



**Food and Agriculture  
Organization of  
the United Nations**



**World Health  
Organization**

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**REP12/FICS**

## **JOINT FAO/WHO FOOD STANDARDS PROGRAMME**

### **CODEX ALIMENTARIUS COMMISSION**

*Thirty fifth Session  
Rome, Italy, 2-7 July 2012*

### **REPORT OF THE NINETEENTH SESSION OF THE CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS**

*Cairns, Australia  
17-21 October 2011*

NOTE: This report contains Codex Circular Letter CL 2011/21-FICS

# CODEX ALIMENTARIUS COMMISSION **E**



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**CL 2011/21-FICS  
October 2011**

**To:** Codex Contact Points  
Interested International Organizations

**From:** Secretariat,  
Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme  
Viale delle Terme di Caracalla  
00153 Rome, Italy

**Subject:** **Distribution of the Report of the Nineteenth Session of the Codex Committee on Food Import and Export Inspection and Certification Systems (REP12/FICS)**

The report of the Nineteenth Session of the Codex Committee on Food Import and Export Inspection and Certification Systems will be considered by the 35<sup>th</sup> Session of the Codex Alimentarius Commission (Rome, Italy, 2-7 July 2012)

## **MATTERS FOR ADOPTION BY THE 35<sup>TH</sup> SESSION OF THE CODEX ALIMENTARIUS COMMISSION**

### **Proposed Draft Standards and Related Texts at Step 5 of the Procedure**

**Proposed draft Principles and Guidelines for National Food Control Systems (Introduction, Sections 1-3) (N06-2009)**, at Step 5 (para. 46 and Appendix II).

Governments and international organizations wishing to submit comment on the above texts should do so in writing, *preferably by e-mail*, to the Secretariat, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, FAO, Viale delle Terme di Caracalla, 00153 Rome, Italy (e-mail: [codex@fao.org](mailto:codex@fao.org), fax : +39 06 57054593) **before 15 March 2012.**

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## SUMMARY AND CONCLUSIONS

The Nineteenth Session of the Codex Committee on Food Import and Export Inspection and Certification Systems reached the following conclusions:

### **Matters for the 35<sup>th</sup> Session of the Codex Alimentarius Commission**

#### **Matters for adoption / approval**

##### **Proposed draft Standards and Related Texts at Step 5 of the Procedure**

The Committee agreed to forward the Introduction, Sections 1 to 3 of the Principles and guidelines for national food control systems (N06-2009) to the Commission for adoption at Step 5 (*see* para. 46 and Appendix II).

#### **Matters of interest**

The Committee agreed:

- (i) That more reflection was necessary on how to address feed in CCFICS texts related to emergency (*see* para. 7); and
- (ii) To return Section 4 of the Principles and guidelines for national food control systems (N06-2009) to Step 2 for revision by a pWG, circulation for comments at Step 3 and further consideration at its 20<sup>th</sup> Session (*see* para. 46);

### **Matters referred to other Committees / Task Forces**

#### **Committee on Fish and Fishery Products (CCFFP)**

The Committee agreed that it was premature to consider the inclusion of the CCFFP proposal to review the *Generic Model Official Certificate* (Annex to CAC/GL 38-2001) and that the issue of attestation could be considered in a more holistic in the future (*see* para. 11).

**LIST OF ABBREVIATIONS USED IN THIS REPORT**

APEC	Asia-Pacific Economic Cooperation
CAC/GL	Codex Alimentarius Commission / Guidelines
CAC/RCP	Codex Alimentarius Commission / Recommended Code of Practice
CCFICS	Codex Committee on Food Import and Export Inspection and Certification Systems
CCFFP	Codex Committee on Fish and Fishery Products
CCMMP	Codex Committee on Milk and Milk Products
CL	Circular Letter
CRD	Conference Room Document
EMPRES	Emergency Prevention Systems
eWG	electronic Working Group
FAO	Food and Agriculture Organization of the United Nations
IDF	International Dairy Federation
IICA	Instituto Interamericano de Cooperación para la Agricultura
INFOSAN	International Food Safety Authorities Network
OIE	World Organisation for Animal Health
PVS Tool	Evaluation of Performance of Veterinary Services
pWG	physical Working Group
STDF	Standard and Trade Development Facility
WHO	World Health Organization
WTO	World Trade Organization

## INTRODUCTION

1. The Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS) held its 19<sup>th</sup> Session in Cairns, Australia, from 17 to 21 October 2011, at the kind invitation of the Government of Australia. Mr Gregory Read, Executive Manager, Food Division, Australian Quarantine and Inspection Service, Australian Government Department of Agriculture, Fisheries and Forestry, chaired the Session. The Session was attended by 165 delegates from 58 Member countries and one Member organization, 8 international governmental and non-governmental organizations. The list of participants, including the Secretariat, is given in Appendix I to this report.

### Division of Competence<sup>1</sup>

2. The Committee noted the division of competence between the European Union and its Member States, according to paragraph 5, Rule II of the Rules of Procedure of the Codex Alimentarius Commission, as presented in CRD 1.

