



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

**Twentieth Session**

**Chiang Mai (Thailand), 18 – 22 February 2013**

**DISCUSSION PAPER ON THE NEED FOR FURTHER GUIDANCE ON FOOD SAFETY**  
**EMERGENCIES AND ON THE ANALYSIS OF PROPOSED CHANGES TO CCFICS TEXTS ON**  
**EMERGENCIES AND REJECTIONS TO ADDRESS FEED**

**(Prepared by the United States of America)**

**Background**

1. The 19<sup>th</sup> (2011) Session of CCFICS, under *Matters Referred by the Codex Alimentarius Commission, Other Codex Committees and Task Forces and Other International Organizations* (CX/FICS 11/19/2) considered specific proposals from an e-Working Group on future work on animal feeding to include feed in the scope of the *Codex Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations* (CAC/GL 19-1995) and the *Codex Guidelines for the Exchange of Information between Countries on Rejections of Imported food* (CAC/GL 25-1997). CCFICS agreed that it was important to consider feed as related to food safety in these documents but there were different opinions on how to proceed. Some delegations supported the proposed changes while others were of the opinion that more reflection was needed on each of the proposed changes to ensure that the focus and scope of the documents remained on food safety. Others considered that the current texts covered food safety issues arising from feed.
2. The 19<sup>th</sup> Session of CCFICS also considered a proposal for new work submitted by the International Dairy Federation (IDF) to revise the *Codex Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations* (CAC/GL 19-1995) to include more detailed information on managing food safety emergency situations. IDF noted that Codex had not yet provided full guidance on how to manage international emergencies as CAC/GL-1995 only defines “food safety emergency” and provides guidance for the exchange of information. IDF further noted that the various Codex principles and guidelines for risk analysis are meant for normal circumstances, not for emergencies and that the document being developed on providing guidance on national food safety control systems did not specifically address these gaps. IDF 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, EMPRESS and other FAO/WHO guidance) but that these programs and guidance did not have the same status as Codex texts.
3. The Committee noted, in regards to the IDF proposal, that the Paper identified gaps in the Codex texts in relation to: the roles and responsibilities of various stakeholders; coordination mechanisms; and risk management. Several delegations, however, stated that risk management aspects should be excluded as they were not in the mandate of CCFICS but were within the mandate of other committees, (e.g., Codex Committee on Food Hygiene, Codex Committee on Contaminants in Food, etc.).
4. One delegation noted that it may be helpful to consider whether the existing Codex texts on exchange of information in food safety emergency situations (CAC/GL 19-995) and on rejections of imported food (CAC/GL 25-1997) could be merged.
5. The Committee agreed that the United States of America would prepare a discussion paper that would consider all of the above aspects relating to possible revision to the *Codex Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations* (CAC/GL 19-1995) and the *Codex Guidelines for the Exchange of Information between Countries on Rejections of Imported food* (CAC/GL 25-1997). In particular, the discussion paper would address the following.

- ❖ Merging of CAC/GL 19-1995 and CAC/GL 25-1997;
- ❖ The inclusion of feed in the scope of both CAC/GL 19-1995 and CAC/GL 25-1997;
- ❖ The revision of CAC/GL 19-1995 to provide further information on: a) the roles and responsibilities of the various parties/stakeholders involved in food safety emergency situations; b) the processes involved in responding to a food safety emergency situation(s); and, c) communications associated with food safety emergency situations.

