



**JOINT FAO/WHO FOOD STANDARDS PROGRAMME**  
**CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION**  
**AND CERTIFICATION SYSTEMS**

Twenty-second Session

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

**(Comments at Step 3 Brazil, Chile, Ecuador, Ghana, Indonesia, Japan, Mexico, Thailand, United States)**

**BRAZIL**

Brazil would like to thank Australia and Canada for the work done and for the opportunity to present some comments on the document.

First of all Brazil presents its answers to the questions forwarded to member countries in item recommendation and conclusions

**Scope of the Guidelines**

Q: Should these guidelines cover rejected consignments only or should they also include detained consignments? If detained consignments are included, under what conditions?

These guidelines should cover only rejected consignments.

**Format and Layout of the Guidelines**

Q: Are the section headings still appropriate? Should they be revised and if so, what should they be?

The section headings are appropriate.

**Paragraph 13 – Appeals mechanism**

Q: Should guidance on appeals/review of official decisions be included in the guidelines? If so, what sort of guidance should be provided?

No, they should not. These cases are already discussed bilaterally between the countries involved and, if not resolved, in other forums (WTO).

Q: If guidance is provided on appeals/review of official decisions, what sort of information should be exchanged?

N/A.

**Section 3 Detailed Information**

Q: Are there any other points to consider regarding how information should be exchanged?

No, there are not.

**1) Specific comments on Appendix 1**

Appendix I

**PROPOSED DRAFT REVISED GUIDELINES FOR THE EXCHANGE OF INFORMATION BETWEEN COUNTRIES ON REJECTIONS OF IMPORTED FOOD - CAC/GL 25-1997**

**SECTION 1 – INTRODUCTION**

**Paragraph 1.** Remove the second sentence of the paragraph. So the paragraph would read: The following guidelines provide the basis for structured information exchange on import rejections. ~~The guidelines are~~

~~intended to cover all types of food as well as feed for food-producing animals where the reason for the rejection is related to food safety.~~

**Rationale:** We suggest leaving the first sentence of the Introduction as a simple statement and transfer the mention to feed to the second paragraph in order to maintain the focus on the objective of the Guidelines and have a better notion of the word “feed” in the whole document

**Paragraph 2.** Add the phrase “**as well as feed for food producing animals**” after the sentence “These guidelines apply where food” and add the phrase “**where the reason for the rejection is related to food safety, as well as labeling and the documentation of the imports**” at the end of the first sentence. In the second sentence remove the phrase ~~serious and as yet uncontrolled foodborne~~.

So the paragraph would read: These guidelines apply where food” **as well as feed for food producing animals** has been refused entry to a country due to a failure to comply with importing country requirements **where the reason for the rejection is related to food safety, as well as labeling and the documentation of the imports.** Where it has been identified that food represents a ~~serious and as yet uncontrolled foodborne~~ risk to public health, the *Guidelines for the Exchange of Information in Food Control Emergency Situations* (CAC/GL 19-1995) should be used.

**Rationale:** In Brazil the competent authorities reject foods that do not comply with labeling and documentation requirements. As a consequence we understand that we should not link the rejections to the gravity of the risk, but to the non-compliance of the requirements of the importing country, which is also expressed in the paragraph.

### SECTION 3 – DETAILED INFORMATION

1. Remove all paragraph 17.

~~Paragraph 17. Importing countries should provide as much information as is available to allow confirmation of the identity of the consignment or subunit examined, the exact nature of the issue found, the importer and exporter of the consignment and any actions taken. Details on the type of information to exchange are provided at Annex I.~~

2. Paragraph 18. Add the phrase “**and any actions taken**” in the second sentence of paragraph 18 after the words “criteria for rejection”. Add the sentence “**Details on the type of information to exchange are provided in Annex I**” at the end of paragraph 18. So the paragraph 18 would read:
3. 18. The reason(s) why a consignment of food has been rejected should be clearly stated and reference should be made to the regulations or standards which have been contravened. A clear description of the criteria for rejection **and any actions taken** should be provided to ensure transparency. **Details on the type of information to exchange are provided in Annex I**”.

