

# codex alimentarius commission



FOOD AND AGRICULTURE  
ORGANIZATION  
OF THE UNITED NATIONS

WORLD  
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Agenda Item 3b)

CX/MAS 07/28/4-Add.1

## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEX COMMITTEE ON METHODS OF ANALYSIS AND SAMPLING

Twenty-eighth Session

Budapest, Hungary, 5 – 9 March 2007

#### DRAFT GUIDELINES FOR SETTLING DISPUTES OVER ANALYTICAL (TEST) RESULTS

#### GOVERNMENT COMMENTS AT STEP 6

#### JAPAN

We are pleased to submit the following comments in response to CL 2006/47-MAS.

#### 2. PREREQUISITES:

##### Comment

We propose to add the following sentence as the first bullet point.

- **the importing country and the exporting country reach agreement on using these Guidelines to settle the dispute over analytical (test) results;**

(Reason)

In order to judge the validity of the analytical results, details of the sampling and analytical methods are essential, as evidenced by the existing Codex guideline (CAC/GL 25-1997<sup>1</sup>) providing that details on the sampling and analytical methods should be made available where consignments of imported food are rejected on the basis of analysis performed in the importing country. Therefore, as a prerequisite, two countries in dispute should first agree on the use of these guidelines.

#### 3.1. –STEP 1: THE ANALYTICAL RESULTS ARE COMPARED USING THE REPRODUCIBILITY LIMIT

##### Comment

We propose to add the following sentences.

**When assessing the conformity of the test results, both competent authorities should agree on:**

- **which of the models contained in the ANNEX is used, and;**
- **whether to take into consideration the measurement uncertainty.**

**If one of the test results is under the detection limit of the analytical method, the attempt to resolve the dispute should proceed to step 2.**

(Reasons)

- Flexibility in consideration of the measurement uncertainty is necessary.
- It is impossible to compare the two test results using the reproducibility limit if one of them does not have a numerical value.

**3.2. –STEP 2: THE RESULTS AND PROCEDURES OF THE LABORATORY OF THE EXPORTING COUNTRY AND ITS COUNTERPART IN THE IMPORTING COUNTRY ARE COMPARED**

**Comment**

We propose to replace the last bullet point for official accreditation status with the following and place it at the top of the list.

- **compliance with the general criteria for the testing laboratories laid down in ISO/IEC 17025:2005,**

(Reasons)

Compliance for substantive requirements is critical for the assessment of the competence of the testing laboratories concerned and therefore should be communicated to the other country. Expressions in these guidelines should be in conformity with existing relevant Codex guidelines such as CAC/GL 27-1997. We would also like to point out the necessity of updating the reference to ISO documents in these existing guidelines.

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<sup>i</sup> “Guideline for the Exchange of Information between Countries on Rejections of Imported Food” (CAC/GL 25-1997)