**Merging of the Codex Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations (CAC/GL 19-1995) and the Codex Guidelines for the Exchange of Information between Countries on Rejections of Imported Food (CAC/GL 25-1997)**

6. In considering whether or not these two currently separate guidance documents should be merged, the Committee should consider the difference between a food safety emergency situation and a food rejection situation. The *Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations* provides a definition for a food safety emergency situation: “A situation whether accidental or intentional, that is identified by a competent authority as constituting a serious and as yet uncontrolled foodborne risk to public health that requires urgent action.”<sup>1</sup> While there is no definition for a food rejection situation, the *Principles and Guidelines for the Exchange of Information between Countries on Rejections of Imported Food* state the “guidelines deal with import rejections caused by a failure to comply with importing country requirements”<sup>2</sup>. The two situations can, and will usually, be different. A food safety emergency situation will generally arise from a domestic occurrence while a rejection may arise from simply from a difference in requirements from between the exporting and importing countries. Further, while a rejection would clearly arise from a product causing a food safety emergency situation, the great majority of rejections will be caused by more routine reasons related to non-compliance (e.g., labelling problems, unapproved food additives, levels of microbial pathogens, pesticides or chemical contaminants that are above permitted levels but which are not such that a food safety emergency situation arises). Generally, such non-compliance would be identified and addressed before an emergency situation occurred.

7. Merging the two documents has the potential to create confusion between situations that are routine rejections against import country standards and those that are food safety emergency situations. Such confusion may potentially lead to unintended consequences such as countries undertaking more investigations than are necessary, burdening countries with unneeded reporting, or imposing unnecessary trade restrictions. The Committee should carefully consider whether or not CAC/GL 19-1995 and CAC/GL 25-1997 should be merged.

**The inclusion of feed in the scope CAC/GL 19-1995 and CAC/GL 25-1997**

8. Whether to include feed in these documents can be considered through a series of questions such as: Does such an inclusion lie within the mandate of Codex (protecting the health of consumers and ensuring fair practices in the food trade)? Does feed relate more to the area of animal health than food safety, particularly when there are no food safety related issues involved? Is there significant global trade of feed that is implicated in a food safety concern, or is impact of feed on food safety primarily an issue at the national level (with only the food resulting from the feed use being traded)? It was noted that the Committee agreed that it was important to consider feed (or related aspects such as feed ingredients) as it relates to food safety, but not on the basis of feed as an entity by itself<sup>3</sup>.

9. Therefore, in considering the various additions of “feed” (and associated terms) proposed for CAC/GL 19-1995 and CAC/GL 25-1997 many appear to represent the inclusion of feed as feed itself, irrespective of any association with food safety. Whenever such a usage occurs, it is suggested the term “feed” be deleted. It should be made clearer in both documents that the reference to feed, when it is included, is always in reference to its impact on food safety. See Appendix 1 for suggested modifications to recommendations provided to CCFICS in CX/FX 11/19/2.

10. The Chairperson of CCFICS, in his reflections on CAC/GL 19-1995 and CAC/GL 25-1997 during the 19<sup>th</sup> Session, suggested it would be appropriate for the Committee, as it considered modifications to these

<sup>1</sup> CAC/GL 19-1995, Section 3.

<sup>2</sup> CAC/GL 25-1997, paragraph 2.

<sup>3</sup> Report of the 19<sup>th</sup> Session of CCFICS, REP 12/FICS, paragraph 6.

two documents to consider what other aspects (beyond feed) might need to be addressed. For example, given that the *Codex Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations*, was drafted a number of years ago, no mention is made of country reporting requirements under the WHO International Health Regulations (IHRs) for foods placed in international trade that present a serious adverse public health impact. Reference to the IHRs should be included. Similarly, it is important to include references to WHO's International Food Safety Authority Network (INFOSAN) and FAO/WHO's Emergency Prevention Systems (EMPRES).

### **Revision of the Codex Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations (CAC/GL 19-1995)**

11. The *Codex Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations* was originally developed by CCFICS primarily as guidance to governments on what information to exchange among national competent authorities with respect to imported or exported food when that food presents a serious public health risk that result in a food safety emergency situation. The document contains guidance on: what constitutes a food safety emergency; the role of the competent authority in a food safety emergency situation; what information ought to be exchanged between competent authorities in the case of a food safety emergency; the need for a plan that provides procedures to handle a food safety emergency; and information on certain aspects of risk communication.