**Rationale:** Almost all the information addressed in paragraph 17 is stated in paragraph 18. In order to make it complete we added a reference to Annex I.

#### 2) Specific comments on ANNEX 1

#### ANNEX I – STANDARD FORMAT FOR EXCHANGE OF INFORMATION BETWEEN COUNTRIES ON REJECTIONS OF IMPORTED FOOD

Add the word “feed” after the word “food” in the first subtitle “Identification of the food/concerned”. So the subtitle would read: Identification of the food/**feed** concerned”.

**Rationale:** we suggest adding the information regarding the indication of the consumption of the rejected product, if for human or animal use.

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## CHILE

### General comment

The Proposed Draft provides guidance which should help countries simplify the information requirements placed on exporting countries. Applying this guidance should relieve the burden on exporting countries of meeting different information requirements about their national food control systems.

### Specific comments

**SECTION 2 – GENERAL CONSIDERATIONS, paragraph 9. It is suggested that this paragraph be deleted.**

Rationale: Chile considers that the subject of this standard is the exchange of information, rather than aspects related to legal provisions, which each country has the authority to define. This standard should not establish that the importing and exporting country must jointly determine which action to take, since such decisions lie with each health authority.

**SECTION 2 – GENERAL CONSIDERATIONS, paragraph 10. It is suggested that this paragraph be deleted.**

Rationale: The subject of the standard is the exchange of information, rather than the legal provisions in each country regarding the re-export of food in case of rejection. This standard cannot establish any requirements to be met by countries when they re-export goods, since that is not its purpose.

**SECTION 2 – GENERAL CONSIDERATIONS, paragraph 13. It is suggested that the existing paragraph be replaced by the following text: "When appeal mechanisms for rejections are in place, the importing country should provide all the information about such mechanisms that is relevant for the exporting country."**

Rationale: This standard should not establish any appeal requirements to be met by countries, since these are part of each country's domestic regulations. They are part of their NFCS. However, when appeal mechanisms exist, the information about them should be exchanged, so that they can be used by the exporting countries.

**SECTION 3 – DETAILED INFORMATION Paragraph 22. Subcommittee: It is suggested that this paragraph be deleted.**

Rationale. This is a very specific point. Food rejections occur for many reasons, and this is only one type of situation. Causes for rejections are one of the key elements in this standard; they include this point and many others.

**ANNEX 1. STANDARD FORMAT FOR EXCHANGE OF INFORMATION BETWEEN COUNTRIES ON REJECTIONS OF IMPORTED FOOD OR FEED. Paragraph about [Appeals / review of official decisions]. It is suggested that the entire text be replaced by the following one:**

**"When mechanisms to appeal rejections are in place, the information to exchange may include:**

**The procedure for appealing**  
**The deadlines for appealing**  
**The deadlines for responding,**  
**The contact points**  
**The competent authorities,**  
**Etc."**

Rationale: The heading and the three bullets suggested for deletion intend to establish appeal procedures, a matter which falls outside the scope of this standard. What should be established is the type of information to exchange in that situation, provided that appeal mechanisms are in place.

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## ECUADOR

### GENERAL COMMENTS

It is recommended that the word "DEBERÍA" be changed to "DEBE" throughout the document.

*Rationale: The document in English uses the term "should", which implies obligation, so its correct translation into Spanish is "debe", to keep the same meaning.*

*[Translator's note: The amendment proposed does not affect the meaning of the English version.]*

### SPECIFIC COMMENTS

#### SECTION 1 - INTRODUCTION

**Paragraph 1** –“The following guidelines ~~provide the basis for~~ **are intended to cover a** structured information exchange on import rejections. ~~The guidelines are intended to cover all types of food~~ **rejections of all types of imported food** as well as feed for food producing animals where the reason for the rejection is related to food safety.” Thus, the paragraph would read as follows: "The following guidelines are intended to cover a structured information exchange on rejections of all types of imported food as well as feed for food producing animals where the reason for the rejection is related to food safety."

