

# codex alimentarius commission



FOOD AND AGRICULTURE  
ORGANIZATION  
OF THE UNITED NATIONS

WORLD  
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ORGANIZATION



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Agenda Item 3

CX/GP 10/26/3-Add.1

**JOINT FAO/WHO FOOD STANDARDS PROGRAMME  
CODEX COMMITTEE ON GENERAL PRINCIPLES  
Twenty-sixth Session  
Paris, France, 12 - 16 April 2010**

**DRAFT REVISED CODE OF ETHICS FOR INTERNATIONAL TRADE IN FOOD**

**Comments at Step 6 (CL 2009/27-GP)**

**(Guatemala, IBFAN)**

## **Guatemala**

ARTICLE 3 – PRINCIPLES b) says:

*(...) Consists in whole or in part of any filthy, putrid, rotten or decomposed substance or foreign matter, or is otherwise unfit for human consumption; or (...)*

Proposal

(...) Consists in whole or in part of any filthy, putrid, contaminated, rotten or decomposed substance or foreign matter, or is otherwise unfit for human consumption; or (...)

The word “contaminated” should be added after “filthy, putrid” (...) as contamination is different from filthiness, rottenness or decomposition. We consider it necessary and important to include this word. It is better to have more specific references or details, so there is no room for ambiguity.

ARTICLE 4 – 4.1. – Amendment does not apply to the English version.

4.2 says:

*Without prejudice to the rights and obligations conferred by bilateral or multilateral agreements, no food, including in the context of concessional and food aid transactions, should be allowed for export or re-export which does not comply with the minimum requirements imposed by the legislation of the exporting country, unless otherwise established by the legislation that may be in force in the importing country or (...)*

Proposal

Without prejudice to the rights and obligations conferred by bilateral or multilateral agreements, no food, including in the context of concessional and food aid transactions, should be allowed for export or re-export which does not comply with the ~~minimum~~ safety requirements imposed by the legislation of the exporting country, unless otherwise established by the legislation as may be in force in the importing country or (...)

Guatemala suggests deleting the word “minimum” and replacing it with “safety” because if we are dealing with a “Code of Ethics” then the requirements imposed by the importing country should be the same for what is exported and what is imported. What is dispatched, what is produced and what is imported must be equivalent.

We consider the phrase “comply with the minimum requirements imposed by the legislation” may be prejudicial to developing countries when donated food is sent to them, because food that was not consumed in the donor country will be consumed in the recipient country.

### **IBFAN (International Baby Food Action Network)**

IBFAN wishes to insist firmly on the importance of part of article 4.4 related to the International Code of Marketing of Breastmilk Substitutes and relevant World Health Assembly Resolutions. The Code of ethics should specially protect the most vulnerable consumers which are infants. Moreover the text is related to the first internationally agreed ethical principles laid down for the marketing of breastmilk substitutes.

A Code of ethics should ensure the protection of the most vulnerable so that all infants and young children can achieve the highest attainable standard of health. It is critical to include the International Code into the Code of ethics to protect all infants and young children in emergencies as well as in normal purchasing situations. The discussion in the past years have clearly shown that not all infant feeding products in international trade are covered by Codex Alimentarius standards, this underlines the need to have these protective measures in the text in the Code of ethics.

The text as it currently stands in Article 4 in 4.4, was reached by consensus at the 26<sup>th</sup> CCGP meeting, 2009. Articles 4 and 4.4 are not the reason for the lack of adoption at the Codex Alimentarius Commission. Reopening the discussion on the already agreed upon wording will hamper progress towards the adoption of the document.

Since the revision of the Code of Ethics for International Trade in Food was decided in 1998, IBFAN the International Baby Food Action Network has underlined in every written comment it has submitted to the CCGP that IBFAN is in favour of an effective Code of Ethics. This is in order to protect the health of consumers and to guarantee ethical principles to be followed in international trade.

Ethical rules for all those engaged in import and export is one key element of a Code of ethics in international trade.

Ethical practices in trade are linked to consumer protection, consumer confidence and trust in the actors engaged in trade. Inequalities in trade are still real between the different actors on a worldwide level. Unfair trade practices exploit this; ethical practices can help to safeguard the protection of the health of the consumer in all countries around the world even where food safety and control procedures are not yet fully implemented.

Ethical rules can prevent practices that are misleading consumers. A Code of Ethics protects small actors in the food chain and gives them a fair chance to participate.

The original Code of Ethics had 6 pages. Since the discussions for a revision had started in 1998 this has been downsized to 4 pages. The actual draft consists of one single page. IBFAN deplors this downsizing of measures needed for fair and ethical practices, now more essential than ever before.

IBFAN strongly encourages the CCGP to adopt the Code of Ethics at the 26<sup>th</sup> session with the inclusion of the International Code of Marketing of Breastmilk Substitutes, and retaining the existing wording in article 4.4.