12. However, the document is basically silent on the roles of other parties that have significant roles in dealing with a food safety emergency situation, including the food industry (producers, processors, distributors, sellers) and the consumer. Additionally, the document contains no guidance relating to the process of managing a food safety emergency situation.

13. Since the adoption of CAC/GL 19-1995, significant development has occurred in procedures to manage and investigate food safety control situations. Additionally, while the original document contained references to the involvement of FAO and WHO in food safety emergency situations, the document was developed prior to the implementation of both WHO's International Food Safety Authority Network (INFOSAN) and FAO/WHO's Emergency Prevention Systems (EMPRES). Additionally, WHO's International Health Regulations (IHR's) had not yet been revised to include provisions relating to the reporting of certain food safety emergency situations that have a global impact. A revision of CAC/GL 19-1995 should incorporate all of these areas.

14. There seemed to be agreement within CCFICS that the *Codex Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations* CAC/GL 19-1995 should be revised to provide further guidance on: a) the roles and responsibilities of the various parties/stakeholders involved in food safety emergency situations; b) the processes involved in responding to a food safety emergency situation(s); and, c) communications associated with food safety emergency situations. It is also suggested that the revision incorporate reference to the revised IHR's, INFOSAN, and EMPRESS.

15. A framework for the revision of the *Codex Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations* (CAC/GL 19-1995) is provided in Appendix 2. This Appendix contains both an outline for a revised document as well as a Project Document for the new work.

### **Recommendations**

16. The Committee may wish to consider the following recommendations in light of the above discussion.

- (i) That the *Codex Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations* (CAC/GL 19-1995) and the *Codex Guidelines for the Exchange of Information between Countries on Rejections of Imported Food* (CAC/GL 25-1997) not be merged given the significant difference that may exist between a food rejection situation and a food safety emergency situation and the importance of not confusing the two situations.
- (ii) That "feed" only be included in CAC/GL 19-1995 and CAC/GL 25-1997 when its' use specifically relates to food safety and that this clarification be clearly stated in the two documents. Refer to Appendix 1 for suggested modifications to the recommendations provided to CCFICS in Annex 1 of CX/FICS 11/19/2.
- (iii) That revision of the *Codex Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations* (CAC/GL 19-1995) be undertaken according to the framework/outline presented in Appendix 2.

**Appendix 1****SUGGESTED CHANGES TO THE PROPOSALS SUBMITTED TO CCFICS TO INCLUDE FEED IN CAC/GL 19-1995 AND CAC/GL 25-1997**

In *Matters Referred to the Committee by the Codex Alimentarius Commission and Other Codex Committees and Task Forces* (CX/FICS 11/19/2), CCFICS was asked to review proposed changes to the *Codex Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations* (CAC/GL 19-1995) and the *Codex Guidelines for the Exchange of Information between Countries on Rejections of Imported food* (CAC/GL 25-1997) to include feed in the scope of the document. Annex 1 to CX/FICS 11/19/2 presented a proposal developed by an electronic working group on future work on animal feed providing recommendations in this regard.

CCFICS, at its 19<sup>th</sup> (2010) session agreed that it was important to consider feed as related to food safety<sup>4</sup>, as opposed to including feed as entity by itself, with no relation to food safety. The following suggested changes to the proposal that reflect this understanding, shown in tracked changes, are submitted for consideration. It should be noted that the changes shown are related only to the incorporation of the term “feed” and not to any further revision that may be undertaken with respect to updating the guidance (e.g. including references to IHR notifications, INFOSAN, or EMPRES), to adding guidance relating to the role of stakeholders and/or processors to manage a food safety situation (please see Annex 2 for the framework for these revisions).

**PRINCIPLES AND GUIDELINES FOR THE EXCHANGE OF INFORMATION IN FOOD SAFETY EMERGENCY SITUATIONS (CAC/GL 19-1995)**

Notes:

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

**PREAMBLE**

**Paragraph 1** Delete “feed” as indicated. See Note 4.

When a food ~~or feed~~ safety emergency arises, in order to minimize potential public health effects, it is essential to communicate the nature and extent of the food safety problem to all relevant parties as expeditiously as possible. This must be done in a manner that avoids unwarranted action against other foods ~~or feeds~~ from the same or other countries, which are not involved in the emergency situation. The global nature of food ~~and feed~~ trade requires that this communication occur between nations at the appropriate government level.