*Rationale: To accurately define the purpose of the standard, which is to cover the exchange of information in the case of rejections of food or feed.*

#### SECTION 2 – GENERAL CONSIDERATIONS

**Paragraph 4** – “Rejections may occur where the competent authority of the importing country has identified that:”

*Rationale: Grammar mistake. [Translator's note: The amendment proposed does not affect the meaning of the English version.]*

**Paragraph 15.** To enable FAO and WHO to assist exporting countries in their efforts to meet the requirements of importing countries, information on rejections of imported food should be made available to FAO and WHO if their assistance is requested by an exporting country.

*Rationale: Grammar mistake. [Translator's note: The amendment proposed does not affect the meaning of the English version.]*

#### SECTION 3 – DETAILED INFORMATION

**Paragraph 16** –

- transmitted electronically to all relevant parties **through a previously established contact point** wherever possible

4.—

*Rationale: It is important to have an official communication channel in place, to ensure that the information will reach the relevant authorities. It is considered that information flows more easily if there is a previously established contact point (competent authority, embassy, consulate, etc.) in charge of transmitting information to the relevant parties and authorities within its own country.*

**Paragraph 18** - The reason(s) why a consignment of food **or feed** has been rejected should be clearly stated and reference should be made to the regulations or standards which have been contravened. A clear description of the criteria for rejection should be provided to ensure transparency.

*Rationale: The purpose of the document is to regulate the exchange of information on rejections of food and feed for food producing animals.*

**Paragraph 19** – "Where a consignment is 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. The results obtained and the details of the **official testing laboratory or of one recognized by the competent authority of the importing country (accredited under standard 17025)**

*Rationale: To clarify that the laboratory must be accredited or at least recognized by the authorities of the importing country.*

## ANNEX I

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

#### Reason(s) for rejection

Replace the text proposed with the following:

- Non-compliance with the Maximum Limits established by the importing country or, if none exist, those established by CODEX for Biological/microbiological contamination
- Non-compliance with the Maximum Limits established by the importing country or, if none exist, those established by CODEX for chemical contamination (pesticide or veterinary drug residues, heavy metals, etc.)

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#### GHANA

##### General Comments

Ghana supports the revision to the guidelines for the exchange of information between countries on rejections of imported goods. This additional information is more flexible and has a widened scope.

##### Specific Comments

##### Section 2 – General Considerations

Ghana supports recommendation by eWG to introduce a provision to address appeal mechanism in situations of rejection of imported goods. We support the text developed by the eWG and propose the removal of square bracket as follows:

**13. There may be cases where an exporting country should be able to appeal a decision to reject an imported food consignment and ask for a review. For example, where post arrival test results have caused the decision to reject the consignment, but the test results are inconsistent with pre-export test results.**

##### Rationale

An appeal mechanism and/or opportunity for the review of official decisions is necessary to ensure transparency during the exchange of information on rejected imports. Results are inconsistent with pre-export test results.

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#### INDONESIA

##### General Comments:

Indonesia thanked to Australia and Canada as the EWG leaders and members of EWG for preparing and contributing to the Proposed Draft Revision of the Guidelines for the Exchange of Information between Countries on Rejections of Imported Food (CAC/GL 25-1997). Indonesia supports this proposed draft, and considers that the revision will be useful as a reference for exchange information on rejections of imported food among countries.

Indonesia agrees with the revision to incorporate feed in the guideline. In our opinion it is important to develop awareness in consumers that feed could influence food and it is part of the safety of food supply chain.

