

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of
the United Nations



World Health
Organization

Viale delle Terme di Caracalla, 00153 Rome, Italy - Tel: (+39) 06 57051 - Fax: (+39) 06 5705 4593 - E-mail: codex@fao.org - www.codexalimentarius.org

Agenda Item 7

CX/FICS 14/21/6

August 2014

CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS

Brisbane, Australia, 13-17 October 2014

DRAFT AMENDMENTS TO GUIDELINES FOR THE EXCHANGE OF INFORMATION BETWEEN COUNTRIES ON REJECTIONS OF IMPORTED FOOD (CAC/GL 25-1997)

(Prepared by the United States of America)

Background

1. The 19th (2011) Session of CCFICS, under *Matters Referred by the Codex Alimentarius Commission, Other Codex Committees and Task Forces and Other International Organizations* (CX/FICS 11/19/2) considered specific proposals from an e-Working Group on future work on animal feeding to include feed in the scope of the *Codex Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations* (CAC/GL 19-1995) and the *Codex Guidelines for the Exchange of Information between Countries on Rejections of Imported Food* (CAC/GL 25-1997). CCFICS agreed that it was important to consider feed as related to food safety in these documents but there were different opinions on how to proceed. Some delegations supported the proposed changes while others were of the opinion that more reflection was needed on each of the proposed changes to ensure that the focus and scope of the documents remained on food safety. The United States was asked to prepare a Discussion Paper that, among other things, would present proposals for the inclusion of feed as related to food safety in both CAC/GL 19-1995 and CAC/GL 25-1997.
2. The 20th Session of CCFICS considered the Paper prepared by the United States and reached consensus on the revisions to *Codex Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations* (CAC/GL 19-1995) to incorporate feed into the scope of the document. The Committee forwarded the revisions to the Codex Alimentarius Commission (CAC) for adoption by the 36th (2013) CAC.
3. Because of time constraints, CCFICS did not have sufficient time to fully discuss and consider the revisions to the *Codex Guidelines for the Exchange of Information between Countries on Rejections of Imported Food* (CAC/GL 25-1997). The Committee did agree to include a footnote to the term “feed” and to replace “food control authority” throughout the text with “competent authority”. Additionally, a Member brought forward specific proposals for some adjustments and further revision to the proposed text that could not be fully considered. The Committee was of the opinion that the proposed amendments needed further reflection and agreed that the United States would, in consultation with interested members, prepare a revised proposal for consideration at the next Session of CCFICS.

Proposal

4. A revision to the *Codex Guidelines for the Exchange of Information between Countries on Rejections of Imported Food* (CAC/GL 25-1997) that incorporates the comments brought forward at the 20th Session of CCFIC and changes that were agreed upon is given in Appendix 1.

Recommendation

5. The Committee may wish to consider the changes made to the *Codex Guidelines for the Exchange of Information between Countries on Rejections of Imported Food* (CAC/GL 25-1997) to incorporate feed into the scope of the document as shown in Appendix 1 and to recommend the revisions for adoption by the Codex Alimentarius Commission.

Appendix 1

GUIDELINES FOR THE EXCHANGE OF INFORMATION BETWEEN COUNTRIES ON REJECTIONS OF IMPORTED FOOD (CAC/GL 25-1997)

Notes:

1. The starting point for changes is text proposed by the eWG on Future Work on Animal Feeding (eWG).
2. Only paragraphs and items where changes have been proposed in the existing Codex text are shown.
3. Additional proposed text is shown in **bold underlined font**. Deleted text is shown in **~~bold strikethrough font~~**.
4. The rationale for not accepting a change proposed by the eWG often was the fact that the proposed change reflected the incorporation of feed as an entity by itself with no relation to food safety. If this was the reason for not accepting the eWG proposed change, or adjusting the eWG change to reflect feed only as it related to food safety, reference to this note is made. If some other rationale is the cause for the proposed change, the rationale is given.

TITLE

Delete the term 'feed' in the title. See Note 4.