**SCOPE**

**Paragraph 3** Add a sentence that clarifies that the guidance applies to feed and feed ingredients whenever the use of the feed/feed ingredient may result in an unsafe food.

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<sup>4</sup> Report of the 19<sup>th</sup> Session of CCFICS, REP 12/FICS, paragraph 6.

These Principles and Guidelines apply to situations where the competent authorities in either the importing and/or exporting countries become aware of a food safety emergency situation, and communication of the information and risks surrounding the emergency situation must be undertaken. **The guidance applies to feed and feed ingredients whenever the use of the feed/feed ingredient may result in an unsafe food.**

**Paragraph 4** Change “feedstuffs” as proposed by the WG to “feed” for consistency of terminology.

The Principles and Guidelines apply to food safety emergencies associated with imported or exported food or food that may potentially be imported or exported. The Principles and Guidelines may also apply to such emergencies where feed~~stuffs~~ for food producing animals are implicated.

**Paragraph 5** Delete “or feed”. See Note 4.

The Principles and Guidelines do not apply to routine food rejections where importing country standards have not been met. These situations are covered in the *Guidelines for the Exchange of Information between Countries on Rejections of Imported Food ~~or Feed~~* (CAC/GL 25-1997).

#### DEFINITION

Delete “or feed”. See Note 4.

**Food Safety Emergency:** A situation whether accidental or intentional, that is identified, by a competent authority as constituting a serious and as yet uncontrolled food-~~or feed~~ borne risk to public health that requires urgent action.

#### PRINCIPLES

**Paragraph 7, point (a)** Add a sentence to clarify that if a food safety emergency is related to the use of feed, this aspect should be included in the communication.

7. a) Its nature and extent should, where possible, be clearly and completely described by the relevant competent authorities. *If the basis for the food safety emergency situation is related to the use of feed, this aspect should be included in the communication.*

#### NATURE OF THE FOOD SAFETY EMERGENCY

**Paragraph 8, second sentence** Correct the reference of the proper paragraph.

“Even in circumstances where the specific food safety hazard has not been precisely identified any clear and substantial association between the consumption of a food and the appearance of serious adverse public health effects should be provided by the competent authority in accordance with the principles outlined in paragraph ~~8~~ 7.”

**Paragraph 9** Revise the sentence added by the WG to clarify that the specific nature of the feed related problem should be indicated on as it impacts on food safety.

In cases where the food safety hazard is associated with a specific food or foods, these foods should be identified in as much detail as is available to facilitate the identification and location of the affected foods. In other cases, where a food safety hazard affects many different categories of foods and potentially involves a given geographical area, all affected foods should be identified. *If the food safety hazard is associated with feed, the specific nature of the feed-related problem and its impact on food safety should be indicated. ~~The feed and animals that consumed that consumed the feed should be identified.~~*

#### DESIGNATED OFFICIAL CONTACT POINTS FOR INFORMATION EXCHANGE

**Paragraph 10, second sentence** Correct the reference to the proper paragraph number.

“A list of the primary official contact points for the exchange of information in food safety emergency situations as mentioned in point ~~8~~ 7.b is available and an update is distributed to governments on a periodic basis.”

**Paragraph 11, second sentence** See Note 4.

“Necessary information includes the name of the competent authority and the contact details including name, address, phone numbers, facsimile numbers, and email addresses of the persons or offices that are responsible for managing the emergency situation and who can provide further details about the hazard, the foods *or, as appropriate, the feed* concerned, actions taken and other relevant information.”

**INFORMING ALL KNOWN AFFECTED AND POTENTIALLY AFFECTED COUNTRIES**

**Paragraph 12** See note 4. Additionally, add a sentence that speaks to the need to identify the feed and/or feed ingredient when it is the cause of a food safety problem.