## Specific Comments

### SECTION 1 - INTRODUCTION

Paragraph 2 – At the beginning of second sentence replace word “Where” to “However, if”. So the paragraph 2 will be read as “These guidelines apply where food has been refused to entry to a country due to a failure to comply with importing country requirements. ~~Where~~ **However, if** it has been identified that food represents a serious and as yet uncontrolled foodborne risk<sup>3</sup> to public health, the Guidelines for the Exchange of Information in Food Control Emergency Situations (CAC/GL 19-1995) should be used.

*Rationale: to emphasize the difference of the intended use of the Guideline CAC/GL 25-1997 and CAC/GL 19-1995*

### SECTION 2 – GENERAL CONSIDERATION

Paragraph 9 – Indonesia need a clarification, in what condition that the reconditioning of the consignment could be applied?

*Rationale: Considering that in the Codex Guideline such as Principles for Food Import and Export Inspection and Certification System (CAC/GL 20/1995) and Guideline for Food Import Control Systems (CAC/GL 47-2003) as references to the transparency of food rejection, the term “reconditioning” is not clearly describe yet. Furthermore, some countries cannot accept “recondition product”, in order to protect public health and safety.*

*In our view, reconditioning means do something or treatment to the incompliance product so that the product then meets the requirements of such importing country. Therefore, to have a common understanding, we need a definition of term “reconditioning” used in Codex Guideline.*

Paragraph 13 – Appeal mechanism

In Indonesia opinion, this appeal/review mechanism is not necessary to be included in this guideline.

*Rationale: According to appeal mechanism, there is already an international forum to resolve appeal mechanism e.g. TBT/SPS Dispute Settlement Body. If the exporting country request for appeal/opportunity to review the rejection decision, it may be resolved by bilateral discussion, in accordance with paragraph 12 revision of CAC/GL 25-1997. Furthermore, refer to the title, this guideline intended to exchange of information on rejection imported food only, not to follow up the issue(s).*

## JAPAN

### General comments

#### Scope of the Guidelines

Q: Should these guidelines cover rejected consignments only or should they also include detained consignments? If detained consignments are included, under what conditions?

Response: When a consignment is detained, competent authority cannot provide some information with the exporting country because it is still under consideration. So we think that detained consignments should not be included in this guideline.

#### Format and Layout of the Guidelines

Q: Are the section headings still appropriate? Should they be revised and if so, what should they be?

Response: We have no idea at this point. We would like to review this issue after the further examination of each paragraph.

#### Paragraph 13 – Appeals mechanism

Q: Should guidance on appeals/review of official decisions be included in the guidelines? If so, what sort of guidance should be provided?

Q: If guidance is provided on appeals/review of official decisions, what sort of information should be exchanged?

Response: Appeals mechanism is out of intended objective.

**Section 3 Detailed Information**

Q: Are there any other points to consider regarding how information should be exchanged?

Response: No additions or deletions.

Specific Comments

Appendix I

Para 4

Add a new dash point

- **Non-compliance with importing country requirement**

Rational: To be consistent with para 5

Para 7

Investigate **the root cause of** the non-compliance

Rationale: to make the sentence clearer

Para12

We would like to seek clarification on this paragraph. What does the last sentence mean? It is difficult to imagine what “notification of particular types of rejection” is.

Para 13

Delete

Rationale: The current para 13 does not have an added value for the appeal mechanisms.

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**MEXICO**

Mexico appreciates the opportunity to make comments to the document **CX/FICS 16/22/6**, regarding the **PROPOSED DRAFT REVISION OF THE GUIDELINES FOR THE EXCHANGE OF INFORMATION BETWEEN COUNTRIES ON REJECTIONS OF IMPORTED FOOD (CAC/GL 25-1997)**, corresponding to agenda item 7 of the next CCFICS session.

