

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD
HEALTH
ORGANIZATION



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Agenda Item 2

**CX/FICS 06/15/2
October 2006**

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

Fifteenth Session

Mar del Plata, Argentina, 6 to 10 November 2006

**MATTERS REFERRED BY THE CODEX ALIMENTARIUS COMMISSION AND OTHER
CODEX COMMITTEES AND TASK FORCES ¹**

PART 1. MATTERS ARISING FROM THE 29TH SESSION OF THE CODEX ALIMENTARIUS COMMISSION

1.1 Critical Review²

1. The Commission agreed to endorse the following recommendation of the Executive Committee to Codex Committees and Task Forces:

- To prioritize work when the agenda of the Committee includes many items of work;
- To invite all Chairpersons, or host countries for adjourned committees, to provide their comments on the items of work that have been under consideration for more than five years; and
- To inform the Executive Committee and the Commission of the proposed timeframe for completion of all items that have been approved as new work prior to 2004.

1.2 Draft and Proposed Draft Standards and Related Texts adopted as Final Texts at Steps 5/8³

Proposed Draft Principles and Guidelines for Imported Food Inspection Based on Risk

2. The Commission noted that definitions for terms such as “science based” and “risk based” were under discussion in CCGP based on a discussion paper from New Zealand but did not see this as an impediment to adopt the proposed draft principles. The Commission noted the amendments proposed by India and Peru however the Commission was of the opinion that a thorough discussion had been held on the proposed draft principles and guidelines in the CCFICS and that reopening the discussion would delay the adoption of the document. The Commission adopted the proposed draft principles and guidelines at Steps 5/8, with the omission of Steps 6 and 7, for inclusion as an Appendix to the *Codex Guidelines for Food Import Control Systems* (CAC/GL 47-2003). The Delegations of India and Peru reserved their position on this decision.

¹ This document only contains information on matters arising from or referred by the Codex Alimentarius Commission (Part 1) and other Codex Committees and Task Forces (Part 2) that are specific to the activities of the Codex Committee of Food Import and Export Inspection and Certification Systems. Other decisions and guidance of the 29th Session of the Commission are found in ALINORM 06/29/41. The Codex Secretariat will report verbally on matters of horizontal nature as appropriate to the discussion of the Committee.

² ALINORM 06/29/41, para. 8

³ ALINORM 06/29/41, para. 67 to 73 and Appendix IV, Part 2

Proposed Draft Principles for Traceability/Product Tracing as a Tool within a Food Import and Export Inspection and Certification System

3. The Delegation of India while agreeing to the proposed draft principles in general, proposed substantive amendments to the text. However, the Commission did not agree to these proposals, noting that the points raised by India had been extensively discussed in a Working Group and the 14th Session of the CCFICS. The delegation of India reserved its position on this decision. The Representative of OIE informed the Commission that in OIE's Terrestrial Animal Code, Section on Identification and Traceability of Live Animals, reference was made to relevant Codex texts. The Representative was of the opinion that a similar reference to OIE and IPPC could be included in the proposed draft principles in order to encourage members to set up a traceability system that encompassed the entire food chain without gaps and duplication. The Commission agreed to include a reference to the OIE and IPPC texts by adding, at the end of paragraph 1, the phrase: "as well as those adopted by IPPC and OIE where appropriate.". The delegations of Chile, Malaysia and Thailand reserved their position on this decision. The Commission **adopted** the proposed draft principles as amended at Steps 5/8 with the omission of Steps 6 and 7.

PART 2. MATTERS REFERRED BY OTHER CODEX COMMITTEES AND TASK FORCES

2.1 Codex Committee on Milk and Milk Products (7th Session, Queenstown, New Zealand, 27 March to 1 April 2006)⁴

Proposed Draft Model Export Certificate for Milk and Milk Products

4. The Committee agreed to forward the proposed draft Model Certificate to the 29th Session of the Commission for adoption at Step 5. The Committee agreed to request the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS) to comment on consistency of the text with the Codex *Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates* (CAC/GL 38-2001, Rev.1-2005). The Committee indicated that this work would be completed by 2008 (by its 8th Session). The Draft Model Export Certificate for Milk and Milk Products is reproduced in Annex 1 of this document.

2.2 Codex Committee on General Principles (23rd Session - Paris, France, 10-14 April 2006)⁵

Proposed Draft Revised Code of Ethics for International Trade in Foods

5. The Committee **decided** to suspend work on the Code of Ethics, currently at Step3/4, until its next session to await the outcome of discussions in CCFICS. The Committee agreed that the current revision work should be completed by 2009. The discussion of the 23rd Session of the Codex Committee on General Principles on the "Proposed Draft Revised Code of Ethics for International Trade in Foods" is reproduced in Annex 2 of this document.