Given the global nature of food ~~and feed~~-trade, the impact of a food safety emergency may be widespread. The competent authority of the country where the food safety emergency is identified should, to the best of its ability and in cooperation with other competent authorities, determine all potential recipient countries of the implicated food(s) ~~and feeds~~ and all countries from which the potentially contaminated food **or, when appropriate, feed** or its ingredients was imported. All relevant information in relation to the food ~~and feed~~ safety emergency should be provided to the competent authorities of the countries thus identified. **Where feed is the source of the food safety problem, the feed and/or feed ingredient should be clearly identified.**

**INFORMATION TO BE EXCHANGED****Paragraph 16**

**Point (a)** Delete “origin and” and include it in point (b).

- a) The ~~origin and~~ nature of the food safety emergency including the hazards and risks identified, the methodology used and any assumptions made;

**Point (b)** Revise to clarify the inclusion of feed only if appropriate, and then, if the inclusion of feed is appropriate, the origin of the feed.

- b) Detailed identification of the food or foods **or, if appropriate, the feed** concerned including its **origin**, product markings, certificate information;

**OTHER CONSIDERATIONS FOR INFORMATION**

**First Section Subheading** See Note 4.

Level of food ~~or feed~~-safety.

**Paragraph 22** See Note 4.

In deciding on the appropriate communication measures to apply, the competent authorities should consider the quantity of food **or as appropriate, feed** that is involved, the extent of its distribution and the level (e.g. wholesale, retail) at which it has been distributed. In some cases, the affected food ~~or feed~~ may not yet have entered the importing country and communication will focus on the importers. However, in other cases the food will have entered and been distributed within the country or transshipped to other countries. The competent authority should take account of whether the food ~~or feed~~ has been, or is likely to have been, distributed at the wholesale, retail or consumer level, and implement risk management and communication measures accordingly, including a notice of recall at one or more of these levels of food distribution.

**RE-EXPORT OF FOOD SUBJECT TO AN EMERGENCY SITUATION**

**Paragraph 23** See Note 4.

Food that is refused entry into a country, or in some cases food that is recalled after entry, should be dealt with in accordance with *Guidelines for the Exchange of Information between Countries on Rejection of Imported Food and Feed* (CAC/GL 25-1997) and taking into account the *Code of Ethics for International Trade in Foods* (CAC/RCP 20-1979, Rev. 2010).

**Annex****STANDARD FORMAT FOR INFORMATION EXCHANGE IN FOOD SAFETY EMERGENCY SITUATIONS**

**Chapeau paragraph** See Note 4.

The following constitutes the information that should be exchanged between competent authorities of both exporting and importing countries involved in a food safety emergency. A food safety emergency is a situation whether accidental or intentional, that is identified by a competent authority, as constituting a serious and as yet uncontrolled food-~~or feed~~ borne risk to public health that requires urgent action.

**Annex Item 2** See Note 4, both with respect to the title and the chapeau paragraph.

## 2. Identification of foods *or, as appropriate, feeds* concerned

The foods *or feeds* concerned should be described completely. The following information should be provided if available, as appropriate to the product:

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

Notes:

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

#### TITLE

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

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

#### PREAMBLE

**Paragraph 1** Since the term 'feed' as related to food safety is being incorporated into this document, it is suggested that, for clarity in regards to the scope of this document, the words 'of food' be added to the end of the first sentence. Additionally, the eWG has suggested the addition of a new last sentence; it is proposed that the sentence be modified as shown to ensure that the reference to feed is in the context of food safety. It is suggested that there is no need to specifically reference rejected food used as feed since all feed (whether or not it comes from a food rejection situation) resulting in an unsafe food is included in the scope of the document. The revised first paragraph would read:

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

**Paragraph 2** See Note 4.

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

**Paragraph 3** See Note 4.

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

#### GENERAL CONSIDERATIONS

**Paragraph 4** See Note 4.

When the food ~~or feed~~ control authorities in an importing country reject a consignment of food ~~or feed~~ presented for importation they should always provide information to the importer of the consignment giving

the reasons for the rejection. Appropriate information should also be provided to the exporter if the control authorities receive such a request.

