

# CODEX ALIMENTARIUS COMMISSION



Food and Agriculture  
Organization of the  
United Nations



World Health  
Organization

Viale delle Terme di Caracalla, 00153 Rome, Italy - Tel: (+39) 06 57051 - E-mail: [codex@fao.org](mailto:codex@fao.org) - [www.codexalimentarius.org](http://www.codexalimentarius.org)

Agenda Item 4, 5, and 6

CRD21

Original Language Only

## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS

#### Twenty-seventh Session

(Comments submitted by Indonesia)

#### AGENDA ITEM 4

CX/FICS 24/27/4

### PROPOSED DRAFT CONSOLIDATED TEXT ON THE PRINCIPLES AND GUIDELINES FOR THE RECOGNITION OF THE EQUIVALENCE OF SPECIFIED MEASURES OR THE WHOLE OR A PART OF NATIONAL FOOD CONTROL SYSTEMS

#### General Comments

Indonesia would like to express her appreciation to New Zealand as a Chair; United States of America and Kenya as Co-Chairs of EWG for their efforts to prepare the proposed draft Consolidated Text on the Principles and Guidelines for the Recognition of the Equivalence of Specified Measures or the Whole or A Part of National Food Control Systems.

Indonesia supports the continued progress of this document. However, Indonesia would like to seek further explanation regarding the use of the phrase "*objectives, and related outcomes or level of protection*" in this document. How the conjunction 'or' in that phrase define 'outcomes' and 'level of protection' within the context of equivalence process. Is it permissible to refer one of these terms without the other? For instance, can an exporting country solely reference its NFCS "related outcomes" when documenting its case for equivalence? Or can an importing country discuss and document decision criteria without referring to both terms?

Indonesia would also like to seek further information regarding the use of LOP in this guideline. To what extent should the LOP be detailed as a measure of equivalence? For example, if the 'level of protection' here refers to technical aspects and if it must be expressed in quantitative terms. Does this document give guidance on how LOP is measured? Indonesia is of the view that it would be very useful if there were explanation and example of the use of LOP as a reference.

## AGENDA ITEM 5

CX/FICS 24/27/5

## DRAFT GUIDELINES ON THE PREVENTION AND CONTROL OF FOOD FRAUD

## General Comments

Indonesia would like to express her appreciation to United States as a Chair; China, European Union, Islamic Republic of Iran, and United Kingdom as Co-Chairs of EWG for their efforts to prepare Draft Guidelines on the Prevention and Control of Food Fraud. Indonesia supports the continued advancement of this document. Regarding specific questions asked by the Chair, please find Indonesia's comments below.

## Specific Comments

| No | Paragraphs                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Question                                                                                       | Indonesia's Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | [6 bis. Fundamental to the successful functioning of any food fraud combatting strategy is the establishment and maintenance of an anti-food fraud culture acknowledging the importance of human behaviours in protecting integrity of the food supply chain and presenting food/feed in a manner so as not to deceive consumers.]                                                                                                                                                                                                                                                     | Should sub-paragraph "6 bis" be retained?                                                      | Indonesia can agree to retain this para.<br><br>Rationale:<br>Indonesia recognizes that in addition to robust anti-food fraud systems, human behavior also plays a critical role in preventing and controlling food fraud practices. This perspective aligns with the recent revision of the Codex General Principles of Food Hygiene, which emphasizes the significance of food safety culture and the importance of human behavior in ensuring safe and suitable food.                                                                                                                                       |
| 2. | 7. The purpose is to provide guidance to competent authorities and FBOs on the prevention, detection, mitigation, and control of food fraud to help protect the health of consumers, and to ensure fair practices in food trade, including feed for food producing animals [that may impact human food safety]. Aspects related to food fraud are already addressed through many existing Codex texts; this guidance is intended to support or supplement existing Codex texts by providing additional guidance specific to food fraud that can be considered within NFCS <sup>3</sup> | In paragraph 7, should the addition of "that may impact human food safety" be retained?        | Indonesia proposes deleting the text "that may impact human food safety."<br><br>Rationale:<br>Indonesia recognizes that food fraud practices should be prevented and mitigated not only due to human food safety concerns but also for economic reasons. This is also acknowledged in the preamble of this draft, which emphasizes the importance of upholding fair practices in food trade alongside the protection of public health. Therefore, all food fraud practices, including those related to feed, regardless of their impact on human health, are unjustified and must be prevented and mitigated. |
| 3. | <sup>3</sup> [Issues of intellectual property, such as geographic indicators and related labeling restrictions which do not represent a risk to public health and are beyond the scope                                                                                                                                                                                                                                                                                                                                                                                                 | What, if anything, should be explicitly stated with respect to Geographical Indications (GIs)? | Indonesia supports retaining the current wording of this footnote<br><br>Rationale:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

