

# CODEX ALIMENTARIUS COMMISSION



Food and Agriculture  
Organization of  
the United Nations



World Health  
Organization

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**Agenda 2**

**CX/FICS 11/19/2**

## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

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

Nineteenth Session

Cairns, Australia, 17- 21 October 2011

#### MATTERS REFERRED TO THE COMMITTEE BY THE CODEX ALIMENTARIUS COMMISSION AND OTHER CODEX COMMITTEES AND TASK FORCES

##### India's Comments

**Paragraph 7** of the *Agenda 2*, invites the Committee to consider the proposed review, in Annex 1, of the Codex texts on exchange of information and on emergency situations as to their applicability to animal feed. Our comments on these are provided below:

##### ANNEX 1

##### General Comments

Most of the proposed changes to the CAC/GL 19-1995 and CAC/GL 25-1997 are acceptable. However, at some places, the proposed inclusion of the phrase 'or feed' or 'and feed' is not appropriate. Our comments on these are provided in the specific comments below.

##### Specific Comments

#### PRINCIPLES AND GUIDELINES FOR THE EXCHANGE OF INFORMATION IN FOOD SAFETY EMERGENCY SITUATIONS (CAC/GL 19-1995)

**Paragraphs 1 and 12:** Remove the phrase 'or feed' from the first line in the paragraph 1 and 'and feed' from the penultimate line in the paragraph 12.

***Rationale:** The proposed amendments lead to a new term 'feed safety'. This is not appropriate as the focus of the document should continue to be food safety which could include the feed safety aspects relevant to human health. Relevant aspects of feed safety would be adequately covered in the term 'Food Safety Emergency' which, post amendment, would cover the feed-borne risks as well. 'Feed safety' per se cannot be the focus of a Codex document as the mandate of the Codex standards is food safety.*

**GUIDELINES FOR THE EXCHANGE OF INFORMATION BETWEEN COUNTRIES ON REJECTIONS OF IMPORTED FOOD AND FEED (CAC/GL 25-1997)**

**Paragraph:** The text should be modified as under:

“When the food or feed control authorities in an importing country reject a consignment of food or feed presented for importation they should always provide information to the importer of the consignment giving the reasons for the rejection. **The information should also be provided to the control authorities in the exporting country to pass on to the exporter.** ~~Appropriate information should also be provided to the exporter if the control authorities receive such a request.~~”

*Rationale:* The information on the reasons for the rejection should also be provided to the exporter in the larger interest of transparency and objectivity.

**Paragraph 5:** Remove the phrase ‘or feed’ from the text in the first bullet.

*Rationale:* As explained in our comments on CAC/GL 19-1995 above.

**Paragraph 11 of Agenda 2** invites the Committee to consider the proposed amendment in the Generic Model Official Certificate in Annex 2 prepared by CCFFP. Our comments on these are provided below:

**Annex 2**

**Paragraph 15:** The text should be modified as under:

“Where appropriate: nature of the food (or description of the commodity), commodity code(HS code), species(**wherever feasible both common name(s) and scientific name (s) for fish and fishery product (s)**), intended purpose,.....type of product. ”

*Rationale:* In case of consignments having mixture of fish species (especially in case of dry fishes), it may not be feasible for the exporter to declare the scientific name of the fish or fish product being exported.

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Agenda 4

CX/FICS 11/19/3

## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

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

Nineteenth Session

Cairns, Australia, 17- 21 October 2011

#### PROPOSED DRAFT PRINCIPLES AND GUIDELINES FOR NATIONAL FOOD CONTROL SYSTEMS

(N06-2009)

(Comments at Step 3)

#### India's Comments:

##### General Comment

The draft document provides useful guidance for establishment of national food control systems. There are, however, some provisions on which India has concerns that have been elaborated in the specific comments below. It is also observed that some provisions have been repeated in the document. The repeated provisions should be retained only at one place, where they are more appropriate, in the document. The terms inspection and audit should be used appropriately when reference is being made to food business operators. In case of National Food Control Systems the term assessment should be used.

##### Specific Comments

#### SECTION 1 INTRODUCTION

**Paragraph 1:** The text should be modified as under:

“This document is intended to assist the national government, and their competent authority(ies) in the development, operation, evaluation and improvement of national food control system. It highlights..... national food control system”

*Rationale: The evaluation is one of the important components of a national food control system.*

#### SECTION 3 PRINCIPLE OF A NATIONAL FOOD CONTROL SYSTEM

##### *PRINCIPLE 1 PROTECTION OF CONSUMERS*

**Paragraph 7:** The text should be modified as under:

“National food control systems should be designed and maintained with the primary goal to protect the health of consumers. In the event of a conflict, precedence should be given to protecting the health

of consumers and ensuring fair practices in food trade over economic or other trade considerations.”

