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## PRINCIPLES AND GUIDELINES FOR THE EXCHANGE OF INFORMATION BETWEEN IMPORTING AND EXPORTING COUNTRIES TO SUPPORT THE TRADE IN FOOD<sup>1</sup>

CAC/GL 89-2016

Adopted in 2016.

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<sup>1</sup> These guidelines also apply to feed for food producing animals in cases where it could impact food safety and or fair practice in food trade.

## 1. Introduction

Most trade in food occurs without countries requiring an exchange of information on their National Food Control System (NFCS)<sup>2</sup>. However, under some circumstances, importing countries may require an exchange of information for the initiation or maintenance of trade in food.

These guidelines are not intended to mandate such exchange of information as a necessary prerequisite for trade occurring between countries.

The exchange of information and associated assessments may be required where the risks associated with the traded commodity are high, whether they relate to food safety or fair practices in the food trade, and the necessary assurances cannot be gained by other mechanisms.

The use of Codex guidance by importing and exporting countries alike should help facilitate any necessary assessment of the relevant component(s) of the NFCS.

Codex texts of particular relevance for example include:

- Principles and guidelines for national food control systems (CAC/GL 82-2013);
- Guidelines for Food Import Control Systems (CAC/GL 47-2003);
- Principles for Food Import and Export Inspection and Certification (CAC/GL 20-1995);
- Guidelines on the Judgment of Equivalence of Sanitary Measures Associated with Food Inspection and Certification Systems (CAC/GL 53-2003); and
- General Principles of Food Hygiene (CAC/RCP 1-1969).

These guidelines may also be useful in clarifying the information exchange requirements of Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems (CAC/GL 26-1997) – specifically paragraphs 55-57 of Section 9 – Assessment and verification of inspection and certification systems.

## 2. Objectives

Provide guidance to assist the competent authority of the importing and exporting countries to identify when the exchange of information may be necessary and what information is essential for the assessment of the relevant component(s) of the NFCS.

Provide guidance to simplify and harmonize the information and the process of the exchange between the competent authorities of the importing and exporting countries.

## 3. Scope

These guidelines address situations where information exchange may be required between the competent authority of the importing and exporting country for the assessment of relevant component(s) of an exporting country's NFCS that may cover a product or group of products prior to the initiation or maintenance of trade.

## 4. Exchange of information and assessment

**4.1** Information exchange is justified when the risks posed by the specific food product or group of products to food safety or fair practices in the food trade are such that an assessment of whether the relevant component(s) of the NFCS of the exporting country is appropriately managing the risks, is required and the assurance is not able to be attained by other means.

**4.2** The competent authorities of the importing and exporting countries, in the process of exchanging information and the associated assessment of the relevant component(s) of a NFCS, should:

- a) not impose an outcome, a standard or a process in excess of what is being applied within the importing country without justification;
- b) recognize that the relevant component(s) of NFCS may be designed and structured differently while still meeting the same objectives or outcomes;
- c) recognize the official controls, assessments and approval mechanisms already in place in the exporting country;

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<sup>2</sup> Official inspection and certification systems may be considered a part of a national food control system given today's global market (refer to the last sentence of paragraph 2, CAC/GL 82-2013). The "relevant component(s)" of a NFCS or a country's official inspection and certification system should clearly relate to the food being exported.

- d) focus on the relevant component(s) of the NFCS in place in the exporting country as they relate to the outcomes; and
- e) involve only the level of detailed information that is essential to gain the necessary assurances with regard to food safety and fair practices in food trade as opposed to routinely requiring detailed information on specific food business operators.<sup>3</sup>
- f) recognize previous information exchanges and assessments for the purposes of maintaining trade and not routinely require re-assessments without justification.

## 5. Principles

The following principles should apply to the exchange of information and/or the associated assessment process:

- a) Be between the relevant competent authorities of the exporting and importing countries.
- b) Be appropriately transparent, structured, focused, interactive and timely.
- c) Be in English or a language mutually agreed between the importing and exporting countries.
- d) In addition to other means, allow for and promote electronic transmission, including the ability to appropriately reference information already supplied or that may be readily available online.
- e) Recognize existing experience, knowledge and confidence<sup>4</sup> already gained or possible to extrapolate from assessments by other countries or international organizations.
- f) Not require the submission of commercially sensitive information for specific food business operators unless essential to assess the public health objective, in which cases, it should be protected from inappropriate use or disclosure to other parties.

## 6. Process

Where the necessity of exchanges of information and assessments has been established, in accordance with paragraph 4.1 above, the competent authorities of the importing and exporting countries should seek to observe the following processes.

The importing country should, to the extent possible:

- a) Clearly outline the information required, why it is required, and the process and methodology to be followed, including timelines.
- b) On request, make itself available to discuss what information may already be available from previous exchanges, publications or existing knowledge, confidence or experience and what further information may be necessary from the exporting country to fill information gaps.
- c) Provide in writing a clear description, with appropriate references, containing the objectives, core elements and key operational performance characteristics of the relevant component(s) of its own NFCS, to assist the exporting country to understand and respond to the importing country's information requests.
- d) As far as practical, and especially where consistent with the relevant Codex guidance, allow exporting countries to describe the relevant component(s) of the NFCS that is in place in their country and how it meets the objectives and outcomes required by the importing country.
- e) Focus its information exchange request and assessment on whether the relevant component(s) of the exporting country's NFCS achieve(s) the objectives and outcomes as required and achieved by the importing country's system.
- f) Engage with the exporting country where additional information or clarity is needed so as to ensure any assessment process can be concluded in a timely manner.

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<sup>3</sup> For the purposes of this document, food business operators include producers, processors, wholesalers, distributors, importers, exporters and retailers.

<sup>4</sup> *Experience, knowledge and confidence in an exporting country's food inspection and certification system by an importing country includes the history of food trade between two countries and the history of compliance of foods with the importing country's requirements, particularly the food products involved.* Further examples that may inform the importing country's experience, knowledge and confidence are listed in paragraph 10 points (a) to (n) in the annex to CAC/GL 53-2003.

- g) Focus any requests for information, for the purpose of updating assessments relating to existing trade, on only those importing country requirements or the relevant component(s) of the exporting country's NFCS which have changed.

The exporting country should, to the extent possible:

- a) Describe the relevant component(s) of its NFCS that meet(s) the objectives and outcomes required by the importing country.
- b) Describe the relevant component(s) of its NFCS consistently with existing Codex guidance.
- c) Engage with the importing country where additional information or clarity is needed to ensure any assessment process can be concluded in a timely manner.
- d) Ensure the importing country is notified of any relevant changes to the relevant component(s) of its NFCS.

## **7. Information exchange content**

To facilitate the possible provision of information to multiple importing countries, exporting countries may develop standardised responses to describe the relevant components of their NFCS in so far as they relate to food safety and/or fair practices in the food trade.

Possible standard responses include:

- a) Legislative or administrative framework;
- b) Competent authority capability, resourcing and organizational design;
- c) Roles and responsibilities of all relevant parties;
- d) How the independence and credibility of the competent authority responsible for certification is maintained;
- e) Relevant administrative policies and procedures;
- f) Official controls and standards;
- g) Verification programmes;
- h) Enforcement and compliance programmes;
- i) Laboratory capacity and capability;
- j) Emergency preparedness and response and recall systems;
- k) Training and competency assessment requirements;
- l) Monitoring and system review;
- m) Criteria for registering and approving specific food business operators, including where such lists may be available.

Importing countries should exercise flexibility with respect to the format of information received from exporting countries; focus on whether the content of the submissions provides necessary assurances, and only request additional information in response to gaps or risks not addressed.