Additionally, the eWG proposed the addition of a new sentence. If this sentence is retained it is suggested that clarity is needed to ensure that it is clear that the sentence refers to feed for food producing animals and propose the addition of wording to the end of the sentence to make this clear.

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

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

When the rejection of the consignment arises from:

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

***Depending on the reason for rejection,*** the food ~~or feed~~– control authorities in the importing country should notify the food ~~or feed~~– control authorities in the exporting country forthwith (by telecommunication or other similar rapid means of communication) supplying the details set out in the Annex to these Guidelines.

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

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

**Paragraph 7** See Note 4.

In other circumstances, for example:

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

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

**Paragraph 9** See Note 4. No change in wording as proposed by eWG. The Committee may wish to consider whether, in the context of this document, the reference to feeds in the last sentence should be restricted to rejected feeds that impact on food safety.

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

**Paragraph 10** See Note 4.

To enable FAO and WHO to assist exporting countries in their efforts to meet the requirements of importing countries, information on rejections of imported food **and, as appropriate, feed** should be made available to FAO and WHO on request.



**DETAILED INFORMATION**

**First sub-heading** See Note 4.

**Identification of the food ~~or feed~~ concerned**

**Paragraph 11** See Note 4.

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

**Rejection decision**

**Paragraph 13** See Note 4.

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

**Reasons for rejection**

**Paragraph 14** See Note 4.

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

**Paragraph 16** See Note 4.

When the level of a contaminant in a food **or in a feed/feed ingredient implicated in the rejection of a food** has been found to be above the maximum permitted level, the contaminant should be specified, together with the level found and the maximum permitted level. In the case of biological contamination or contamination by biological toxins, where no maximum level has been fixed, the identity of the organism or toxin concerned should be given as specifically as possible, and as appropriate, the level of contamination found. Similarly, contraventions of regulations on food additive or compositional standards should be specified. Some countries accept certain foods (e.g. fresh meat) only from specifically approved establishments in the exporting country. If such foods are refused entry because evidence that they come from such an establishment is lacking or incomplete, this should be stated.

**Paragraph 17** See Note 4.

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

**Action taken**

**Paragraph 18** See Note 4.

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

**Paragraph 19** See Note 4.

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

**Paragraph 20** See Note 4.

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

**ANNEX**

TITLE: See Note 4.

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

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

Identification of the food *or, if appropriate, the feed* concerned

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

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

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

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

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

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

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

**Appendix 2****Framework for the revision of the Codex *Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations* (CAC/GL 19-1995)**

The following is the basic outline for a revised *Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations*. While the outline generally follows the organization of the current document, new sections are proposed. Additionally, information currently contained in certain sections may be relocated.

Section 1: Preamble/Introduction

Section 2: Scope (The scope will need to be modified to reflect the revised nature of document, that is, the inclusion of the role of the various parties involved in a food safety emergency and the process of managing a food safety emergency situation. The content of the other sections will also need revision/adjustment to accommodate the modified scope)

Section 3: Definitions

Section 4: Principles

Section 5: Nature of a food safety emergency situation

Section 6: Stakeholders and their respective roles

- Governments (include current section on “role of competent authority”);
- Industry including growers, producers, distributors, sellers
- Consumers

Section 7: Processes for managing a food safety emergency situation

- Include current sections on: a) “designated official contact points for information exchange”; b) “informing all known affected and potentially affected countries”; and, c) “information to be exchanged”; and d) information flow.
- Include, as appropriate, information contained in *FAO/WHO Guide for Application of Risk Analysis Principles and Procedures During Food Safety Emergencies*.