*Rationale:* The text is in line with other *Codex texts*.

#### **PRINCIPLE 4 ROLES AND RESPONSIBILITY**

**Paragraph 10:** The text should be modified as under:

“All participants in a national food control system should have specific responsibilities.”

*Rationale:* To have a clear meaning.

**Paragraph 11:** The text should be modified as under:

“Food business operators<sup>2</sup> have the primary responsibility for managing food safety and for complying with regulatory requirements relating to those aspects of food under their control.”

*Rationale:* To have a clear meaning.

#### **PRINCIPLE 10 RECOGNITION OF SYSTEMS / EQUIVALENCE~~[EQUIVALENCE]~~**

**Paragraph 20:** The text should be modified as under:

“Competent authorities should recognise that food control systems although designed and structured differently may be capable of meeting the same objective, are therefore equivalent and should be provided for in the national food control system.”

*Rationale:* The text is in line with other *Codex texts*.

**New principle on harmonization with international standards:** Include a new principle on ‘harmonization’ as follows:

#### **PRINCIPLE 11 HARMONIZATION**

**Paragraph 20 bis:** It is proposed to add a new principle 11 and paragraph 20 bis on harmonization.

“The national food control system should have the mechanism to harmonize their domestic standards to the extent possible with international standards developed / specified by Codex or any other intergovernmental organizations wherever feasible. The relevant guidelines published by Codex or other intergovernmental organizations should be taken into consideration in the design and operation of national food control systems, to facilitate safe international trade and consumer confidence.”

*Rationale:* Harmonization of food control systems with the relevant international standards in an important element to be considered in respect of a national food control system. The draft discussed in the 18<sup>th</sup> session of the CCFICS (2010) included a principle on harmonization with international standards in its paragraph 2 under the section ‘Principles for a National Food Control System’.

## SECTION 4 FRAMEWORK FOR THE DESIGN AND OPERATION OF THE NATIONAL FOOD CONTROL SYSTEM

**Paragraph 21:** The text should be modified as under:

“The national food control system of a country ~~will~~should be based on that country’s particular governmental or constitutional arrangements and institutions, (e.g. presence or absence of sub national governments), national goals and objectives.”

*Rationale:* To have a clear meaning.

**Paragraph 22:** The text should be modified as under:

“~~Defining the~~ The defined roles and responsibilities of key participants in a national food control system is essential for ensuring the objectives are met efficiently and effectively and opportunities for duplication and gaps are minimised. For example, where different authorities in the same country have jurisdiction over different parts of the food chain, conflicting requirements must be avoided to prevent legal and commercial problems and obstacles to trade. ~~Also, while~~ Where the provincial or state laws ~~may~~ exists there should be a competent authority at the national level capable of ensuring uniform application.”

*Rationale:* To have a clear meaning.

**Paragraph 24:** The text should be modified as under:

“The design and operation of a national food control system should follow a logical and transparent process. This should include the consistent application of a systematic framework for the evaluation and, as necessary, control of food safety risks associated with existing, new or re-emerging hazards. This food safety risk management framework should be based upon ~~internationally agreed standards~~ and guidelines developed / specified by Codex or any other intergovernmental organization and incorporate the following steps:”

*Rationale:* The food safety risk management framework should be based on the guidelines developed by the Codex or any other intergovernmental organization as these guidelines are considered as benchmark.

**Paragraph 25:** Delete the paragraph completely.

*Rationale:* The intent of the paragraph has been effectively covered in the paragraph 20.

### SECTION 4.1 SYSTEM CHARACTERISTICS

**Paragraph 29:** The text should be modified as under:

“Situational awareness means that a national food control system avails itself of accurate and current information on the entire food chain as a whole and its various parts and participants. As far as possible, this information ~~may~~should include, ~~but not limited to~~”

*Rationale:* To ensure the feasibility of the information.

**Paragraph 31:** The text should be modified as under:

“~~Capability to learn~~[Continuous Improvement] means that a national food control system.....in the food chain”

*Rationale: Continuous Improvement is a better term for system and to have consistency on use of term in the document.*

## SECTION 4.2 SYSTEM DESIGN

### Legislation

**Paragraph 38:** The text should be modified as under:

“Legislation should provide clarity as to the roles and responsibilities of participants in the food chain, in particular that of central government, the competent authority (or of each competent authority where there is more than one) and any authorised providers (where these are used), and ~~industry~~**Food Business Operators**. Legislation should set.....distribution and trade.”