⁴ ALINORM 06/29/11, paras. 121 to 145 and Appendix XXIV

⁵ ALINORM 06/29/33, paras. 78 to 87.

Annex 1**PROPOSED DRAFT MODEL EXPORT CERTIFICATE FOR MILK AND MILK PRODUCTS**

(At Step 5 of the Procedure)

INTRODUCTION

1. Certification is one method that can be utilized by regulatory agencies of importing and exporting countries to complement the control of their inspection systems for milk and milk products. This model certificate recognizes that importing country authorities may, as a condition of clearance of consignments, require importers to present certification issued by, or with the authority of, exporting country authorities. To help facilitate international trade, the numbers and types of certificates should be limited. Harmonisation efforts could be promoted through the use of international (Codex) model certificates such as the proposed Codex Model Export Certificate for Milk and Milk Products which should be considered when developing an official or officially recognised certificate for milk and milk products.

2. This model certificate does not deal with matters of animal and plant health unless directly related to food safety or quality. However it is recognised that in practice a single certificate may contain information relevant to several matters. Where attestation on animal health matters is required, reference should be made to the OIE Terrestrial Animal Health Code.

3. The Model Export Certificate for Milk and Milk Products does not mandate the use of such certification. Alternatives to the use of official and officially recognized certificates should be considered wherever possible, in particular where the inspection system and requirements of an exporting country are assessed as being equivalent to those of the importing country.

4. The Model Export Certificate does not in any way diminish the trade facilitation role of commercial or other types of certificates, including third party certificates, not issued by, or with the authority of, exporting country authorities.

OBJECTIVES

5. The certificate should contain essential information relating to the protection of the health of consumers and ensuring fair practices in the food trade.

6. The certificate should clearly describe the dairy product and the consignment to which it uniquely relates. The certificate should contain a clear reference to the hygiene requirements to which the certified dairy product needs to conform. This statement is based on the inspection system of the competent authority.

7. The level of information required should be adequate for the importing country's purpose and not impose unnecessary burdens on the exporting country or exporter, nor should there be a requirement for the disclosure of information that is commercial-in-confidence unless it is of relevance to public health.

8. The establishment of bilateral or multilateral agreements, such as equivalence agreements may provide the basis for dispensing with the issuance of certificates.

SCOPE

9. The Model Export Certificate includes official and officially recognised certificates. It applies to milk, milk products and composite milk products as defined in General Standard for the Use of Dairy Terms (CODEX STAN 206-1999) presented for international trade that meet food safety and suitability requirements. The Model Export Certificate does not cover animal health matters.

10. Where administratively and economically feasible, certificates may be issued in an electronic format provided that the principles for electronic certification⁶ are met.

⁶ Codex Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates (CAC/GL 38-2001, Rev. 1-2005).

GENERAL REMARKS CONCERNING THE PRODUCTION AND ISSUANCE OF CERTIFICATES

11. The production and issuance of certificates for milk and milk products should be carried out in accordance with the principles and appropriate sections of the following Codex texts:

- Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates (CAC/GL 38-2001, Rev. 1-2005);
- Principles for Food Import and Export Inspection and Certification (CAC/GL 20-1995);
- Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems (CAC/GL 26-1997);
- Guidelines for the Development of Equivalence Agreements Regarding Food Import and Export Inspection and Certification Systems (CAC/GL 34-1999);
- Code of Ethics for International Trade in Foods (CAC/RCP 20-1979, Rev. 1-1985).

12. The selection of the appropriate language(s) of certificates should be based on adequacy for the importing country's purpose, comprehension by the certifying officer and minimizing unnecessary burden on the exporting country.

DEFINITIONS

Certificates¹ are those paper or electronic documents, which describe and attest to attributes of consignments of food moving in international trade.

Certification¹ is the procedure by which official certification bodies or officially recognized certification bodies provide written or equivalent assurance that foods or food control systems conform to requirements. Certification of food may be, as appropriate, based on a range of inspection activities which may include continuous on-line inspection, auditing of quality assurance systems, and examination of finished products.

Certifying bodies¹ are official certification bodies and bodies officially recognized by the competent authority.

Certifying officers¹ are employees of certifying bodies authorized to complete and issue certificate.

Inspection⁷ is the examination of food or systems for control of food, raw materials, processing, and distribution including in-process and finished product testing, in order to verify that they conform to requirements.

Official Certificates¹ are certificates issued by an official certification body of an exporting country, in accordance with the requirements of an importing or exporting country.