| No | Paragraphs                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Question                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Indonesia's Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    | of Codex are not addressed within this guideline.]                                                                                                                                                                                                                                                                                                                                                                                                                               | This issue is currently in Footnote 3 as bracketed text. Exchanges on this question should be supported by information from the CAC Chairperson and the Codex secretariat.                                                                                                                                                                                                                                                                                              | Indonesia considers issues of intellectual property, such as geographic indicators, to be beyond the scope of this guideline. To enhance clarity on this matter, Indonesia believes that this footnote is necessary.                                                                                                                                                                                                                                                                            |
| 4. | 7bis. [the investigation and prosecution of food fraud offenses are outside the scope of this guideline and need to be handled by countries under their respective laws.]                                                                                                                                                                                                                                                                                                        | Should 7bis be retained?                                                                                                                                                                                                                                                                                                                                                                                                                                                | Indonesia proposes to retain this wording but as a footnote to paragraph 7.<br><br>Rationale:<br>While the investigation and prosecution matters are beyond the scope of Codex texts, Indonesia acknowledges the perspective that this wording is necessary to provide greater clarity and emphasis. Some may indeed conflate these matters with the mitigation and control measures as outlined in the guidance. Therefore, Indonesia suggests retaining this wording as a footnote to para 7. |
| 5. | 8. Prevention, detection, mitigation, and control of food fraud should be based on the following principles: Principle 1: Control and Prevention of Food Fraud NFCS can reduce the risk of food fraud by having measures, proportionate to the level of risk, in place to prevent, detect, mitigate, and control food fraud, including surveillance and monitoring activities in order to protect consumers and [the integrity of the food supply chain] [fair trade practices]. | a. Regarding Section 5 "Principles", can the text of this Section be revised to better enhance the flow and alignment of the document as a whole? During the EWG process, one member questioned how the principles looked after the last revision. Is the Committee in agreement with the two principles currently articulated in Section 5?<br><br>b. Under Principle 1, specifically, which phrase in square brackets should be retained? Or should both be retained? | Indonesia can agree for retaining the phrase 'fair trade practices',<br><br>Rationale:<br>Indonesia believes the phrase 'fair trade practices' should be retained given its widespread usage and familiarity in the Codex texts. Additionally, if the phrase 'the integrity of the food supply chain' is to be included, it would be beneficial to provide a more detailed explanation of its meaning in the previous section of this guideline.                                                |
| 6. | 10. FBOs have the role and responsibility to, as appropriate:<br><br>a. Comply with all regulations relevant to prevent, detect, mitigate and control food fraud.                                                                                                                                                                                                                                                                                                                | Commenters pointed out redundancies between sub-paragraphs 'b. bis' and 'e'. Should one of the sub-                                                                                                                                                                                                                                                                                                                                                                     | Indonesia can agree to delete para 'b.bis.'<br><br>Rationale:<br>In principal, para 'b.bis' and para 'e' convey similar meanings. Furthermore, the terminology used in para 'e' is more commonly used throughout this guideline,                                                                                                                                                                                                                                                                |