*Rationale: To have a clear meaning.*

### Control Programmes Inspection

The text should be numbered as 38 bis as under:

**Paragraph 38 bis:** ~~Inspection [Australia]~~ Control Programme(s) should provide ongoing monitoring of the food control system from production through manufacturing, to storage, transportation and distribution.

*Rationale: Paragraph number to be included and cover the complete food chain.*

**Paragraph 40:** The text should be modified as under:

“Control programme (s) should be based on clearly defined outcomes and appropriate risk analysis. In the absence of detailed scientific research, control programme (s) should be based on requirements developed from current knowledge and practice. Every effort should be made to apply risk analysis based on ~~internationally accepted methodology~~ guidelines developed / specified by Codex or any other intergovernmental organization, where available.”

*Rationale: The food safety risk analysis should be based on the guidelines developed by the Codex or any other intergovernmental organization as these guidelines are considered as benchmark.*

**Paragraph 44:** The text should be modified as under:

“Where quality assurance systems are used by industry, the national food control system should take them into account where such systems relate to protecting consumer health and ensuring fair practices in the food trade. The competent authority should encourage the use of Good Manufacturing Practices (GMP)/ Good Hygienic Practices (GHP) or a Hazard Analysis Critical Control Point (HACCP) approach depending on risk factor of product, by industry.”

*Rationale: HACCP approach may be required mandatory only in case of high risk food products.*

## Assessment and Evaluation

The text may be numbered as 44 bis as under:

**Paragraph 44 bis:** As appropriate, assessment, audits, inspections or other tools to evaluate the effectiveness of the food control programme, including the recognition of trends.

*Rationale:* Para number to be included.

**Paragraph 46:** Delete the Paragraph

*Rationale:* To avoid repetition of the guidance included in the Paragraph 31 where it is more appropriate.

**Paragraph 47:** The text should be modified as under:

“The competent authority(ies) implementing the national food control system should develop plans for periodic self-assessments and quality assurance reviews of ~~the~~**their national** food control system that are designed to identify the strengths and weaknesses of their programme(s) or have their effectiveness evaluated by third parties.”

*Rationale:* To have a clear meaning.

## Compliance and Enforcement

The text should be number as 47 bis and modified as under:

**Paragraph 47 bis:** Compliance programme should be designed to ensure compliance to the regulatory requirements in an objective manner and enforcement programme to enforce laws and regulations to achieve compliance. The competent authority, if need be, may consider using third party evaluation for compliance.

*Rationale:* Compliance and enforcement programmes are two different aspects and should be clearly spelt out and para number to be included.

**Paragraph 50:** First bullet point the text should be modified as under:

“Increased intensity of audits/inspection/**testing** and/or monitoring of products and/or processes identified as being not in conformity and/or the undertakings concerned; and”

*Rationale:* Testing is also important part of conformity assessment.

**Paragraph 50:** Second bullet point the text should be modified as under:

“In the most serious or persistent cases, ~~de-registrations~~**suspension/cancellation of registration/license** of the producer/processor **and**/or closure of the relevant establishment

*Rationale:* There may be suspension/cancellation of registration/ license of the manufacturer / processor depending on the gravity of non compliance.

#### 4.2.1 RESOURCES (INCLUDES INS LABORATORIES, STAFF, TRAINING ETC)

**Paragraph 51:** The text should be modified as under:

“The competent authorities and authorised providers should have adequate resources available, including **qualified** personnel, funding, laboratories, equipment and other infrastructure to support an effective national food control system which meets the objective.”

*Rationale: To have qualified personnel to support an effective national food control system.*

**Paragraph 52:** The text should be modified as under:

~~Feed and~~ **The** food control laboratories are an essential part of a national food control system. Analysis of food samples for physical, chemical and microbiological contamination is important to verify the safety and quality of food (including compositional characteristics, nutrition values, ~~adulteration~~, presence of **adulterants**, contaminants, etc.) and to enable appropriate action to be taken to protect consumers whenever necessary.”

*Rationale: Food control laboratories may be more appropriate as the principle 2 has already covered feed. Also the word adulterants will be more appropriate.*

**Paragraph 54:** The text should be modified as under:

“The number and location of the laboratories, including the use of private laboratories, should be determined in relation to the objectives of the system and the volume of work. If more than one laboratory is required, consideration should be given to apportioning the analytical work to achieve the most effective coverage of the food analyses to be performed and also to having a central reference laboratory(**ies**) equipped for sophisticated and reference analyses. In case the .....for domestic laboratories.”

*Rationale: There may be more than one central reference laboratory.*

#### Resources

The text should be numbered as 54 bis as under:

**Paragraph 54 bis:** Programme resources including the provision of adequate trained staff, facilities, equipment and funding.