**SPECIFIC COMMENTS**

**Appendix I**

**Section 2 – General Considerations**

Para.	Comments
4	Rejections may occur where the competent authority of the importing country has identified that: Bullet 1: there is evidence the consignment presents a food safety risk <b><u>and/or the consignment do not comply with the sanitary requirements, including sanitary requirements for labelling.</u></b> Bullet 3: there is <del>reason to suspect</del> <b><u>evidence of</u></b> misrepresentation or consumer fraud.
5	When the competent authority rejects a consignment of food presented for importation due to non-compliance with importing country <b><u>sanitary</u></b> requirements, information should be exchanged to advise relevant parties <sup>3</sup> of the rejection; to enable relevant parties to implement appropriate corrective and preventative measures...
6 Delete paragraph 6 and move as	<del>Where appropriate, information should be provided to</del> Relevant parties <b><u>are those</u></b> with a regulatory or commercial interest in the product, <del>including the competent authority (or embassy if the competent authority is not known) of the exporting country and the importer and/or exporter.</del>

a definition to a new footnote 3	
7	The competent authority in the exporting country may then investigate <b><u>the causes of</u></b> the non-compliance...

### Section 3 – Detailed Information

Para.	Comments
16	Information exchange should be: Bullet 3: made in the importing/ <b><u>exporting</u></b> country's language, <del>English</del> or a third language as mutually agreed.
18	The reason(s) why a consignment of food has been rejected should be clearly stated and reference should be made to the regulations or standards which have been contravened <b><u>or the risk involved in food</u></b> . A clear description of the criteria for rejection should be provided to ensure transparency.
19	Where a consignment is rejected on the basis of analysis performed in the importing country, the importing country authority should make available <del>upon request</del> details of the sampling and analytical methods employed, the results obtained and the details of the testing laboratory.
23 (New)	<b><u>If as a result of investigations conducted by the importing/exporting country it is determined that the consignment meets the requirements, the importing country should allow its entry and notify the resolution to the parties originally notified.</u></b>

### Annex 1

Complete the title in the English version: STANDARD FORMAT FOR EXCHANGE OF INFORMATION BETWEEN COUNTRIES ON REJECTIONS OF IMPORTED FOOD AND **FEED**

#### Identification of the food concerned

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

Bullet 7: Name, ~~and address,~~ **phone number and e-mail** of manufacturer, producer, seller and/or exporter. ~~establishment number.~~

New bullet: **Establishment number.**

#### Importation details

Information on the following should be provided:

Bullet 1: Exporter name and contact information (**address, phone number and e-mail**)

Bullet 2: Importer name and contact information (**address, phone number and e-mail**)

New bullet: **Departure date.**

#### Details of rejection, decision

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

Bullet 4: Name and ~~address~~ **contact information** of food control authority which can provide more information on reason for rejection

#### Reason(s) for rejection

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

New bullet: **Laboratory techniques used.**



**TRANSLATION COMMENTS (Only applicable to the Spanish version of the document CX/FICS 16/22/6)**

**Appendix I**

**Section 1 – Introduction**

Para.	Comments
1	...La finalidad de las directrices es regular <del>regular</del> <b>abarcar</b> todo tipo de alimentos, como así también los piensos para animales destinados al consumo humano, cuando el motivo del rechazo está relacionado a la inocuidad de los alimentos.
2	...se deberían utilizar las <i>Directrices para el intercambio de información</i> <b>en situaciones de emergencia relacionadas con la inocuidad de los alimentos</b> (CAC/GL 19-1995).

**Section 3 – Detailed Information**

Para	Comments
16	El intercambio de información debería: Bullet 2: ser transparente, estructurada y oportuna para asegurar una resolución rápida <del>de manera de tomar</del> <b>y puedan tomarse</b> medidas alternativas, en la medida de lo posible

**Annex 1**

**Medidas adoptadas**

Se debería proporcionar información sobre las medidas adoptadas, tales como:

Bullet 5: Autorización de la importación para ~~consumo no humano~~ **usos distintos al consumo humano**

**THAILAND**

Thailand would like to express our appreciations for efforts of the Electronic Working Group led by Australia and Canada for the preparation of Revision of Guidelines for the Exchange of Information between Countries on Rejections of Imported Food (CAC/GL 25-1997).