| No | Paragraphs                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Question                                                                                        | Indonesia's Comments                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    | <p>b. Analyze and understand the vulnerabilities in their supply chain and products/ingredients/packaging there that may be susceptible to food fraud.</p> <p>b. bis [Have measures in place to mitigate the risk that the food products and ingredients are not authentic and ensure that the nature, safety, quality, and substance are accurately represented.]</p> <p>c. Represent food for sale in a manner that does not deceive or mislead consumers. d. Inform the competent authority when they detect or suspect food fraud.</p> <p>e. Take reasonable precautions to prevent, detect, mitigate, and control food fraud, including having processes in place for rapid removal of affected product from the market.</p> <p>f. Create awareness and understanding of food fraud throughout the FBO and build an anti-food fraud culture in all elements of the organization.</p> | paragraphs be deleted?                                                                          | and it avoids introducing new terms, unlike para 'b.bis,' which includes words like 'nature' that were not present in the previous sections of this guideline.                                                                                                                                                                                                                                                                       |
| 7. | 15 ter. Enhance collaboration to better integrate neutral technologies and use of data mining and machine learning technologies in the food chain which can aid in more effectively preventing food fraud.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | A member of the EWG suggested the inclusion of Para. 15 ter. Should this new para. be included? | <p>As of now, Indonesia does not have objection regarding this para.</p> <p>Indonesia believes that an emphasis or an additional explanation on collaboration and cooperation between countries is beneficial in preventing and controlling food fraud practices. However, Indonesia does have concerns regarding the use of specific technological terms in this para and wonders if more general terms would be more suitable.</p> |

**AGENDA ITEM 6****CX/FICS 24/27/6**

**DRAFT PRINCIPLES AND GUIDELINES ON TRACEABILITY/PRODUCT TRACING WITHIN A NATIONAL FOOD CONTROL SYSTEM**

**General Comments**

Indonesia would like to express her appreciation to United States as a Chair; Australia, Ecuador, Honduras, and the United Kingdom as Co-Chairs of EWG for their efforts to prepare Draft Principles and Guidelines on Traceability/Product Tracing Within a National Food Control System. Indonesia supports the continued progress

of this document. However, we do have some comments regarding the wording of this document. Please find Indonesia's comments below.

## Specific Comments

### 1. Paragraph 1

- Indonesia would like to propose to delete the bracketed sentence from this para.

Justification:

Indonesia believes it is more appropriately placed within the definition section.

- Indonesia would like to add the wording **"Recognizing the dual mandate of the Codex Alimentarius"** at the beginning of the second sentence of this para.

Justification:

In principle, Indonesia can agree with this para. However, we believe it is important to explicitly reaffirm the dual mandate of the Codex Alimentarius as the basis for traceability and product tracing within a National Food Control System (NFCS), as outlined in the current guidance.

Based on our comments above, the paragraph should read as follows:

~~1. [Traceability/product tracing consists of acquiring information about food products, which can be retrieved along the supply chain all the way to the consumer.]~~ **Recognizing the dual mandate of the Codex Alimentarius**, traceability/product tracing may be applied, when and as appropriate, within a National Food Control System (NFCS) to contribute to the protection of consumers against foodborne hazards and fraudulent or deceptive practices, and to facilitate trade, such as on the basis of accurate product description.

### 2. Paragraph 5

- Indonesia would like to propose to change the wording of ~~"thus facilitating trade"~~ with **"thus facilitating fair practices in the food"**.

Justification:

This change would better align with the Codex's mandate.

- Indonesia suggests deleting the phrase ~~"and potentially adding value for buyers and sellers."~~

Justification:

Indonesia believe it is uncommon to include such a statement into a Codex text.

Based on our comments above, the paragraph should read as follows:

5. Traceability/product tracing can help increase transparency and confidence in the safety, quality, and provenance of food by importing countries, thus facilitating **fair practices in the food** trade ~~and potentially adding value for buyers and sellers~~.