*Rationale: Para number to be included.*

#### Training

**Paragraph 57:** The text should be modified as under:

“The competent authority should have in place a training plan that ensures that all inspectors, analysts, and other individuals carrying out technical/professional duties receive the training required to adequately perform their work assignments to improve technical understanding and maintain professional development. The plan should include coursework as well as, when appropriate, ~~joint inspections and/or~~ field training ~~and~~ should provide for basic and advanced credentials.”



*Rationale: The context of joint inspection is not clear here.*

**Paragraph 58:** Fourth bullet point the text should be modified as under:

“Arrangements for coordination with key officials in relevant ministries, **public** and private sector organizations;”

*Rationale: To cover the public organizations being important stakeholders in the National Food Control system.*

#### **4.2.2 COMMUNICATION (INCLUDES STAKEHOLDER ENGAGEMENT, EDUCATION AND INTERNATIONAL COMMUNICATION)**

**Paragraph 62:** The text should be modified as under:

“A national food control system design should promote transparency, including communication of the requirements, implementation and verification processes that are part of a national food control system. Consideration should be given to communication strategies with all stakeholders (~~private sector, producers, processors and consumers~~).

*Rationale: There is no need to specify each stakeholder.*

#### **Stakeholder Engagement and Communication**

**Paragraph 65:** The text should be modified as under:

“Risk communication with the public, ~~and the food industry~~ **and other stakeholders in the food chain** in emergency situations is an important component of the national food ~~safety~~**control** system. Consumers should always..... where appropriate.”

*Rationale: Risk to be communicated to all the stakeholders so as to take appropriate action.*

#### **Education**

**Paragraph 66:** The text should be modified as under:

“Consideration should be given to the development of industry and community relations programmes to provide outreach and education programmes and information exchange, amongst **all stakeholders**, ~~including regulators, industry, other food business operators, consumers and academia.~~”

*Rationale: To involve all stakeholders.*

### **SECTION 4.3 ELEMENTS TO CONSIDER IN IMPLEMENTATION OF THE SYSTEM**

#### **Legislation**

**Paragraph 71:** The text should be modified as under:

“The national food control system should be fully documented<sup>4</sup>, including a description of its scope and operation, responsibilities and action for staff, in order that all ~~parties~~**stakeholders** involved are aware of their responsibilities.”

**Rationale:** For better clarity and uniformity on use of term.

## **Control Programmes**

**Paragraph 75:** The text should be modified as under:

“Competent authority(s) should ensure that control programmes are consistent with national legislation (including Acts, regulations, guidelines, policies and procedures).”

**Rationale:** National legislations derive powers from the respective Acts and therefore should be included.

## **Assessment and Evaluation**

The text should be numbered as 77 bis as under:

**Paragraph 77 bis:** “As appropriate, assessment, audits, inspections or other tools to evaluate the effectiveness of the food control programme, including the recognition of trends.”

**Rationale:** Para number to be included.

**Paragraph 80:** The text should be modified as under:

“Assessment of the efficacy of the national food control system should be targeted at the most appropriate stages in the food chain, based on risk analysis conducted in accordance with ~~internationally accepted methodology~~ guidelines developed / specified by Codex or any other intergovernmental organization.”

**Rationale:** The food safety risk analysis should be based on the guidelines developed by the Codex or any other intergovernmental organization as these guidelines are considered as benchmark.

## **Compliance and Enforcement**

The text should be numbered as 81 bis as under:

**Paragraph 81 bis:** “Compliance and enforcement programmes to enforce laws and regulations to achieve compliance”

**Rationale:** Para number to be included.

**Paragraph 85:** Delete the Paragraph

**Rationale:** To avoid repetition of the guidance included in the Paragraph 50 where it is more appropriate.

### **4.3.1 RESOURCES (INCLUDING LABORATORIES, STAFF, TRAINING, ETC)**

**Paragraph 88:** The text should be modified as under:

“Competent authorities should utilize laboratories that are evaluated and/or accredited under officially recognized programmes to ensure that adequate quality controls are in place to provide for the

reliability of test results. ~~Internationally~~ **Recognized** and validated analytical methods should be used wherever available and **relevant Codex document on Food Control Laboratories** should be adhered to.”

***Rationale:** Recognized and validated analytical methods should be used for the reliability of test results. Good Laboratory Practices may create confusion with Good Laboratory Practices (GLP) by Organisation for Economic Co-operation and Development (OECD).*

**Paragraph 90:** The text should be modified as under:

“Competent authorities should ensure that designated laboratories participate in regular proficiency testing. Such testing may be organised nationally or internationally and national reference laboratory(**ies**) may have a role in organising proficiency testing programmes.”