### ADOPTION OF THE AGENDA (Agenda Item 1)<sup>2</sup>

3. The Committee adopted the Provisional Agenda as its Agenda for the Session.

### MATTERS REFERRED BY THE CODEX ALIMENTARIUS COMMISSION, OTHER CODEX COMMITTEES AND TASK FORCES AND OTHER INTERNATIONAL ORGANIZATIONS (Agenda Item 2)<sup>3</sup>

4. The Committee noted relevant decisions of the 33<sup>rd</sup> and 34<sup>th</sup> Session of the Codex Alimentarius Commission and other Committees, as presented in CX/FICS 11/19/2. In particular, the Committee commented and/or made decisions as follows:

#### Proposed changes to the CCFICS texts related to emergency

5. The Secretariat recalled that the 32<sup>nd</sup> Session of the Commission had requested the electronic Working Group (eWG) on future work on animal feeding to review, among others, the *Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations* (CAC/GL 19-1995) and the *Guidelines for the Exchange of Information between Countries on Rejections of Imported Food* (CAC/GL 25-1997) as to their applicability to animal feed<sup>4</sup>. The eWG identified a number of gaps in these documents and prepared proposals to address these. The 33<sup>rd</sup> Session of the Commission agreed to refer the proposed revision, as presented in Appendix 1 of CX/FICS 11/19/2, to the CCFICS for review.<sup>5</sup>

6. The Committee 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. Others considered that the current texts adequately covered food safety issues arising from feed.

### Conclusion

7. The Committee agreed that more reflection was necessary on how these texts should consider feed in relation to food safety and agreed that this work would be covered by the discussion paper on the need for further Codex guidance on food safety emergency situations to be prepared by the United States of America (see Agenda Item 5b).

8. The Committee noted that the Codex Secretariat would update the reference to the *Code of Ethics for international Trade in Food including Concessional and Food Aid Transactions* (CAC/GL 20-1979) in footnote 2 of CAC/GL 19-1995.

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<sup>1</sup> CRD 1 (Annotated Agenda – Division of competence between the European Union and its Member States)

<sup>2</sup> CX/FICS 11/19/1 Rev.

<sup>3</sup> CX/FICS 11/19/2; CRD 2 (Comments of Chile, European Union, Honduras, Kenya, Malaysia, Philippines and Republic of Korea)

<sup>4</sup> ALINORM 09/32/REP para.175 (i)

<sup>5</sup> ALINORM 10/33/REP paras 95-97 and 100-101

### **Proposed amendment of the Generic Model Official Certificate**

9. The Secretariat recalled that the Committee on Fish and Fishery Products (CCFFP), in reply to the request of the 32<sup>nd</sup> Session of the Commission to consider the revision of the *Model Certificate for Fish and Fishery Products* (CAC/GL 38-2001) had prepared a proposal to review the *Generic Model Official Certificate* to include specific text related to fish and fishery products, as presented in Appendix 2 of CX/FICS 11/19/2.

10. The Committee noted that the certificates developed by the Codex Committee on Milk and Milk Products (CCMMP) and the CCFFP were unique in Codex and that the inclusion of a specific commodity attestation in the *Generic Model Official Certificate* might lead to the proliferation of such attestations for other products and dilute the objective of a “generic” certificate.

### **Conclusion**

11. The Committee concluded that it was premature to consider the inclusion of the CCFFP proposal. The Committee further noted that a holistic approach to attestations was the subject of a discussion paper under Agenda Item 5a.

### **REPORT ON ACTIVITIES OF FAO AND WHO RELEVANT TO THE WORK OF CCFICS (Agenda Item 3a)<sup>6</sup>**

12. The Committee noted the information provided by FAO and WHO on activities relevant to the work of CCFICS, as presented in FICS/19 INF/1: work on a manual for imported food control to help bridging the gap between principles and implementation; a toolkit on risk analysis to support national authorities in the application of the risk analysis framework in food safety systems; guidelines for application of risk analysis during food safety emergencies; and a guidance document to support countries in establishing and implementing food recall systems during food safety emergencies. The Committee noted that FICS/19 INF/1 also provided information on capacity building activities of FAO and WHO.

### **REPORT ON ACTIVITIES OF OTHER INTERNATIONAL ORGANIZATIONS RELEVANT TO THE WORK OF CCFICS (Agenda Item 3b)<sup>7</sup>**

#### **World Trade Organization (WTO)**

13. The Committee noted the information provided by WTO on activities in 2010 and 2011, as presented in FICS/19 INF/2: a summary of activities and decisions of the SPS Committee; specific trade concerns; equivalence and transparency; monitoring of implementation of international standards; technical assistance; discussion on private standards; dispute settlement; and the activities of the Standards and Trade Development Facility (STDF).

