Room Document 7, which was an extract from the report of the 25th Session of the Codex Committee on Food Hygiene containing that Committee's recommendations on the Hazard Analysis Critical Control Point System (HACCP).

62. The Delegation stated that the concepts included in the paper focused on food safety matters and on other issues of regulatory concern. The development of new quality control and quality assurance methods had shown that there was scope for using these procedures on a voluntary basis, under official supervision, to supplement traditional food inspection and certification systems. The paper provided a draft outline for the guidance of governments to use when establishing a legal framework for the inclusion of quality assurance principles in their national food inspection and certification systems. It was noted that the paper was based on the application of the ISO 9000 series, but that the full application of the ISO guidelines would go beyond measures strictly required for regulatory purposes.

63. Some observers expressed concern that reliance only on QA systems would not result in optimum levels of protection for the consumer. The Committee noted that QA approaches could be used to complement traditional inspection procedures and end-product testing; the overall result being a more effective inspection and control process. In this way, the competent authorities retained the ultimate responsibility for the certification process. In addition, import inspection and verification of certification by importing authorities provided further confidence in the quality assurance procedures used for certification. It was also noted that quality assurance procedures could be applied to the transport of food products by verifying, for example, the contractual arrangements between the exporter and the transporter.

64. Several delegations drew attention to the problem of establishing model legislation which could be adopted into the variety of legal systems used by Codex Member countries. In addition, attention was drawn to the scope of Codex recommendations, which to date did not extend to recommending model legislation. The Committee noted that FAO and WHO had jointly and independently prepared model food legislation¹ and model legislation for export inspection².

65. The Committee agreed that there was an important practical role for quality assurance systems to ensure that food met recognized standards and that consumers would be protected against safety hazards, deception and fraud. It agreed that according to the design and implementation of such systems, the concerns of consumers about the effectiveness of such programmes could be fully met. It noted, however, that the development of model legislation probably fell outside the scope of the Codex programme and decided not to commence with the elaboration of the model legislation.

66. The Committee agreed that it would be appropriate for Member countries to circulate copies, summaries or abstracts of relevant national legislation, regulations or other legal instruments to other Codex Contact Points, as a matter of information exchange. It requested the Secretariat to prepare a

¹ FAO/WHO/UNEP Model Food Act, in *Guidelines for developing an effective national food control system*, FAO, Rome, 1979.

² *A Model for an Export Control Law* in FAO Food and Nutrition Paper No.14/11: *Manuals of Food Quality Control - Food for Export*. Annex 1. FAO, Rome, 1990.

Circular Letter to Codex Contact Points to this effect. It also agreed to develop, at its future sessions, indicative guidelines for the application of quality assurance systems based on the ISO 9000 Series, HACCP, and the FAO Manuals of Food Quality Control.

INFORMATION EXCHANGE (Agenda Item 10)

IMPORT/EXPORT PROBLEMS (Agenda Item 10 (a))

67. The Committee had for its consideration document CX/FICS 92/9 concerning Information Exchange on Import/Export Problems and responses to CL 1991/13-GEN as well as Conference Room Document 6 and Addendum 1 containing additional government comments. The Delegations of China and Japan provided additional information for the Committee.

68. The Committee noted that as the development of information exchange systems encompassed a number of complex issues, it would be necessary first to develop principles and guidelines for inspection and certification. It was considered that such documents would provide a foundation for the consideration of issues such as the application of the principle of transparency within information exchange, information which should be the focus of exchange and the role, if any, of the Codex Contact Points in this context.

69. The Committee noted that the list of contacts for food import control agencies (CX/FICS 92/9 Attachment 3), which was developed from responses to CL 1991/13-GEN, was valuable to exporting countries. It was agreed that this list should be developed further and that the Secretariat would prepare a circular letter in this regard.

70. It was agreed that guidelines should be developed for the exchange of information on rejections, including the reasons for rejection and the notification of potential transshipment to ports where controls may not be adequate. The Committee noted that information exchange issues would be further considered at its next meeting with the advantage of developed principles for import and export inspection and certification.

Emergency situations

71. The Committee considered Conference Room Document 4, which provided background information on problems caused to international trade in foods as a consequence of the outbreak of cholera in Latin America, WHO Guidance on Formulation of National Policy on the Control of Cholera and a paper prepared by the FAO/PAHO/WHO Joint Technical Consultation on Food Safety and Trade in View of the Cholera Epidemic in the Americas. It was noted that 39th Session of the Executive Committee had requested CCFICS to develop guidance on actions which should be undertaken in emergency situations.

72. The Committee considered the recommendations which it might wish to make on handling emergency situations such as had been experienced with cholera outbreaks, radiation accidents, etc. It was agreed that, irrespective of the nature of the situation, guidelines for information exchange in food control emergency situations were essential and would be included on the work programme.

ELECTRONIC INFORMATION EXCHANGE SYSTEMS (Agenda Item 10 (b))

73. The Committee had for its consideration document CX/FICS 92/10, which outlined the development of a system for the electronic transmission of certificates based on the UNECE/EDIFACT standard as well as Conference Room Document 2, which was a copy of an Introduction to UN/EDIFACT on Electronic Data Information Exchange.