### 3. Paragraph 6

Indonesia would like to propose to change the wording of ~~"fair trade"~~ with **"fair practices in the food trade"**.

Justification:

Indonesia believes this revised wording is more commonly used and aligns more closely with the Codex's mandate.

To accommodate with this change, the paragraph should read as follows:

6. Traceability/product tracing can facilitate identification of risks related to food production; however, an NFCS requires appropriate measures to improve **outcomes of** food safety and fair **practices in the food trade outcomes**.

### 4. Paragraph 7

- Indonesia would like to propose to replace the word “~~new~~” with “**appropriate**”  
Justification:  
Indonesia believes it will ensure the guidance remains relevant in the future.
- Indonesia would like to propose to remove the phrase “~~digital tools~~” and change the wording “~~digital tools~~” in the second sentence with “**technology**”.  
Justification:  
Indonesia believes a more general reference to technology is sufficient.
- Indonesia would like to propose to change the phrase “~~an essential part~~” with “**a significant role**”.  
Justification:  
Indonesia believes it is more suitable.
- Indonesia would like to propose to delete the third sentence  
Justification:  
Indonesia believes it is unnecessary and not relevant to be included in this preamble section.

Based on our comments above, the paragraph should read as follows:

7. The availability and application of ~~new~~ **appropriate** technology, ~~such as digital tools~~, may facilitate traceability/product tracing by enabling faster access to food supply chain information. ~~Digital tools~~ Technology can improve communication across food supply chains and play ~~an essential part~~ **a significant role** in enhancing traceability to effectively manage and respond to risks. ~~For this to work, the digital technologies rely on guidelines and standards so that the data exchanged are interoperable and are enable communication across the food supply chain.~~

#### 5. Paragraph 9

Indonesia would like to propose to use the definition for Traceability/product tracing as outlined in the *Codex Procedural Manual*.

Based on our comments above, the paragraph should read as follows:

Traceability/Product tracing: the ability to follow the movement of a food ~~or food ingredient~~ through specified ~~step(s)~~ **stage(s)** of production, processing, and distribution.

#### 6. Paragraph 10 (c)

Indonesia would like to propose to merge principles (c) and (d).

Justification:

We believe that these two principles concerning the exchange of information can be combined to streamline and condense the guidance.

Based on our comments above, the paragraph/the principle should read as follows:

10 (c) Traceability/product tracing should facilitate the exchange of data/information along the food supply chain, including between FBOs and competent authorities.

Competent authorities should consider the entire food supply chain when designing and implementing traceability/product tracing within an NFCS. The application of traceability/product tracing should be practical<sup>5</sup>, be technically feasible, be economically viable for a FBO and within an NFCS, and avoid unnecessary burdens.

Traceability/product tracing should improve communication among the involved parties; improve the standardization, appropriate use, and reliability of data/information; and improve effectiveness and productivity of the organization.

**Interoperability between systems can support competent authorities of exporting and importing countries and FBOs to exchange data/information across different systems without the need for all entities to be on a single operational, proprietary, or technology platform.**

7. **Paragraph 10 (d)**

Based on our previous comment, Indonesia would like to propose to delete the principle (d).

Justification:

We believe that the principle (d) can be merged with the principle (c) as these two principles concerning the exchange of information can be combined to streamline and condense the guidance.

Based on our comments above, the paragraph/the principle should read as follows:

**~~d. Traceability/product tracing should support the exchange of data/information throughout the food supply chain (interoperability)~~**

**~~Interoperability between systems can support competent authorities of exporting and importing countries and FBOs to exchange data/information across different systems without the need for all entities to be on a single operational, proprietary, or technology platform.~~**

8. **Paragraph 12 (d)**

Indonesia would like to remove point (d) **~~“Test their traceability/product tracing system to ensure it operates as intended”~~**

Justification:

Indonesia believes it is already addressed in point (a) regarding establishing and maintaining traceability/product tracing systems.