Official inspection systems and official certification systems² are systems administered by a government agency having jurisdiction empowered to perform a regulatory or enforcement function or both.

Officially recognized inspection systems and officially recognized certification systems² are systems which have been formally approved or recognized by a government agency having jurisdiction.

Officially Recognized Certificates¹ are certificates issued by an officially recognized certification body of an exporting country, in accordance with the conditions of that recognition and in accordance with the requirements of an importing or exporting country.

Requirements² are the criteria set down by the competent authorities relating to trade in foodstuffs covering the protection of public health, the protection of consumers and condition of fair trading,

USE OF MODEL EXPORT CERTIFICATES FOR MILK AND MILK PRODUCTS

13. The model certificate consists of a series of fields. Each field of the Model Export Certificate for Milk and Milk Products must be filled in or else, marked in a manner that would prevent alteration of the certificate. All fields that are necessary to support the validity of the attestation must be filled in.

⁷ Codex Principles for Food Import and Export Inspection and Certification (CAC/GL 20-1995).

14. The format and method of transmission of the certificate should be determined by the Guidelines for Generic Official Certificate Format and the Production and Issuance of Certificates.

Original Certificate should be identifiable and this status should be displayed appropriately with the mark “ORIGINAL” or if a copy is necessary, this certificate should be clearly marked “COPY”. The term “REPLACEMENT” is reserved for use on certificates where, for any good and sufficient reason (such as loss of or damage to the certificate in transit), a replacement certificate is issued by a certifying officer.

Page numbering should be used where the certificate occupies more than one sheet of paper.

Seal and signature should be applied in a manner that minimizes the risk of fraud.

Certificate number (No) is unique for each certificate and is authorized by the competent authority of the exporting country. If there is an addendum, it must be clearly marked as such and must have the same identification number as the primary certificate and the signature of a certifying officer signing the sanitary certificate.

Competent authority: For the purposes of the Model Export Certificate for Milk and Milk Products, the competent authority is the official organisation empowered to execute various functions. Its responsibility may include the management of official systems of inspection or certification at the regional or local level.

I. DETAILS IDENTIFYING MILK AND MILK PRODUCTS

Nature of food Definition of the product according to Section 2.1, 2.2, 2.3 of the Codex General Standard for the Use of Dairy Terms (CODEX STAN 206-1999)

Name of product The information appearing in this section should replicate what is presented on the label i.e. the name of the food and the trade name (where one is used) and should be sufficient to identify the food. Where a certificate for trade samples is required a consignment consisting of a food sample intended for evaluation in the importing country may be described using a term such as “trade samples”. It should be clearly indicated on the certificate or the package that the sample is not intended for retail sale and has no commercial value.

Number of units refers to the number of packages as e.g. cartons, boxes, bags, barrels, pallets, etc.

[Lot identification / Date code is the lot identification system developed by a processor to account for their production of milk and milk products thereby facilitating the traceability/product tracing of the product in the event of public health investigations and/or recalls.]

Manufacturing establishment or Factory approval/Identity No Number assigned by the competent authority to the manufacturing establishment or factory where the milk product was produced. In case the consignment encompasses products from several manufacturing establishments or factories the approval number of each manufacturing establishment and / or factory should be mentioned.

II. PROVENANCE OF MILK AND MILK PRODUCTS

Country of Dispatch For the purposes of the Model Export Certificate for Milk and Milk Products, the country of dispatch designates the name of the country of the competent authority which has the competence to verify and certify the conformity to the attestations.

Means of transport describes the way the product is transported. including, if appropriate, identification of the shipping container and a seal number .

Specific transportation and handling requirements If appropriate refer to the necessary information on how to handle the product in order to prevent it from perishing. This may include the indication of any storage temperature specified by the manufacturer.

IV. ATTESTATION

Public health attestation statement confirming that the product or batches of products originate from an establishment that is in good regulatory standing with the Competent Authority in that country and that the products were processed and otherwise handled under a HACCP System, where appropriate, and that the food complies with the hygiene requirements of the exporting country and/or the hygiene requirements of the Code of Hygienic Practice for Milk and Milk Products.]