#### **World Organisation for Animal Health (OIE)**

14. The Observer from OIE, referring to FICS/19 INF/2 Add.1, informed the Committee of relevant OIE work. In particular, the activities of the OIE Working Group on Animal Production Food Safety (WGAPFS), which was established by OIE in 2002 to manage the risks arising at the farm level and to improve coordination of the standard setting activities of OIE and Codex. The Committee noted that OIE would continue to address food safety related issues as a high priority and to work closely with the Codex Alimentarius Commission and other international organizations. The Observer mentioned that in the context of discussions on new work on performance indicators of food control systems (*see* Agenda Item 5b) it could be interesting to note that OIE Members had strongly supported the evaluation of veterinary services using the OIE Tool for the Evaluation of Performance of Veterinary Services (OIE PVS Tool).

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<sup>6</sup> FICS/19 INF/1 (Activities of FAO and WHO relevant to the work of CCFICS)

<sup>7</sup> FICS/19 INF/2 (Information from WTO); FICS/19 INF/2 Add.1 (Report by the OIE)

## **PROPOSED DRAFT PRINCIPLES AND GUIDELINES FOR NATIONAL FOOD CONTROL SYSTEMS (N06-2009) (Agenda Item 4)<sup>8</sup>**

15. The Delegation of Australia introduced the report of the physical Working Group (pWG), which met in Natal, Brazil, in March 2011, at the kind invitation of Brazil. The pWG had agreed that the document should provide guidance to national governments on the development, implementation and ongoing review of national food control systems and had further developed Section 3 on Principles and the framework of Section 4. Due to time constraints, the remainder of Section 4 “Framework for the Design and Operation of the National Food Control System” had been developed on the basis of the written comments received by the pWG’s members.

### **General discussion**

16. The CCFICS Chairperson recalled that this work had been undertaken to address the need to provide, in a single document, coherent guidance to governments on how to establish and operate national food control systems. The Chairperson emphasised that both developing and industrialised countries would benefit from such guidance because it would enhance their capacity to respond to the challenges related to national food control. The Chairperson noted the challenges of developing the document, which needed to combine high-level principles and detailed guidance in a useful way to meet the expectations of all Members.

17. Based on the comments submitted, the Chairperson was of the opinion that the current draft contained most of the elements needed. However, he noted that the following areas needed further work: policy considerations (e.g., consumers interests, environment, economic interests, etc.) in the decision making process; the introduction which should be clearer on the purpose and scope of the document; the section on design which still contained elements belonging to other sections e.g., implementation. There was also a need to look at any gaps in the Principles section and to review the structure of Section 4 so that the various components/elements of a food control system were organised in a logical way.

18. The Committee generally concurred with the Chairperson’s comments on the importance of the document for all countries and congratulated the pWG for the progress made.

19. The Committee agreed that the document needed a clearer introduction and that the core components of a national food control system needed to be better described. It was mentioned that the document still contained some gaps concerning policy and regulations and also a number of repetitions. The structure and logical flow of the document, in particular of Section 4, should be improved to make it more user-friendly. It was also mentioned that the document should emphasise the need for a good coordination between food safety and animal health authorities.

### **Specific comments**

#### **Section 1 - Introduction**

20. The Committee discussed how to give more indication to the user in the introduction as to the objectives of the document. The possibility to add a new introductory paragraph explaining the importance of integrating different aspects of food control in one coherent system was discussed, but in the end the Committee agreed that it was sufficient to amend the existing first paragraph to read as follows:

1. This document is intended to provide practical guidance to assist the national government, and their competent authority(ies) in the development, operation, evaluation and improvement of the national food control system. It highlights the key principles and core elements of an efficient and effective food control system. It is not intended that the guidance result in “one system” being appropriate to all circumstances. Rather, various approaches may be used, as appropriate to the national circumstances, to achieve an effective national food control system.

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<sup>8</sup> CX/FICS 11/19/3; CX/FICS 11/19/3 Add. 1 (Comments of Argentina, Canada, Chile, Colombia, Costa Rica, Japan, Kenya, Mexico, New Zealand, Norway, Philippines, South Africa, Uruguay, United States of America, IACFO, IIR, OIE); CX/FICS 11/19/3 Add. 2 (Comments of Honduras, Jamaica, Mali, Tanzania); CRD 4 (Comments of Bolivia, Brazil, European Union, Malaysia, Republic of Korea and Thailand); CRD 8 (Comments of India); CRD 10 (Introduction of Section 4 of the proposed draft Guidelines and principles for national food control systems, prepared by an in-session working group); CRD 12 (Section 4 of the proposed draft Guidelines and principles for national food control systems: proposal for revision and comments)



21. Some delegations felt that in addition to the CCFICS texts referred to in paragraph 2<sup>9</sup>, additional Codex texts, e.g., *Working Principles of Risk Analysis for Food Safety for Application by Governments* (CAC/GL 62-2007; *Code of Ethics for International Trade in Foods including Concessional and Food Aid Transactions* (CAC/RCP 20-1979) etc., had strong relations to national food control systems and should be mentioned. However, the Committee agreed that a general reference was sufficient and amended the second paragraph as follows:

2. While the focus of the Principles and Guidelines for National Food Control Systems is on the production, storage, transport and sale of foods within national borders, the document is consistent with and should be read in conjunction with relevant Codex texts. Codex texts of particular relevance include the *Principles for Food Import and Export Inspection and Certification* (CAC/GL 20-1995), the *Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification* (CAC/GL 26-1997) and the *Guidelines for Food Import Control Systems* (CAC/GL 47-2003)."

