

APPENDIX III**PROJECT DOCUMENT****CODEX GUIDANCE ON APPEAL MECHANISM IN THE CONTEXT OF REJECTION OF IMPORTED FOOD****1. Purpose and Scope of Proposed guidance**

The purpose of the work is to provide guidance to competent authorities of importing and exporting countries and industry on the procedure and mechanism of appeal in the situation of rejection of the imported food in order to ensure food safety and fair practises in the food trade. It will be an amendment and/or annex to CXG 47-2003 (and possible amendment to CXG 25-1997). The scope of the guidance is to develop procedures that may be followed in case a food consignment is rejected by the importing country and the importer, or exporter, or exporting country wish to file appeal against the decision of rejection. This includes considerations on when it may be appropriate to appeal, the communication of decision of rejection, appeal to importing country, consideration of the appeal by importing country and communicating the decision on the appeal. This would also include the opportunity for review of official decisions on consignments, as per CXG 47-2003.

2. Relevance and Timeliness

The main objective of food control authorities is to protect public health and to prevent economic loss and trade disruption, thereby ensuring reliable global food supply chain. Border rejection of consignments is one of the critical issues faced by exporters and sometimes rejection could be due to reasons other than food safety. Destruction, Discarding or alternative (non-food) use of food that is safe and nutritious for human consumption, on account of rejection of consignment, may also fall in the category of food loss.

Although each individual case may represent a huge economic cost and food waste for the involved exporters, the main problem associated with border rejections is still the overall loss of trust and confidence by buyers in the safety and quality of the produce delivered by exporting country. Any final decision on the rejection of the food consignment by importing country need to be taken in a transparent manner by providing ample opportunity to relevant stakeholder.

The Codex “*Guidelines for Food Import Control Systems* (CXG 47-2003)” requires under paragraph 29 that there should be an appeal mechanism and/or opportunity for review of official decisions on consignments. The existing Codex text (CXG 25-1997) provide general guidance on exchange of information between countries during rejection of imported food, however, specific guidance on appeal mechanism during rejection is not available. The possibility of reducing food loss with the availability of such guidance also has the potential to contribute to other SDGs, including the Zero Hunger goal (SDG 2), which calls for an end to hunger, the achievement of food security and improved nutrition, and the promotion of sustainable agriculture. Therefore, the proposed work, on guidance on appeal mechanism in the context of rejection of imported food, is a timely endeavour.

3. The main aspects to be covered

The work will include development of guidance on appeal mechanism in the context of rejection of food consignment by importing country with a goal to provide opportunity to relevant stakeholders to present their case and decisions are taken in transparent manner without any compromise with food safety and fair trade. The guidance may include the following elements: Preamble, Purpose, Definition, Principles, Process Steps. The existing CCFICS text will be examined and reviewed to avoid the duplication of the text.

4. An assessment against the criteria for the establishment of Work Priorities General Criterion

The proposed work will facilitate trade of safe food while ensuring that decision on rejection of food consignment are taken in transparent manner by providing due opportunity to relevant parties to promote fair trade.

Criteria applicable to General Subjects**a) *Diversification of national legislations and apparent resultant or potential impediments to international trade***

Some of the countries in their legislation have the provisions of appeal against the decision of rejection of imported food consignment. Development of Codex guidance in this area would help in achieving harmonization at global level.

b) *Scope of work and establishment of priorities between the various sections of work*

Refer to scope of work above.

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

Not applicable

d) *Amenability of the subject of the proposal to standardisation*

Guidance on appeal mechanism will bring transparency and uniformity in decision making process of rejection of food consignment.

e) *Consideration of the global magnitude of the problem or issue*

Rejection of food consignment is a major socio-economic burden, particularly in developing countries and any wrong decision of rejection may lead to food loss.

5. Relevance to Codex strategic objectives

The proposed work is directly related to the purpose of the Codex Alimentarius Commission, according to its statutes, to protect the health of the consumers and ensure fair practices in the food trade. Further, the work relates to the first Strategic Goal of the Codex Alimentarius Commission's Strategic Plan 2020-2025 to "address current, emerging and critical issues in a timely manner", and is consistent with Objective 1.1 "identify needs and emerging issues". This guidance is relevant to the needs of the Members and will improve the ability of Codex to develop standards relevant to the needs of its members. It is also consistent with Objective 4.2 "Increase sustainable and active participation of all Codex Members" through participation in the work of CCFICS and the related working groups.

6. Information on the relation between the proposal and other existing Codex documents

Based on the review of existing Codex text it is observed that the Codex "*Guidelines for the exchange of information between countries on rejection of imported food (CXG 25-1997 Revised in 2016)*" contains guidance on basic information exchange between countries on rejections of imported food where the reason for the rejection is related to food safety and fair practices in food trade and specifies a standard format for such information exchange. The proposed guidance will specify the procedure for appeal by relevant parties & its consideration by importing country, once information exchange on rejection of imported food in terms of CXG 25-1997 has been done by the importing country to relevant parties. Therefore, the proposed guidance will elaborate on the appeal mechanism as specified in CXG 47-2003.

7. Identification of any requirement for and availability of expert scientific advice

Not required.

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

Not required at this stage.

9. Completion of the new work and other conditions

Subject to the Codex Alimentarius Commission approval at its 47th Session in 2024, it is expected that the new work can be completed within two or three sessions of CCFICS.