Section 8: Communications required in Food Safety Emergency Situations

Section 9: Other Considerations for Information Exchange (guidance in this section may move to other sections of the document).

Annex: Standard format for information exchange in food safety emergency situation (will need to comply with INFOSAN requirements).

**Appendix 3****PROJECT DOCUMENT****Proposed New Work for the Codex Committee on Food Import and Export Inspection and Certification Systems****PROPOSAL TO REVISE THE CODEX PRINCIPLES AND GUIDELINES FOR THE EXCHANGE OF INFORMATION IN FOOD SAFETY EMERGENCY SITUATIONS (CAC/GL 19-1995)****Prepared by: The UNITED STATES OF AMERICA****Purpose and scope of the proposed standard**

The purpose of the new work will be to revise the existing Codex *Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations* (CAC/GL 19-1995) to include information relating to the roles of various parties (government, industry, consumers) involved in food safety emergency situations and to include guidance on the process of managing food safety emergency situations.

**Its relevance and timeliness**

The original Codex guidance on the exchange of information in food safety emergency situations, developed by CCFICS, and adopted by the Codex Alimentarius Commission in 1995, has provided useful information to governments. The document was originally developed to contain guidance on: what constitutes a food safety emergency; the role of the competent authority in a food safety emergency situation; what information ought to be exchanged between competent authorities in the case of a food safety emergency; the need for a plan that provides procedures to handle a food safety emergency; and information on certain aspects of risk communication. However, the document is basically silent on the roles of other parties that have a significant role in dealing with a food safety emergency situation, including the food industry (producers, processors, distributors, sellers) and the consumer. Additionally, the document contains no guidance relating to the process of managing a food safety emergency situation. Since the adoption of CAC/GL 19-1995, significant development has occurred in procedures to manage and investigate food safety control situations. Additionally, while the original document contained references to the involvement of FAO and WHO in food safety emergency situations, the document was developed prior to the implementation of both WHO's International Food Safety Authority Network (INFOSAN) and FAO/WHO's Emergency Prevention Systems (EMPRES). Further, the revision of WHO's International Health Regulations (IHR's) had not yet been revised to include provisions relating to the reporting of certain food safety emergency situations that have a global impact. A revision of CAC/GL 19-1995 should incorporate all of these areas. These aspects, coupled with the increase in global trade for food, and the potential for increased incidents relating to the control of food safety emergency situations, speaks to the relevance and timeliness of revising the existing CAC/GL 19-1995 document.

**The main aspects to be covered**

The existing CAC/GL 19-1995 would be revised to include the role of the various parties involved in a food safety emergency and the process of managing a food safety emergency situation. Additionally the document would be revised to include appropriate references to: WHO's International Food Safety Authority Network (INFOSAN); FAO/WHO's Emergency Prevention Systems (EMPRES); and, the revision of WHO's International Health Regulations (IHR's).

A proposed framework for the revision is the following: While the outline generally follows the organization of the current *Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations* (CAC/GL 19-1995), new sections are proposed. Additionally, information currently contained in certain sections may be relocated.

Section 1: Preamble/Introduction

Section 2: Scope

(The scope will need to be modified to reflect the revised nature of document, that is, the inclusion of the role of the various parties involved in a food safety emergency and the process of managing a food safety

emergency situation. The content of the other sections will also need revision/adjustment to accommodate the modified scope)

Section 3: Definitions

Section 4: Principles

Section 5: Nature of a food safety emergency situation

Section 6: Stakeholders and their respective roles

- Governments (include current section on “role of competent authority”);
- Industry including growers, producers, distributors, sellers
- Consumers

Section 7: Processes for managing a food safety emergency situation

- Include current sections on: a) “designated official contact points for information exchange”; b) “informing all known affected and potentially affected countries”; and, c) “information to be exchanged”; and d) information flow.
- Include, as appropriate, information contained in *FAO/WHO Guide for Application of Risk Analysis Principles and Procedures During Food Safety Emergencies*.