22. Some delegations were of the opinion that it was not appropriate to make reference to texts developed by FAO and WHO, as these were not negotiated texts. Other delegations noted that references to FAO/WHO texts were contained in Codex texts to serve as useful resources. The Committee agreed to include only a general reference to FAO/WHO texts. The reference to OIE texts was amended to specifically refer to the *Terrestrial Animal Health and Aquatic Animal Health Codes*. The revised paragraph 3 reads as follows:

3. In addition, the relevant chapters of the World Organisation for Animal Health (OIE) *Terrestrial Animal Health and Aquatic Animal Health Codes* are valuable resources for member governments and organizations. Other documents and guidance materials developed by FAO and WHO may also be useful resources.

23. The Committee deleted the first sentence of paragraph 4 as it was already covered by the other paragraphs.

## **Section 2 – Objective of a National Food Control System**

24. The Committee agreed that the objective of a national food control system should be the protection of the health of consumers and to ensure fair practices in the food trade and to keep the section as originally drafted.

## **Section 3 - Principles of a National Food Control System**

25. The Committee amended paragraph 6 to better define the scope of the section as follows:

7. A national food control system should be based on the following principles:

26. The Committee deleted the words “the health of” in the first sentence of Principle 1 as “protection of consumers” covered both consumer’s health and fair practices in the food trade. The Delegation of India expressed its reservation on this decision.

27. In Principle 2 “The whole food chain approach”, the Committee agreed to delete the list of specific intermediary elements of the food chain because the list might not be comprehensive and to refer to “primary production” as the initial element of the food chain. The amended Principle reads as follows:

9. The national food control system should cover the entire food chain from primary production to consumption.

28. The Committee agreed to maintain Principle 3 “Transparency”, as originally drafted, as it addressed both aspects of transparency and confidentiality.

29. The Committee agreed to maintain five paragraphs (11-15) under Principle 4 “Roles and responsibilities”: the general principle that all participants in a national food control system should have well defined roles and responsibilities (paragraph 11); and specific roles and responsibilities of key participants (paragraphs 12-15). The Committee rephrased paragraph 11 as a principle and paragraph 14 to clarify the role and responsibilities of national governments and the competent authority. The Committee deleted the first sentence of paragraph 14, which included aspects of monitoring and enforcement, which were covered in Section 4 (paragraph 22). The Committee agreed to reorder paragraphs 12-15 to reflect the degree of

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<sup>9</sup> Please note that paragraph’s number used in this report corresponds to the paragraph’s numbers in Appendix II

responsibility (i.e. from higher to lower) of the key participants. The two amended paragraphs read as follows:

11. All participants in a national food control system should have specific roles and responsibilities clearly defined.

13. The national governments (and in some cases the competent authorities) have the role and responsibility to establish and maintain up-to-date and science-based legal requirements and the competent authority has the responsibility to ensure the effective operation of the national food control system.

30. The Committee maintained Principle 5 “Consistency and impartiality” and Principle 6 “Incorporation of risk based, science-based and evidence-based decision making”, unchanged. The Committee noted that Principle 6 provided sufficient flexibility to countries that cannot conduct a full risk analysis.

31. The Committee noted that the focus of Principle 7 “Cooperation and coordination between multiple competent authorities” was on the effective use of available resources by multiple competent authorities. The principle was amended as follows to acknowledge that duplication and gaps could not always be avoided.

18. The competent authorities within a national food control system should operate in a cooperative and coordinated manner, within clearly assigned roles and responsibilities, for the most effective use of resources in order to minimize duplication/gaps and to facilitate information exchange.

32. The Committee noted that Principle 8 “Preventive measures” addressed both preventive and corrective measures but agreed to keep its title unchanged to stress the importance of preventing food safety incidents.

33. The Committee deleted “to ensure it maintains its fitness for purpose” in the title of Principle 9 “Self assessment and review procedures” to align it with the style of the titles of the other principles and amended the text to clarify the purpose of assessment and review, as follows:

20. The national food control system should possess the capacity to undergo continuous improvement and include mechanisms to evaluate whether the system is able to achieve its objective.

34. The Committee extensively discussed the need to refer to “equivalence” in the title and text of Principle 10. It was noted that equivalence was one type of recognition; that the concept of recognition in Principle 10 was not limited to recognition of other countries’ systems but also included the recognition of private sector operators and of regional authorities by federal governments, etc.; that equivalence, although difficult to implement, was an important tool to facilitate trade; and that other CCFICS texts (i.e., CAC/GL 34-1999 and CAC/GL 53-2003) provided guidance on equivalence. The Committee amended the title and text of Principle 10 as follows:

***PRINCIPLE 10 RECOGNITION OF OTHER SYSTEMS (INCLUDING EQUIVALENCE)***

21. Competent authorities should recognise that food control systems or their components although designed and structured differently may be capable of meeting the same objective. This recognition can apply at national and international level. The concept of recognition of systems, including equivalence<sup>3</sup>, should be provided for in the national food control system.