**General comments**

We agree with the document in principle. And, from our point of views, the scope of these guidelines should cover only the information exchange on the rejections of imported foods; meanwhile the information exchange on detaining imported foods should not be considered, because it is only a part of the inspection of imported foods where the inspection is not yet completed.

In addition, it is proposed that the exchange of information should be conducted between the competent authority of exporting and importing countries, and subsequently information should be informed to related importers and exporters.

**Specific comment**

However, we would like to propose our comments on specific sections of the guidelines as follows.

**Section 2: General Consideration**

Paragraph 4

According to the principle of guidelines, imported foods will be rejected when they are incompliance with importing country requirements, however the proposed texts in bullet 2 are not clear to describe that the rejections occur subsequent to the export inspection/certification or prior to the import inspection/certification. Then, we would like to request for clarifications that whether the consignment has been compromised during handling, storage or transport subsequent to the export inspection/certification or prior to the import inspection/certification.

Bullet 3

To be clear and fair, the texts in current Codex guidelines (CAC/GL 25 -1997) should be remained, instead of the proposed texts.

Therefore, paragraph 4 should be revised as the following texts.

“4. Rejection may occur where the competent authority of the importing country has identified that the consignment is in compliance with importing country requirements which may include:

- there is evidence the consignment presents a food safety risk
- the consignment has been compromised during handling, storage or transport subsequent to inspection/certification
- there is ~~reason to suspect~~ evidence of serious misrepresentation or consumer fraud.

#### Paragraph 5-6

Our comments on this both paragraph are as follows.

1) In principle, information should be exchanged between the competent authority of importing and exporting countries and subsequently informed to the importer and exporter.

2) It is proposed that the texts “to relevant parties with a regulatory or commercial interest in the product” should be deleted, as it is too extensive that could lead to providing information to irrelevant parties.

3) Furthermore, it should be clearly specify that the importer and exporter are of the rejected consignment.

Therefore, paragraph 5-6 should be read as follows:

~~“5. When the competent authority rejects a consignment of food presented for importation due to non-compliance with importing country requirements,~~ † Information should be exchanged to the competent authority of exporting country and advise relevant parties of the rejection; to enable relevant parties to implement appropriate corrective and preventative measures; and to ensure food control systems in the exporting country consistently produce product that meets importing country requirements is fit for purpose.

6. Where appropriate, information should be provided to ~~relevant parties with a regulatory or commercial interest in the product, including~~ the competent authority (or embassy if the competent authority is not known) of the exporting country and the importer and/or exporter of the rejected consignment.

#### Paragraph 13

It is agreed in principle with the inclusion of guidance on appeals/review of official decisions into the guidelines; however a country has the appeal mechanism that varies from country to country, therefore the example in this paragraph should be removed for flexibility in practices.

Then, paragraph 13 should be read as follows.

~~“13. There may be cases where an exporting country should be able to appeal a decision to reject an imported food consignment and ask for a review. For example, where post arrival test results have caused the decision to reject the consignment, but the test results are inconsistent with pre-export test results.”~~

### **Annex I: Standard Format for Exchange of Information between countries on Rejections of Imported Food**

#### Action taken

##### Bullet 2

We would like to request for clarifications that whether texts in this bullet are considered as the rejections. If they are not, this bullet should be removed.

##### Bullet 3

This bullet should be removed, because if the judgment has not been finalized, it is considered that the rejection process has not been yet completed, so it is unnecessary to exchange information.

#### Appeals / review of official decisions

We would like to request for clarifications that whether this section is concerned with the rejections of imported foods. If they are not, it should be removed.