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

PREAMBLE**Paragraph 1**

The eWG has suggested the addition of a new last sentence; it is proposed that the sentence be modified as shown to ensure that the reference to feed is in the context of food safety. It is suggested that there is no need to specifically reference rejected food used as feed since all feed (whether or not it comes from a food rejection situation) resulting in an unsafe food is included in the scope of the document. The revised first paragraph would read:

The following guidelines provide the basis for structured information exchange on import rejections. The most important information elements to be considered in such guidelines are shown in the Annex and each category is discussed in more detail below. The guidelines are intended to cover all types of food. **These guidelines also cover feed¹ for food producing animals when the reason for rejection is related to food safety, including rejected food used as feed where it can impact food safety.**

Paragraph 2 See Note 4.

These guidelines deal only with import rejections caused by failure to comply with importing country requirements. Information exchange in food ~~or feed~~ safety emergency situations is dealt with in the Guidelines for the Exchange of Information in Food Safety Emergency Situations (CAC/GL 19-1995).

Paragraph 3 See Note 4.

The use of these Guidelines for the Exchange of Information on Rejections of Imported Food ~~or feed~~ is intended to assist countries to conform with the Principles for Food Import and Export Inspection and Certification (CAC/GL 20-1995), in particular the transparency provisions contained in paragraph 14 of the Principles.

GENERAL CONSIDERATIONS

Paragraph 4 See Note 4.

When the ~~food or feed~~ control **competent** authorities in an importing country reject a consignment of food ~~or feed~~ presented for importation they should always provide information to the importer of the consignment giving the reasons for the rejection. Appropriate information should also be provided to the exporter if the control authorities receive such a request.

Additionally, the eWG proposed the addition of a new sentence.

Attention should be given to ensure that ~~control~~ competent authorities in charge of feed are properly informed when rejected food may be used as feed for food producing animals.

¹ **The term feed refers to both feed (feeding stuffs) and feed ingredients, as defined in the Code of Practice on Good Animal Feeding (CAC/RCP 54-2004).**

Paragraph 5 See Note 4. Additionally add a bullet point that the specific use of feed is the cause of the food safety problem. The Committee may wish to discuss whether the addition of the words 'Depending on the reason for rejection' to the concluding sentence is needed.

When the rejection of the consignment arises from:

- evidence of a serious food ~~or feed~~-safety or public health problem in the exporting country; or
- **evidence that the use of feed/feed ingredient has resulted in a serious food safety problem;**
- evidence of serious misrepresentation or consumer fraud; or
- evidence of a serious failure in the inspection or control system in the exporting country,

The ~~food or feed control~~ **competent** authorities in the importing country should notify the ~~food or feed control~~ **competent** authorities in the exporting country forthwith (by telecommunication or other similar rapid means of communication) supplying the details set out in the Annex to these Guidelines.

Paragraph 6 See Note 4. Additionally, a sentence is proposed to be added that speaks to the need to clearly indicate if feed is the cause of the food safety problem.

Upon receipt of such a communication, the ~~food or feed control~~ **competent** authorities in the exporting country should undertake the necessary investigation to determine the cause of any problem that has led to the rejection of the consignment. **If the cause of the rejection is related to the use of feed, the food control appropriate competent authorities should be notified and engaged.** The ~~food control or feed control~~ **competent** authority in the exporting country, if requested, should provide the authorities in the importing country with information on the outcome of the necessary investigation, if available. Bilateral discussions should take place as necessary.

Paragraph 7 See Note 4.

In other circumstances, for example:

- where there is evidence of repeated failures of a correctable nature (e.g. labelling errors, mislaying of documents); or
- where there is evidence of systematic failures in handling, storage or transport subsequent to inspection/certification by the authorities in the exporting countries,

The ~~food or feed control~~ **competent** authorities in the importing country should also make appropriate notification to the food ~~or feed~~ control authorities in the exporting country, either periodically or upon request.

Paragraph 9 See Note 4.

In some countries information about the results obtained in public food ~~and feed~~ control is freely available, whereas in others legal constraints may prevent or restrict the dissemination to third parties of information on, for example, import rejections. In some cases information cannot be exchanged before a certain time has elapsed. So far as possible countries should minimise restrictions on the disclosure to other countries of information on rejected foods ~~or feeds~~.