<sup>3</sup> *Guidelines for the development of equivalence agreements regarding food import and export inspection and certification systems (CAC/GL 34-1999) and Guidelines on the judgement of equivalence of sanitary measures associated with food inspection and certification systems (CAC/GL 53-2003).*

35. The Committee agreed to add the following three new principles as they were part of the basis of national food control systems:

***PRINCIPLE 11 LEGAL FOUNDATION***

22. The government within each country needs to have in place fundamental legal structures to enable the establishment of food laws and competent authorities, so that they can develop, establish, implement, maintain and enforce a national food control system.

***PRINCIPLE 12 HARMONISATION***

22. When designing and applying a food control system, the competent authority should consider Codex standards, recommendations and guidelines (or those of other international inter-governmental organizations whose membership is open to all countries) whenever appropriate as elements of their national food control system to facilitate trade and consumer confidence.

***PRINCIPLE 13 RESOURCES***

23. A national food control system should have sufficient resources to enable it to meet the system objectives.

**Section 4 - Framework for the design and operation of the national food control system**

36. The Committee considered the introduction of Section 4 (paragraphs 21-27) to identify missing or wrongly placed elements; to correct mistakes and inaccuracies; and delete duplications and redundancies.

37. The Committee agreed to:

- Retain paragraph 21, as it provided a good introduction to the Section;
- Delete paragraph 22, as it included elements on roles and responsibilities, which were already covered in the Principles section or were described later in the document; and
- Retain paragraph 23, which described the role of the competent authority, and to add two new bullets on transparency and international cooperation and trade.

38. The Committee noted that paragraphs 24-27 contained aspects of implementation and design that were dealt with later in the document. The Committee agreed to redraft these paragraphs to help users to better understand the flow of the rest of the Section and the framework of a national food control system.

39. The Committee agreed that the framework should consist of the following main elements: (i) policy setting; (ii) system design; (iii) implementation; and (iv) monitoring and system review, with “continuous improvement” as an integral part. A diagram showing the “circular flow” of this framework was included. The Committee noted that this framework would apply equally to setting up and reviewing national food control systems.

40. The Committee agreed to the revised introduction of Section 4, prepared by an in-session working groups, as presented in CRD 10.

41. The Committee considered the remaining paragraphs (28-110) of Section 4: to determine whether text was located in the right sub-sections (i.e. 4.1 “Policy Setting”, 4.2 “System Design”; 4.3 “Implementation”; and 4.4 “Monitoring and System Review”), whether it was correct and whether text needed to be added or deleted. The outcome of the discussion is presented in CRD 12.

**Conclusions**

42. The Committee acknowledged progress made on the development of the proposed draft Guidelines and principles. The Committee agreed that the Introduction and Sections 1 to 3 only needed some editorial improvements and possibly some re-ordering of the Principles and could be advanced in the Step procedure.

43. The Committee noted that good progress had been made on developing the structure of Section 4 and its introductory paragraphs, which logically linked to the sub-sections. The Committee had also identified the proper location of paragraphs and areas for improvements.

44. In view of this progress, the Committee agreed that the proposed draft Principles and guidelines could be finalised at its next session.

45. The Committee agreed to establish a pWG, chaired by Australia and hosted by the European Union, open to all Codex Members and Observers and working in English, French and Spanish, to prepare a revised Section 4. The pWG should further elaborate the section based on CRD 12 and the written comments submitted (CX/FICS 11/19/3 Add.1; CX/FICS 11/19/3 Add.2; CRD 4; and CRD 8). A draft paper would be made available to the WG participants prior to the meeting. The meeting of the pWG was tentatively scheduled to be held in Grange (Ireland) in the second quarter of 2012.

### **Status of the proposed draft Principles and guidelines for national food control systems (N06-2009)**

46. The Committee agreed to forward the Introduction, Sections 1 to 3 to the 35<sup>th</sup> Session of the Commission for adoption at Step 5 (*see* Appendix II) and to return Section 4 to Step 2 for revision by a pWG, circulation for comments at Step 3 and further consideration at the its 20<sup>th</sup> Session.

### **DISCUSSION PAPER ON FURTHER GUIDANCE REGARDING ATTESTATION IN THE GENERIC MODEL OFFICIAL CERTIFICATE (ANNEX TO CAC/GL 38-2001) (Agenda Item 5a)<sup>10</sup>**

47. The Delegation of the United States of America introduced the discussion paper, which had been prepared following one of the conclusions of the 2010 APEC (Asia-Pacific Economic Cooperation) Export Certification Roundtable that CCFICS consider additional work on incorporating appropriate attestations in the *Generic Official Model Certificates*, Annex to the *Guidelines for Design, Production, Issuance and Use of Generic Official Certificate* (CAC/GL 38-2001).