Section 8: Communications required in Food Safety Emergency Situations

Section 9: Other Considerations for Information Exchange (guidance in this section may move to other sections of the document).

Annex: Standard format for information exchange in food safety emergency situation (will need to comply with INFOSAN requirements).

### **An assessment against the Criteria for the Establishment of Work Priorities**

The proposal is consistent with the criteria as follows:

**General Criterion: Consumer protection from the point of view of health, food safety, ensuring fair practices in the food trade and taking into account the identified needs of developing countries.**

The proposed new work will provide substantially more guidance to countries to manage food safety emergency situations. This should be of direct benefit to public health and food safety. The guidance will be developed to take into account the different capabilities of countries, providing flexibility to the extent possible, recognizing the critical nature of a food safety emergency situation.

#### **Criteria Applicable to General Subjects:**

***Diversification of national legislations and apparent resultant or potential impediments to international trade:***

The revision to the existing CAC/GL 19-1995 will provide additional guidance to governments that should allow for a more consistent process for the handling of food safety emergency situations and which should provide uniform guidance to governments that should minimize individual country approaches to these types of events, helping to improve fair practices in the food trade.

#### ***Scope of work and establishment of priorities between the various sections of work:***

The scope of the work will expand the current Codex guidance provided for the control of food safety emergency situations, addressing important aspects relating to the roles of various parties and the process of managing food control emergency situations.

***Work already undertaken by other international organizations in this field and/or suggested by the relevant international intergovernmental body(ies):***

As noted, this document will expand existing Codex guidance on the control of food safety emergency situations. The work will take into account guidance provided in the *FAO/WHO Guide for Application of Risk Analysis Principles and Procedures During Food Safety Emergencies* (FAO/WHO, 2011).

***Consideration of the global magnitude of the problem or issue.***

Food safety emergency situations often present a significant public health threat to large numbers of individuals, often impact more than one country and can, upon occasion, be global in nature. The guidance to be provided in the revision to CAC/GL 19-1995 can be very important in helping to manage and control food safety emergency situations and thus have a significant impact, both with respect to individual countries and globally.

**Relevance to Codex Strategic Objectives**

The proposal is consistent with Goal 1 (Promoting Sound Regulatory Frameworks) of the Codex Strategic Plan 2008-2013. Expanding guidance relating to the control of food safety emergency situations, which is a mandatory component of any food safety control system, supports the development of sound regulatory frameworks. The work is consistent with the supporting narrative of Goal 1 which states, among other things, that an "effective food control system is critical to enabling all countries to ensure the safety of their foods entering international trade and to ensure that imported foods conform to national requirements".

**Information on the relation between the proposal and other existing Codex documents**

This proposal revises the existing Codex *Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations* (CAC/GL 19-1995). The revision to this document will take into account the existing *FAO/WHO Guide for Application of Risk Analysis Principles and Procedures During Food Safety Emergencies* (FAO/WHO, 2011).

**Identification of any requirement for and availability of expert scientific advice**

None required

**Identification of any need for technical input to the standard from external bodies so that this can be planned for**

None required

**The proposed timeline for completion of the new work, including the start date, the proposed date for adoption at Step 5, and the proposed date for adoption by the Commission; the time frame for developing a standard should not normally exceed five years**

Subject to Commission approval at its 36<sup>th</sup> session in 2013, it is expected that the work can be completed in 3-4 years, as follows:

- Commencement of work and development of an initial draft text for circulation at Step 3 and consideration by CCFICS at Step 4 at the Committee's 21<sup>st</sup> Session in 2014.
- Consideration of the text at Step 5 by CCFICS at its 22<sup>nd</sup> Session in either 2015 or 2016 depending upon the final schedule of Codex committee meetings.
- Consideration of the text at Step 8 by CCFICS at its 23<sup>rd</sup> Session during the period 2015 to 2017 depending upon the schedule of Codex committee meetings.
- Adoption by the Commission at the Commissions 2016 or 2017 Sessions depending upon the schedule of Codex committee meetings.