Paragraph 10 See Note 4.

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 **and, as appropriate when related to food safety, feed** should be made available to FAO and WHO on request.

DETAILED INFORMATION

First sub-heading See Note 4.

Identification of the food ~~or feed~~ concerned

Paragraph 11 See Note 4.

A certain amount of basic information is required in order to be able to identify the consignment or lot of food ~~or feed~~ that has been refused entry when presented for importation. The most important information in this respect is a description of the nature and quantity of the food ~~or feed~~, any lot identification or other identification stamps, marks or numbers and the name and address of the exporter and/or food ~~or feed~~ producer or manufacturer. Information about importers or sellers is also useful. Where a lot has been certified, the certificate number can provide an important method of identification.

Rejection decision

Paragraph 13 See Note 4.

It is important to obtain information about the decision to refuse importation, especially the name of the **food or food-control competent** authority which made the decision, when the decision was made and whether the whole or only part of the consignment was refused entry.

Reasons for rejection

Paragraph 14 See Note 4.

The reason(s) why a consignment of food ~~or feed~~ has been refused entry should be clearly stated and reference should be made to the regulations or standards which have been contravened.

Paragraph 16 See Note 4.

When the level of a contaminant in a food ~~or in a feed/feed ingredient implicated in the rejection of a food~~ 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 concerned should be given as specifically as possible, and as appropriate, the level of contamination found. Similarly, 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 evidence that they come from such an establishment is lacking or incomplete, this should be stated.

Paragraph 17 See Note 4.

Where consignments of imported food ~~or feed~~ are rejected on the basis of analysis performed in the importing country, the importing country authority should make available upon request details of the sampling and analytical methods employed and the results obtained.

Action taken

Paragraph 18 See Note 4.

Information should be supplied about the action taken following the rejection or retention of a consignment of food ~~or feed~~. This should include information about the fate of the consignment, such as whether it was destroyed or detained for reconditioning.

Paragraph 19 See Note 4.

If the rejected food ~~or feed~~ is re-exported, the conditions attached to such re-export should be stated. For example, some countries permit re-export only to the country of origin or to countries which have stated in advance that they are prepared to accept the consignment knowing that it has been refused entry elsewhere.

Paragraph 20 See Note 4.

In addition to the exchange of information between the food ~~or feed~~ control authorities of exporting and importing countries it may also be valuable to inform the embassy or other representative body of the exporting country of the situation so that the country concerned can take action to rectify the deficiencies found and thus avoid rejection of future shipments.

ANNEX

TITLE: See Note 4.

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

Modify the introductory chapeau statement to read as follows:

The following information should be provided to countries in relation to rejections of imported food as available and appropriate to the circumstances. **This standard format should also be used in relation to rejections of imported feed, with the appropriate adaptations, when the reason for rejection is related to food safety.**

First Annex item. Modify title only. See Note 4.

Identification of the food ~~or, appropriate the feed~~ concerned

Third Annex item (Details of rejection decision). Modify bullets as indicated. See Note 4.

- Name and address of ~~food or feed control~~ competent authority making decision to reject
- Name and address of ~~food or feed control~~ competent authority which can provide more information on reason for rejection

Fourth Annex item (Reason)(s) for rejection. Modify bullet and note indicated. See Note 4.

- Non-conformity with food additive requirements ~~or feed requirements in the case of feed that is implicated in the food rejection.~~

Note: Where imported food ~~or feed requirements in the case of feed~~ has been rejected on the basis of sampling and/or analysis in the importing country, details should be made available on request as to sampling and analytical methods and test results and the identity of the testing laboratory.

Fifth Annex item (Action taken). Modify bullets indicated. See Note 4.

- Food ~~or feed~~ destroyed
- Food ~~or feed~~ held pending reconditioning/rectification of deficiencies in documentation
- Food ~~or feed~~ held pending final judgement
- Place where food ~~or feed~~ is held
- Import granted for use other than human ~~or animal~~ consumption
- Embassy/food ~~or feed~~ control authorities of exporting country notified