48. The discussion paper indicated that the CAC/GL 38-2001 and its Annex provided guidance on both the use of official certificate and on attestations and that Codex had developed commodity specific attestations for milk and milk products (CAC/GL 67-2008) and for fish and fishery products (CAC/GL 48-2004).

49. One Delegation noted that the principles and guidance on attestations in CAC/GL 38-2001 were very useful and that they could not see the need to start new work based on the information in the discussion paper.

50. Another Delegation was of the view that recommending highly specific attestations might not be appropriate since requirements, were likely to vary significantly from country to country.

### **Conclusion**

51. The Committee agreed that no new work on attestations was needed at present.

### **PROPOSALS FOR NEW WORK (Agenda Item 5b)<sup>11</sup>**

52. The Committee considered the replies to CL 2011/5-FICS “Request for proposals for future work for the CCFICS” submitted by Costa Rica, the United States of America and the International Dairy Federation (IDF) as follows:

#### **Documentary information directed at exporting countries and food establishments**

53. The Delegation of Costa Rica introduced the proposal to develop a document with the most relevant information that exporting countries were asked to demonstrate and guarantee their health situation and the safety of their products. This work aimed at reducing the burden of exporting countries to reply to the diverse and numerous questionnaires from importing countries.

54. Many delegations supported the proposal. Harmonised questionnaires would ease the burden for exporting countries, in particular developing countries, and would also assist importing countries in clarifying and simplifying their requests for information.

### **Conclusion**

55. The Committee noted that the proposal needed to be further developed and agreed to establish an eWG, chaired by Costa Rica, working in English and Spanish and open to all Codex members and observers, to prepare: (i) a discussion paper that would clearly describe the problems, including examples, faced by exporting countries due to multiple questionnaires, and identify possible solutions; and (ii) a project document for consideration at its next session.

#### **Monitoring Regulatory Performance of National Food Control Systems**

56. The Delegation of the United States of America introduced the proposal to develop performance metrics to enable countries to assess the capacity of either their own or their trading partners’ national food

<sup>10</sup> CX/FICS 11/19/4; CRD 5 (Comments of European Union and Malaysia)

<sup>11</sup> CX/FICS 11/19/5; CRD 3 (USA new work: additional information); CRD 6 (Comments of Honduras, Malaysia, Mali, Philippines and Republic of Korea); CRD 7 (IDF new work: additional information); CRD 8 (Comments of India); CRD 9 (Comments of FAO); CRD 11 (IDF revised new work proposal)

control systems (NFCS). Two types of indicators were proposed: regulatory performance indicators to demonstrate the NFCS effectiveness in achieving food safety, food suitability and technical outcomes; and operational performance measures to demonstrate that inspection activities were carried out according to established policy.

57. The Delegation said that the guidance would complement the document on NFCS currently under development (*see* Agenda Item 4) and could become an Annex to this document. As this document had not yet been finalised, the Delegation suggested that a survey on how countries were currently assessing and managing their food control systems could be a first step to develop this work.

58. Many delegations supported the proposal, which could be a valuable tool for countries; however, they were of the opinion that it would be premature to request new work before the current work on NFCS had been finalised.

59. One Delegation noted that guidance on the use of the indicators to assess other countries systems could be more appropriately part of the *Principles and Guidelines for the Conduct of Assessments of Foreign Official Inspection and Certification Systems* (Annex to CAC/GL 26-1997).

60. The Observer from OIE noted that OIE Members had strongly supported the OIE PVS Pathway, a global initiative to strengthen veterinary services, based on the use of the OIE PVS Tool and encouraged the Committee to consider the OIE work if the new work proposal was approved.

61. The Observer from the Instituto Interamericano de Cooperación para la Agricultura (IICA) reported on a Performance, Vision and Strategy (DVE) tool, which it had developed jointly with the Pan American Health Organization (PAHO) to assist national food safety authorities in: determining their level of performance, creating a shared vision with the private sector on setting priorities and planning a strategy for meeting their responsibilities to the consumer. The tool had been applied in many countries of the Americas to strengthen national food safety systems. The Observer was of the opinion that this tool could contribute to future CCFICS work.

### **Conclusion**

62. The Committee agreed that it was premature to start new work at this moment and that an eWG, chaired by the United States of America would develop a questionnaire in English, French and Spanish on how countries currently assess and manage the performance of their NFCS and give examples of indicators used, to be circulated by the Codex Secretariat. Based on the replies to the Circular Letter, the United States of America would prepare a more detailed discussion paper and project document for the next session.

### **Proposal for New Work on Codex Guidelines for Managing Food Safety Emergency Situations in Relation to International Trade**

63. The Observer from IDF introduced the discussion paper, which included: (i) a gap analysis on current Codex texts; and (ii) the precise scope and clear objectives of the new work to address these gaps.

64. Regarding (i) the Observer said that Codex had not yet provided full guidance on how to manage international emergencies as CAC/GL 19-1995 only defines “food safety emergency” and provides guidance for the exchange of information; the various Codex principles and guidelines for risk analysis are meant for normal circumstances, not for emergencies; and the document on NFCS, currently under development (*see* Agenda Item 4), did not specifically address these gaps.