74. The Committee agreed to inform the Commission at its next session that the work on electronic information exchange systems was significant to facilitating international trade and to request the Secretariat develop a link with the UN/ECE Working Party on Facilitation of International Trade Procedures on this matter and report back to the Committee.

75. To assist in the development and understanding of electronic data information applications in food certification, the Committee further agreed that guidance documents for member countries should be prepared on: the principle elements of an electronic documentation system and/or a system for use by importing countries for the receipt of food certification documentation in the electronic form; and the convergence between paper based formats and electronic data formats for information of relevant parties in food trading countries, including regulatory agencies and private traders.

FUTURE WORK (Agenda Item 11 (a))

76. The Committee agreed to consider those items listed in Appendix 4 at its next session, with the understanding that the Australian and Codex Secretariats would coordinate the preparation of the working documents well before the next meeting. The Committee agreed that for the time being, all of the matters in Appendix 4 would be of equal priority (see Agenda Item 7). The Committee recognized that this further work would more than likely occupy it for more than one future session and thought that this situation should be brought to the attention of the Commission at its 20th Session.

DATE AND PLACE OF NEXT SESSION (Agenda Item 11 (b))

77. The Committee was informed that its Second Session was tentatively scheduled to be held from 29 November to 3 December 1993, subject to approval by the Commission.

**CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION
AND CERTIFICATION SYSTEMS**

Summary Status of Work

Code/Guideline	Step	For Action By:	Document Reference
Draft Terms of Reference	--	20th CAC	ALINORM 93/30, Appendix 2
Draft Principles for Food Import and Export Inspection and Certification	--	Governments 20th CAC	ALINORM 93/30, Appendix 3
Glossary of Terms and Definitions	1, 2 and 3	20th CAC Secretariat Governments 2nd CCFICS	ALINORM 93/30, Appendix 4
Future Work of the Committee regarding: a) Harmonized Import and Export Inspection and Certification Systems b) Information Exchange on Import/Export Problems c) Electronic Information Exchange Systems	1, 2 and 3	20th CAC Secretariat Governments 2nd CCFICS	ALINORM 93/30, Appendix 4

ALINORM 93/30
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Les chefs de délégation figurent en tête et les suppléants, conseillers et consultants sont énumérés par ordre alphabétique.
Figuran en primer lugar los Jefes de las delegaciones; los Suplentes, Asesores y Consultores aparecen por orden alfabético.

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DRAFT TERMS OF REFERENCE

- (a) To develop principles and guidelines for food 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.
- (b) To develop principles and guidelines for the application of measures by the competent authorities of exporting and importing countries to provide assurance that foodstuffs comply with requirements.
- (c) To develop guidelines for the application of quality assurance systems¹ 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.
- (d) 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.
- (e) To make recommendations for information exchange in relation to food import/export control.
- (f) To serve as a coordinating body for Codex with other international groups working on matters related to food inspection and certification systems.
- (g) To consider other matters assigned to it by the Commission in relation to food inspection and certification systems.

¹ Quality assurance means all those planned and systematic actions necessary to provide adequate confidence that a product or service will satisfy given requirements for quality. (ISO-8402 Quality - Vocabulary)

**DRAFT PRINCIPLES FOR FOOD IMPORT AND EXPORT
INSPECTION AND CERTIFICATION**

Introduction

1. Inspection and certification systems are fundamentally important and very widely used means of food control. The confidence of consumers in the quality of their food supply depends in part on their perception as to the effectiveness of food control measures. A substantial part of the worldwide trade in food, for example in meat and meat products, depends upon the use of inspection and certification systems. However, inspection and certification requirements may significantly impede international trade in foodstuffs. Consequently it is desirable that the design and application of these systems should reflect appropriate principles.

2. Inspection of food may occur at any stage in the production and distribution process. For those foods for which the potential for microbiological contamination is a critical issue, inspection oversight of harvesting, processing, storage, transport and other relevant activities may be the only cost-effective means of ensuring food safety. According to the methods of preservation used, it may be necessary to maintain inspection oversight on a continuous basis up to the time of retail sale. Inspection systems may be focused on the foodstuffs themselves, on the procedures and facilities employed in the production and distribution chain, or both.

3. For some food standards, in particular those applying to product description through labelling or other means, it may be convenient to conduct inspection in the course of the distribution process and prior to final sale. This may also be true where there is a risk of the breakdown of preservation methods in the course of distribution (e.g. can damage, inadequate refrigeration of perishable commodities, etc).

4. In both design and use, food inspection and certification systems should be governed by a number of principles which will ensure an optimal outcome consistent with consumer protection and facilitation of trade. Inspection is the examination of food products or systems for control of food raw materials, processing, and distribution including in-process and finished product testing; whereas, certification is the means by which competent authorities provide verification that food produced under such systems of control conform with specified standards or national requirements. Certification of food exports may be based on inspection of quality assurance systems or on examination of finished products or both.