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## UNITED STATES

### General Comments

The United States appreciates the efforts of the electronic Working Group, led by Australia and Canada, to further develop *the Proposed Draft Revision of the Guidelines for the Exchange of Information between Countries on the Rejections of Imported Food (CAC/GL 25/1997)*. We believe the document is well developed, though there are a few remaining issues, highlighted by the questions raised in the discussion section. We are providing responses to the questions which will need to be resolved by the Committee, as well providing specific comments on the revised guidelines.

### Scope of the Guidelines

Q: Should these guidelines cover rejected consignments only or should they also include detained consignments? If detained consignments are included, under what conditions?

United States response: These guidelines should be limited to rejected consignments.

*Rationale: Whether it is rejected or detained, a key consideration is the administrative burden associated with the exchange of information. In the case of detained shipments, these issues are routinely resolved through commercial channels by the regulated industry*

### Format and Layout of the Guidelines

Q: Are the section headings still appropriate? Should they be revised and if so, what should they be?

United States response: The U.S. believes the current section headings are sufficient.

### Paragraph 13 – Appeals mechanism

Q: Should guidance on appeals/review of official decisions be included in the guidelines? If so, what sort of guidance should be provided?

United States response: The U.S. seeks clarity on whether this is intended to provide guidance to a competent authority appealing a decision made by another competent authority on behalf of regulated industry. The regulated industry (importer or exporter) is notified of the rejection, and has the ability to appeal a decision (paragraph 9). The U.S. does not support extending these guidelines to appeals/review of official decision and suggest that paragraph 13 is deleted.

*Rationale: Generally, in the U.S., the appeal process occurs prior to the final decision to reject the shipment, and must be pursued within a reasonable period of time. There is an opportunity for the regulated industry to request a review of the decision and to consider any relevant information submitted to assist in the review. This should occur prior to the final decision to reject the shipment.*

### Section 3 - Detailed Information

Q: Are there any other points to consider regarding how information should be exchanged?

United States response: The U.S. suggests that the list is comprehensive, and has no additional points to add at this time.

### Specific Comments

Title

Delete footnote 2: PROPOSED DRAFT REVISED GUIDELINES FOR THE EXCHANGE OF INFORMATION BETWEEN COUNTRIES ON REJECTIONS OF IMPORTED FOOD<sup>2</sup>

*Rationale: This footnote is unnecessary as the point is covered in Section 1, Introduction in Paragraph 1.*

## Introduction

The scope and intended use of these guidelines, specifically the reasons for rejection included in the annex, is very broad and potentially resource intensive. It is noted that the eWG considered the reference to the seriousness of the rejection, and that if included, should be better defined. There should be further discussion to determine whether the guidelines should be focused towards rejections of public health significance, as well as sustained or recurring patterns of non-conformity.

*Rationale: A key consideration is the administrative burden for both the importing and exporting country associated with the notification and subsequent investigations and corrective actions taken. The format of the exchange of information is essential for serious violations, but may not be necessary in all situations.*

## Section 2 – General Considerations

Paragraph 4 – At the end of the second bullet, delete subsequent to inspection/certification. So the bullet should read: - the consignment has been compromised during handling, storage or transport

*Rationale: The U.S. suggests that "...subsequent to inspection/certification" is unnecessary. It could be interpreted either specific to post exporting country inspection and certification, while the goods are transiting to the importing country, or to include handling, storage, and transportation after the consignment has arrived, inspected or released for transit to the final destination in the importing country.*

Paragraph 4 – in the third bullet, delete "reason to suspect" and "fraud"; insert "evidence that the consignment is misrepresented or misleading to the". The bullet would read

- There is **evidence that the consignment is misrepresented or misleading to the consumer.**

*Rationale: In order to reject the consignment, there would need to be evidence that the consignment is misrepresented or fraudulent (false or misleading). If there is a "reason to suspect", the consignment should be detained until the non-compliance is confirmed. It also is not clear by whom and when and what definitions for misrepresentation or consumer fraud are being applied. This item may need more discussion and clarification in order to assess the practicality and viability, as it is not clear who is of this item.*

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