65. The Observer mentioned that work on effective response to international food safety emergencies had been addressed by FAO and WHO with useful guidance and tools (e.g., INFOSAN, EMPRES and other FAO/WHO guidance) and that these did not have the same status as Codex texts had under WTO.

66. Regarding (ii) the Observer said that the purpose of the new work would be “what to do” in an international food safety emergency, while the “how to do” was addressed by FAO/WHO guidance and tools (*see* CRD 9). In particular, the proposed new work should: address the process for managing food safety emergency situations, including respective roles and responsibilities of governments and other stakeholders, especially the food industry and envisage effective coordination mechanisms among all stakeholders.

67. The Committee noted that the discussion paper identified gaps in Codex texts on food safety emergencies in relation to the roles and responsibilities of various stakeholders; coordination mechanisms; and risk management.

68. One delegation was of the view that, although roles and responsibilities could be better defined, there was no need to establish formal coordination mechanisms among stakeholders. Another delegation stated that any work on guidance on managing food emergency situations should exclude situations arising from deliberate adulteration of food. Several delegations stated that aspects of risk management should not part of new work by CCFICS as they were within the mandate of other committees (e.g. Committees on Food Hygiene, on Contaminants in Foods, etc.).

69. The Committee considered a revised project document prepared by IDF (CRD 11) taking into account the above discussion, as well as FAO and WHO work and comments (CRD 9).

70. Some delegations stated that they did not see the need for this new work, as the text on NFCS under development also referred to roles and responsibilities in case of food safety emergency situations. Other delegations continued to be interested in further Codex work on this issue but stated that the proposal needed further work.

### **Conclusion**

71. The Committee agreed that the United States of America would prepare a discussion paper for consideration at its next session that would take into account Codex texts on emergencies and rejections (i.e., CAC/GL 19-1995 and CAC/GL 25-1997), FAO/WHO guidance and mechanisms (e.g., INFOSAN, EMPRES) on food safety emergency situations and would address the need for further Codex guidance on: (a) the roles and responsibilities of the various parties stakeholders in food safety emergency situations; (b) the processes involved in responding to a food safety emergency situations; and (c) communications associated with food safety emergency situations. The Committee noted that this discussion paper would also include the work assigned to the United States of America under Agenda Item 2 (*see* para. 7).

### **DATE AND PLACE OF NEXT SESSION (Agenda Item 6)**

72. The Committee noted that its 20<sup>th</sup> Session was tentatively scheduled from 18-22 February 2013 subject to further discussion between the Codex and Australian Secretariats.

## SUMMARY STATUS OF WORK

<b>Subject Matter</b>	<b>Step</b>	<b>Action by:</b>	<b>Document Reference (REP12/FICS)</b>
Proposed draft Principles and Guidelines for National Food Control Systems (N06-2009) (Introduction, Sections 1-3)	5	35 <sup>th</sup> CAC	Para. 46 and Appendix II
Proposed draft Principles and Guidelines for National Food Control Systems (N06-2009) (Section 4)	2/3	pWG 20 <sup>th</sup> CCFICS	Para. 46
Discussion paper on burden of multiple questionnaires directed at exporting countries	-	eWG (Costa Rica) 20 <sup>th</sup> CCFICS	Para. 55
Discussion paper on monitoring regulatory performance of national food control systems	-	United States of America 20 <sup>th</sup> CCFICS	Para. 62
Discussion paper on the need for further guidance on food safety emergencies and on the analysis of proposed change to CCFICS texts on emergencies and rejections to address feed.	-	United States of America 20 <sup>th</sup> CCFICS	Paras 7 and 69

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**Appendix II****PROPOSED DRAFT PRINCIPLES AND GUIDELINES FOR NATIONAL FOOD CONTROL SYSTEMS****(N06-2009)****(at Step 5)****SECTION 1 INTRODUCTION**

1. This document is intended to provide practical guidance to assist the national government, and their competent authority(ies) in the development, operation, evaluation and improvement of the national food control system. It highlights the key principles and core elements of an efficient and effective food control system. It is not intended that the guidance results in “one system” being appropriate to all circumstances. Rather, various approaches may be used, as appropriate to the national circumstances, to achieve an effective national food control system.
2. While the focus of the Principles and Guidelines for National Food Control Systems is on the production, storage, transport and sale of foods within national borders, the document is consistent with and should be read in conjunction with relevant Codex texts. Codex texts of particular relevance include the *Principles for Food Import and Export Inspection and Certification* (CAC/GL 20-1995), the *Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification* (CAC/GL 26-1997) and the *Guidelines for Food Import Control Systems* (CAC/GL 47-2003).
3. In addition, the relevant chapters of the World Organisation for Animal Health (OIE) terrestrial animal health and aquatic animal health codes are valuable resources for member governments and organizations. Other documents and guidance material developed by FAO and WHO may also be useful resources.
4. Competent authorities may apply these principles and guidelines, where appropriate, according to their particular situations.
5. When developing a national food control system national governments and their competent authority(s) should ensure that the objectives of the system are addressed as outlined in the principles below and should allow for flexibility and modification as required to ensure the objectives can be achieved.