Principles

5. Food inspection and certification systems should be used wherever appropriate to ensure that foods, and their production systems, meet relevant standards in order to protect consumers against food-borne hazards and deceptive marketing practices and to facilitate trade on the basis of accurate product description.

Fitness for purpose

6. Inspection and certification systems should be fully effective in achieving their designated objectives having regard to the determination of the acceptable level of protection which is required.

Risk assessment

7. Inspection systems to ensure food safety should be designed and operated on the basis of objective risk assessment appropriate to the circumstances. Preferably the risk assessment methodology employed should be consistent with internationally accepted approaches.

8. Risk assessment should be based on current available scientific evidence. Countries may need to review a risk assessment periodically and, as appropriate, modify the inspection system.

9. Inspection systems should be applied to particular commodities and processing methods in proportion to the assessed risks. In undertaking a risk assessment or in applying the principles of equivalence, importing countries should give due consideration to claims by exporting countries on a national or area basis of freedom from food-borne disease.

Non-discrimination

10. 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.

Efficiency

11. In the choice of inspection and certification systems, there should be regard to costs to consumers and to the costs in money and time to the affected food industry and government. Such systems should be no more restrictive of trade than is necessary in order to achieve the required level of protection.

Harmonization

12. Member countries should use Codex international standards, recommendations and guidelines (or those of other international organizations whose membership is open to all countries) whenever appropriate as elements of their inspection and certification systems. Countries should participate actively in the work of the Codex Alimentarius Commission and other relevant international agencies to promote and facilitate the development, adoption and review of Codex norms.

Equivalence

13. Countries should recognise that different inspection/certification systems may be capable of meeting the same objective, and are therefore equivalent. It is the obligation of the exporting country in the first instance to show that the system it proposes to use will produce satisfactory results.

Transparency

14. The operations of food inspection and certification systems should be exposed to scrutiny by consumers and their representative organizations, and other interested parties.

15. Importing countries should provide information on existing requirements and proposed changes to requirements should be published and an adequate time period permitted for comment. The views of exporting countries, and particularly those received from developing countries, should be taken into account in taking a final decision. A reasonable period should be allowed before a new requirement takes effect in order to permit exporting countries, and in particular developing countries, to make necessary changes to methods of production and control measures.

16. Importing countries should make available to the exporting countries, upon request, advice as to the basis of the decision they have taken regarding the compliance of foods with their relevant standards.

17. Upon request by the competent authorities of the importing countries, the exporting countries should provide access to view and assess the actual working of their relevant inspection and certification systems.

Special and differential treatment

18. In the design and application of food inspection and certification systems, importing countries should take account of the special needs of developing countries.

Control and inspection procedures

19. Importing countries should complete without undue delay any procedures necessary to ensure compliance with requirements. Information requirements and any fees imposed by importing countries should be limited to what is reasonable and necessary.

Certification validity

20. Countries that certify exports of food and those that rely on export certificates should take measures to assure the validity of certifications. Validation includes, among other things, achieving confidence that assessments of quality assurance systems are made by qualified inspectors; inspections cover critical control points, findings are relevant to importing country requirements, and certificates themselves are authentic.

FUTURE WORK OF THE COMMITTEE

- Principles for Import and Export Food Inspection and Certification
- Glossary of Terms Based on Internationally Accepted Definitions
- Harmonized Import and Export Inspection and Certification Systems
 - Development of generic guidelines for the design and operation of food inspection and certification systems, taking account of relevant information and guides already produced.
 - Development of a guidance document on the application of the principle of equivalence to inspection and certification systems.
 - Review of existing Codex Standards or Codes to identify areas where augmentation or amendment could facilitate harmonization of inspection and certification systems.
 - Development of a guidance document on the matter of decision criteria and action.
 - Development of a guidance document on assessment and verification of inspection and certification systems.
 - Development of objective criteria of competence for food inspection and certification bodies taking account of relevant information and guides already produced.
 - Development of procedures for accreditation of food inspection and certification bodies taking account of relevant information and guides already produced.
- Information Exchange on Import/Export Problems
 - Request to governments to circulate information on national food regulations or other instruments under which quality assurance systems are used for food control.
 - Development of guidelines for exchange of information on rejections, including the reasons for rejection and the notification of potential transshipment to ports where controls may not be adequate.
 - Establishment of a list of contact addresses, telephone and telefax numbers for information.
 - Development of guidelines for information exchange in food control emergency situations.
- Electronic Information Exchange Systems
 - Preparation of guidance to Member Countries on the convergence between paper-based formats and the UN/EDIFACT formats.
 - Development of interpretative documentation for the information of relevant parties in food trading countries, including

regulatory agencies and private traders, to assist in the development and understanding of EDI applications in food certification.

- Preparation of a guidance document for the information of Member countries on the principle elements in an electronic documentation system and/or a system for use by importing countries for the receipt of food certification in an electronic form; and the possible elaboration of an outline for system design which would assist Member countries in commissioning development of their national systems.