

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
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Agenda Item 4

CX/GP 07/24/4

**JOINT FAO/WHO FOOD STANDARDS PROGRAMME
CODEX COMMITTEE ON GENERAL PRINCIPLES
Twenty-fourth Session
Paris, France, 2 - 6 April 2007**

**PROPOSED DRAFT REVISED CODE OF ETHICS FOR INTERNATIONAL TRADE IN
FOODS**

**Discussion of Questions related to the Code of Ethics in the Codex Committee on Food Import and
Expert inspection and Certification Systems**

BACKGROUND

1. 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.¹
2. 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.²
3. At its 23rd Session³ the Committee decided to suspend work on the Code of Ethics, at Step3/4, until the current session to await the outcome of discussions in CCFICS. The Committee agreed that the revision work should be completed by 2009.

¹ ALINORM 05/28/33A, paras 55-73

² ALINORM 06/29/30, paras. 7-9

³ ALINORM 06/29/33, paras. 78-86

RESULTS OF THE DISCUSSIONS AT THE 15TH SESSION OF THE CODEX COMMITTEE ON FOOD IMPORT AND EXPERT INSPECTION AND CERTIFICATION SYSTEMS

4. The CCFICS, at its 15th Session discussed the results of the electronic working group. The complete excerpt of the report containing the discussion of this issue is reproduced below. The main guidance to this Committee is contained in paragraphs 62 to 64.

EXCERPT FROM THE REPORT OF THE 15TH SESSION OF THE CCFICS⁴

“60 The Chairperson of the electronic Working Group (e-WG), the Delegation of Canada, introduced the document. The Committee noted that the e-WG on the issue of “*the subsequent export of food, whether imported or produced domestically, that had been found to be unsafe or unsuitable*”, as referred to by the 22nd Session of the Codex Committee on General Principles (CCGP):

- Had concluded that if new work was required it should fall within the CCFICS mandate;
- Could not reach consensus on whether the existing CCFICS texts adequately respond to the question and on whether CCFICS texts respond to the problems faced by countries with insufficient capacity to carry out imported food controls;
- Had agreed that CCFICS was not the appropriate body to provide technical assistance or capacity building and that international organizations, such as the FAO, WHO, the STDF and others, were better placed to provide such assistance to member governments to remedy the problems of insufficient capacity to carry out imported food controls.

61 The Committee considered the three recommendations of the e-WG, as contained in Attachment 1 to CX/FICS 06/15/5.

62. While acknowledging the views of some delegations that existing CCFICS texts were sufficient to provide guidance to countries on the re-export of food, the Committee generally supported Recommendation (1) on the need to ask members to identify the specific provisions that may need to be amended or added and to submit specific proposals for new work. It agreed at its next Session to take into account the outcomes of discussion of the 24th Session of CCGP (2-6 April 2007) on the revision of the Codex *Code of Ethics for International Trade in Foods* (CAC/RCP 20-1979).

63. The Committee endorsed Recommendation (2) to forward the following to the 24th Session of CCGP for its consideration:

- (a) Codex should encourage member countries to further implement the provisions in existing CCFICS texts related to the “*subsequent export of food, whether imported or produced domestically, that had been found to be unsafe or unsuitable*”;
- (b) Codex should encourage FAO and other international organizations to give priority to providing technical assistance to member countries with insufficient capacity for establishing and implementing food import and export control systems;
- (c) Codex should encourage those member countries with insufficient control systems to give priority in their capacity building/technical assistance needs assessments to the issue of import control systems.

64. The Committee could not reach consensus on Recommendation (3) concerning the establishment of a general principle along the following line “*A country should not export or re-export food to a country if this food is generally recognized dangerous, unfit for human consumption, adulterated, or misleading to the consumers*”, as suggested by some e-WG participants.

⁴ ALINORM 07/30/30, paras. 60-67

65. Some delegations supported the establishment of such a principle because they felt that CCFICS texts did not fully address the issue of export or re-export of unsafe or unsuitable food and that it was necessary to establish a clear principle aiming at protecting countries with insufficient control capacity from unsafe exports of food products. They were of the view that the principle should be included in a revised version of the Codex *Code of Ethics for International Trade in Foods*; however, in view of the lack of consensus in CCGP concerning the revision of the Code, they suggested to incorporate the principle in Section 3 of the Codex *Principles for Food Import and Export Certification and Inspection* (CAC/GL 20-1995).

66. Other delegations were not in favour of the establishment of such a principle and pointed out that the major issue was the country's lack of infrastructure/capacity or implementation and not the absence of Codex guidance. They were concerned that the establishment of this principle might discriminate between imported and domestic products and might transfer the responsibilities to protect the health of the consumers to the exporting countries. These delegations were of the opinion that further addition to the existing regulations concerning the exchange of food might limit the right of countries to ensure their own level of protection.

67. In view of the lack of consensus on this matter, the Committee did not take any decision on this recommendation.”