**SECTION 2 OBJECTIVE OF A NATIONAL FOOD CONTROL SYSTEM**

6. The objective of a national food control system is to protect the health of consumers and ensure fair practices in the food trade.

**SECTION 3 PRINCIPLES OF A NATIONAL FOOD CONTROL SYSTEM**

7. A national food control system should be based on the following principles:

**PRINCIPLE 1 PROTECTION OF CONSUMERS**

8. National food control systems should be designed and maintained with the primary goal to protect consumers. In the event of a conflict, precedence should be given to protecting the health of consumers.

**PRINCIPLE 2 THE WHOLE FOOD CHAIN APPROACH**

9. The national food control system should cover the entire food chain from primary production to consumption.



**PRINCIPLE 3 TRANSPARENCY**

10. All aspects of a national food control system should be transparent and open to scrutiny by all interested parties, while respecting legal requirements to protect confidential information as appropriate. Transparency considerations apply to all participants in the food chain and this can be achieved through clear documentation and communication.

**PRINCIPLE 4 ROLES AND RESPONSIBILITIES**

11. All participants in a national food control system should have specific roles and responsibilities clearly defined.

12. Food business operators<sup>1</sup> have the primary role and responsibility for managing the food safety of their products and for complying with requirements relating to those aspects of food under their control.

13. The national governments (and in some cases competent authorities) have the role and responsibility to establish and maintain up to date science based legal requirements and the competent authority has the responsibility to ensure the effective operation of the national food control system.

14. Consumers also have a role in managing food safety risks under their control and where relevant should be provided with information on how to achieve this.

15. Academics and scientific institutions have a role in contributing to a national food control system, as they are a source of expertise to support the risk based and scientific foundation of such a system.

**PRINCIPLE 5 CONSISTENCY AND IMPARTIALITY**

16. All aspects of a national food control system should be applied consistently and impartially. The competent authority and all participants acting in official functions should be free of improper or undue influence or conflict of interest.

**PRINCIPLE 6 INCORPORATION OF RISK BASED, SCIENCE BASED AND EVIDENCE BASED DECISION MAKING**

17. Competent authorities should be making decisions within a national food control system based on scientific information, evidence and/or risk analysis principles<sup>2</sup> as appropriate.

**PRINCIPLE 7 COOPERATION AND COORDINATION BETWEEN MULTIPLE COMPETENT AUTHORITIES**

18. The competent authorities within a national food control system should operate in a cooperative and coordinated manner, within clearly assigned roles and responsibilities, for the most effective use of resources in order to minimise duplication/gaps and to facilitate information exchange.

**PRINCIPLE 8 PREVENTIVE MEASURES**

19. To prevent or to react to food safety incidents a national food control systems should encompass the core elements of prevention, intervention and response.

**PRINCIPLE 9 SELF ASSESSMENT AND REVIEW PROCEDURES**

20. The national food control system should possess the capacity to undergo continuous improvement and include mechanisms to evaluate whether the system is able to achieve its objective.

**PRINCIPLE 10 RECOGNITION OF OTHER SYSTEMS (INCLUDING EQUIVALENCE)**

21. Competent authorities should recognise that food control systems or their components although

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<sup>1</sup> For the purpose of this document food business operator includes producers, processors, wholesalers, distributors, importers, exporters and retailers

<sup>2</sup> In accordance with members obligations under the World Trade Organisation Agreements, risk analysis frameworks adopted by national governments in the context of a national food control system should be consistent with the Codex *Working Principles for Risk Analysis for Food Safety for Application by Governments* (CAC/GL 62-2007) and relevant risk analysis policies developed by the World Organisation for Animal Health (OIE).

designed and structured differently may be capable of meeting the same objective. This recognition can apply at the national and international level. The concept of recognition of systems, including equivalence<sup>3</sup>, should be provided for in the national food control system.

#### **PRINCIPLE 11 LEGAL FOUNDATION**

22. The government within each country needs to have in place fundamental legal structures to enable the establishment of food laws and competent authorities, so that they can develop, establish, implement, maintain and enforce a national food control system.

#### **PRINCIPLE 12 HARMONISATION**

23. When designing and applying a food control system, the competent authority should consider Codex standards, recommendations and guidelines (or those of other international inter-governmental organizations whose membership is open to all countries) whenever appropriate as elements of their national food control system to facilitate trade and consumer confidence.

#### **PRINCIPLE 13 RESOURCES**

24. A national food control system should have sufficient resources to enable it to meet the system objectives.

### **SECTION 4 FRAMEWORK FOR THE DESIGN AND OPERATION OF THE NATIONAL FOOD CONTROL SYSTEM**

**(at Step 2)**

(See REP/FICS para. 46)

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<sup>3</sup> *Guidelines for the development of equivalence agreements regarding food import and export inspection and certification systems (CAC/GL 34-1999) and Guidelines on the judgement of equivalence of sanitary measures associated with food inspection and certification systems (CAC/GL 53-2003).*