Logo/ letterhead of certifying body _____ Certificate No _____

MODEL EXPORT CERTIFICATE FOR MILK AND MILK PRODUCTS

Competent authority responsible for Certification _____

I. Details identifying milk and milk products

Nature of Food _____

Name of the Product (s) _____

Number of units _____ Weight per unit _____

Net weight _____

Lot(s) identification

[Date(s) of manufacture

Date(s) of minimum durability, when required, if, and as provided on label]

Manufacturing Establishment or Factory Approval or Identity No _____

Name and Address of Manufacturer _____

II. Provenance of milk and milk products

Country of dispatch _____

Means of transport _____

Specific transportation and handling requirements (if appropriate) _____

Exporter or Consignor _____

Name _____ and

Address _____

Export Licence No. if required

III. Destination of milk and milk products

Country of destination _____

Importer _____ / _____ Consignee

Name and Address _____

IV. Attestation

[The undersigned certifying officer hereby certifies that:

1. The products described above were manufactured at (an) establishment(s) that has/have been approved by, or otherwise determined to be in good regulatory standing with the competent authority in the exporting country and that

2. The product(s) (please tick the appropriate box)

The products have been prepared, packed, held and transported under good hygienic practice and an effective food safety control system, implemented within the context of HACCP where appropriate, implemented consistently and in accordance with the requirements contained in the Codex Code of Hygienic Practice for Milk and Milk Products.

The product(s) was/were produced in accordance with the public health requirements of..... (specify the country)

Date and Place of issuance of

Certificate_____

Certifying officer (seal and signature)

_____]

**PROPOSED DRAFT REVISED CODE OF ETHICS FOR INTERNATIONAL TRADE IN FOODS
(Agenda item 4)⁸**

78) At its 22nd Session the Committee discussed questions related to the Code of Ethics and noted that the existence of a Code of Ethics in Codex was not questioned but that there was no consensus on whether the present code should be revised or how it should be revised. The Committee agreed to ask the Committee on Food Import and Export Inspection and Certification Systems (CCFICS) to consider whether it could provide recommendations to address the question of “the subsequent export of food, whether imported or produced domestically, that had been found to be unsafe or unsuitable or otherwise did not meet the safety standards of the exporting country”, within its terms of reference, and also consider whether further guidance could be provided to remedy the problems faced by countries with insufficient capacity to conduct import food control. The Committee also agreed to suspend consideration of the Proposed Draft Code of Ethics, currently at steps 3/4 until the present session pending the reply from the CCFICS.⁹

79) The 14th Session of the CCFICS agreed to establish an electronic Working Group, led by Canada to develop a discussion paper for consideration at its 15th Session.¹⁰

80) At the present session the Committee was invited to consider how to proceed with the work on the Code of Ethics.

81) The Delegation of Australia, as host country to the CCFICS, proposed that the work on the Code of Ethics in the CCGP should be deferred until the next session. This would allow the CCFICS working group to finish its work and advise the CCFICS. The CCFICS would then discuss at its 15th session which parts of the work could be undertaken within the CCFICS and provide an indication as to what other elements of work could be addressed by the CCGP. Many delegations and some observers supported the proposal made by Australia.

82) Several delegations and observers stressed the importance of having a strong and effective Code of Ethics within Codex because it could protect especially developing countries that have a weak import control system from importing sub-standard produce.

83) Some observers were of the opinion that the Code of Ethics should apply to a wider spectrum of international trade of food to achieve better public health protection especially for vulnerable consumers.

84) The Delegation of Costa Rica and one observer were in favour of discontinuing work on the Code of Ethics because in their view Codex work should be based on scientific evidence and not on ethics. It was also unclear to them who would control the observance of the provisions of a Code of Ethics.

85) The Delegation of Zimbabwe, while recognizing the importance of the Code of Ethics for developing countries, recalled that at the last session many developing countries had expressed the view that control was better than trust, and that FAO and WHO should assist countries with developing efficient import control systems.

86) In reply to a question raised by one delegation, the Representative of the World Trade Organization expressed the view that it would be difficult to see how the Codex Code of Ethics could have relevance in terms of the SPS and TBT Agreements and clarified that neither the WTO Secretariat nor the SPS or TBT Committees had the right to provide legal interpretation on the status of a Codex Code of Ethics under WTO agreements including in the case of a trade dispute. The Representative stated that the SPS and TBT Agreements recognised the rights of governments to take necessary measures to control import of goods, but did not prescribe any actions that had effect outside their own territory.

⁸ CX/GP 06/23/4, CRD 2 (comments of European Community), CRD 7 (comments of Consumers International), CRD 12 (comments of Chile), CRD 13 (comments of the Philippines)

⁹ ALINORM 05/28/33A, paras 55-73

¹⁰ ALINORM 06/29/30, paras. 7-9

Status of the Proposed Draft Revised Code of Ethics for International Trade in Food

87) The Committee decided to suspend work on the Code of Ethics, currently at Step3/4, until its next session to await the outcome of discussions in CCFICS. The Committee agreed that the current revision work should be completed by 2009.