***Rationale:** There may be more than one central reference laboratory.*

## **Resources**

The text should be numbered as 92 bis as under:

**Paragraph 92 bis:** “Programme resources including the provision of adequate staff, facilities, equipment and funding.”

***Rationale:** Para number to be included.*

**Paragraph 93:** The text should be modified as under:

“Implementation of the national food control system requires that the competent authority (s) or ~~delegate~~ **any organization authorized on its behalf** have access to appropriate resources including human, financial and other required support (e.g., access to inspectors, analytical capacity, vehicles, and other equipment)

***Rationale:** ‘delegate’ is not the appropriate term and is not able to convey the meaning properly.*

**Paragraph 95:** Delete the Paragraph

***Rationale:** To avoid repetition of the guidance included in the Paragraph 58 where it is more appropriate.*

## **Surveillance, Investigation, Response**

The text should be numbered as 96 bis as under:

**Paragraph 96 bis:** “Capability to provide for surveillance, investigation, response, documentation, analysis, and follow-up of food-related illnesses and injuries.”

***Rationale:** Para number to be included.*

**Paragraph 97:** The text should be modified as under:

“Competent authority(s) should ensure that the response system in regards to food safety incidents, is effective, with clear communication between competent authority(s), ~~industry~~ **food business**

operators and consumers, and is regularly assessed. [Australia]

*Rationale: All stakeholders should be involved.*

### **International Communication**

**Paragraph 104 on international communication:** In the first and second bullets, replace the phrase ‘trading partners’ with the phrase ‘competent authorities of trading partner countries’

*Rationale: To convey the correct meaning that the competent authorities of a country would be involved in communication and bilateral exchange with competent authorities of other relevant countries and not the business operators as may be wrongly construed from the term ‘trading partner’.*

### **Section 4.4: CONTINUOUS IMPROVEMENT**

It is proposed that the Continuous improvement should be applied to all elements of the food control system and should be characteristic of the system. Therefore, it may be more appropriate to include it under section 4.1 which should be retained.

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Agenda 5(b)

CX/FICS 11/19/5

## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

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

Nineteenth Session

Cairns, Australia, 17- 21 October 2011

#### PROPOSALS FOR NEW WORK

##### India's Comments

##### **Proposal by United States of America**

It has been proposed to develop a guidance document on monitoring the adequacy of food control systems in the context of a country assessing its own system, in the context of systems recognition or other approaches to assessing and recognizing a food control system, or in the context of one country simply wishing to assess the performance of another food control system. It is important here to keep in view that the objectives of the assessment of its own national food control system by a country are entirely different from those of the assessment of an exporting country's food control system by an importing country.

While it may be useful to develop Codex guidance on monitoring regulatory performance of national food control systems by countries, it may be kept in view that a document on *National Food Control System* is under discussion under the Agenda Item 4, which could appropriately accommodate the proposed guidance.

In respect of other approaches to assessing and recognizing a food control system, or in the context of one country simply wishing to assess the performance of another food control system, it should be noted that Codex has already adopted *Principles and Guidelines for the Conduct of Assessment of Foreign Official Inspection and Certification Systems (Annex to the Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems (CAC/GL 26-1997)* in its 33<sup>rd</sup> session, 2009.

***Therefore, a separate guidance document may not be required. The proposed guidance can be developed as an annex to the document under discussion in Agenda 4 on and its scope strictly limited to self-review by competent authorities to monitor the regulatory performance of their National Food Control System. The project proposal be suitably amended to reflect the same before it is submitted for approval to the Commission.***

## **Proposal by the International Dairy Federation**

We note that the new work proposal suggests revision of the Codex document 'Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations (CAC/GL 19-1995)' to include the guidance on emergency situations or to develop the guidance as a standalone document.

*It would be appropriate if the proposed guidance were developed preferably as a standalone document without opening any existing Codex document which, otherwise, could lead to unnecessary discussions and associated delays.* In case, however, it is considered desirable to develop the same as a part of the Codex document 'Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations (CAC/GL 19-1995)', by broadening its scope as is also proposed, it would be necessary to identify and open only the relevant portions of the CAC/GL 19-1995 to enable linking its provisions with the guidance to be developed.

*Further, the proposed guidance should not be applicable when the available evidence suggests that the food safety emergency in international trade has resulted out of a deliberate attempt to fraud, in which case the countries should be free to take actions other than a resource intensive risk assessment/management exercise depending upon their trade/economic interests.* This should be mentioned in the project document before it is submitted to the Commission for approval.