



JOINT FAO/WHO FOOD STANDARDS PROGRAMME
CODEx COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION
AND CERTIFICATION SYSTEMS

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DRAFT PRINCIPLES AND GUIDELINES FOR THE EXCHANGE OF INFORMATION (INCLUDING QUESTIONNAIRES) BETWEEN COUNTRIES TO SUPPORT FOOD IMPORT AND EXPORT

Prepared by an electronic working group¹ led by New Zealand, Brazil and Mexico

(At Step 3)

Governments and interested international organizations are invited to submit comments on the attached *Draft Principles and Guidelines for the Exchange of Information (Including Questionnaires) Between Countries to Support Food Import and Export* at Step 3 (see Appendix I) and should do so in writing, pursuant to the Uniform Procedure for the Elaboration of Codex Standards and Related Texts (see *Procedural Manual of the Codex Alimentarius Commission*), to: Codex Australia, Australian Government Department of Agriculture & Water Resources, GPO Box 858, Canberra ACT, 2601 (email: codex.contact@agriculture.gov.au) with a copy to: The Secretariat, Codex Alimentarius Commission, Joint WHO/FAO Food Standards Programme, FAO, Rome, Italy (email codex@fao.org) by **15 January 2016**.

Note regarding format of comments for submission: In order to facilitate the compilation of comments and prepare a more useful comments document, Members and Observers not yet doing so are requested to provide their comments in the format outlined in Annex I to this document.

Please do not reproduce the document in track changes as this substantially increases the costs of translation and printing.

Background

1. At its 19th session (2011) the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS) considered a proposal² by Costa Rica to prepare a discussion paper that would describe the problems, including examples, faced by exporting countries due to multiple questionnaires, and identify possible solutions. It aimed to reduce the burden on exporting countries of replying to the large number of diverse questionnaires required by importing countries.

2. The Committee noted that the proposal required further developed and agreed to establish an electronic working group (eWG), to be chaired by Costa Rica, working in English and Spanish and open to all Codex Members and Observers, to prepare: (i) a discussion paper that would clearly describe the problems, including examples, faced by exporting countries due to multiple questionnaires, and identify possible solutions; and (ii) a project document for consideration at its next session.

¹ The electronic working group comprised representatives of Argentina, Australia, Belgium, Brazil, Canada, Chile, Denmark, Ecuador, European Union, France, Germany, India, Indonesia, Ireland, Italy, Japan, Korea, Mauritius, Mexico, Federated States of Micronesia, New Zealand, Norway, Philippines, Singapore, Spain, Sweden, Switzerland, United Kingdom, United States of America, FAO, OIE, IACFO, FoodDrink Europe.

² REP12/FICS, paragraphs 53-55.

3. At the 20th session (2013) of CCFICS, Costa Rica presented the report of the eWG. The Committee, in principle, supported the revised approach to addressing the burden of multiple questionnaires. However, the Committee deemed it necessary to clarify in the project document that: the new work aimed to provide guidance on which information might be useful in assessing an exporting country's national food control system or parts thereof; the scope of the work was the exchange of information between competent authorities of importing and exporting countries; and the focus of the work would initially be limited to specific areas of trade or specific products or groups of products entering the market for the first time. Indication of when the use of questionnaires was advisable was also suggested (para. 44, REP13/FICS).

4. In order to advance the work rapidly, the Committee agreed to establish an eWG, chaired by Costa Rica, working in English and Spanish and open to all Codex Members and Observers, to: (i) revise the project document, taking into account the revised proposal presented at the current session and the discussion outlined above; and (ii) prepare an outline of the proposed document for consideration at its next session (para. 45, REP13/FICS).

5. To further support the work of the eWG and CCFICS, two informal workshops were held in Costa Rica, in December 2013, and Belgium, in February 2014. In general, participants in the workshops were of the view that it may be useful to broaden the scope of the original proposed work (to develop a harmonized questionnaire) to cover the exchange of information between importing and exporting countries in relation to the initiation or maintenance of trade for a product or group of products, and prior to conducting an audit, inspection or assessment.

6. In this regard, the workshops came to the view that while existing CCFICS texts covered the exchange of information in emergency situations (CAC/GL19-1995) and in the case of rejections of imported food (CAC/GL 25-1997) there could be substantial benefit in progressing new work on the exchange of information in respect of the initiation or maintenance of trade for specific commodities. In this regard, the scope of the work could encompass the process for exchange of information including a standardized approach to the content and justification of information exchange, including the possibility of using questionnaires. Any new work should take into account the Principles and guidelines for national food control systems (CAC/GL 82-2013) and the Guidelines for the design, operation, assessment and accreditation of food import and export inspection and certification systems (CAC/GL 26-1997).

7. Discussion in the workshops furthermore came to the view that the use of questionnaires could be minimized by:

- providing information by other means (country profiles);
- developing standardized information to be made publicly available (websites);
- reviewing which information was actually relevant and required in particular trade initiation or maintenance situations;
- ensuring the information required was justified;
- focusing on the national food control system (not on a particular establishment/processor); and
- exchanging information to improve transparency and build knowledge and confidence in exporting countries food control systems.

8. At its 21st session (2014), CCFICS considered the Discussion Paper on Principles and Guidelines for the Elaboration and Management of Questionnaires Directed at Exporting Countries³.

9. The Committee agreed that:

- The scope of the document should cover new trade and existing trade that is also subject to assessment through the use of questionnaires;
- The scope would be limited based on the risk of food categories where an exchange of information between importing and exporting countries was necessary to ensure protection of the health of consumers and ensure fair practices in the food trade;
- The document would focus on the exchange and management of information between competent authorities in general, including but not limited to the appropriate use of questionnaires; and

³ CX/FICS 14/21/3.

- The decision as to whether the document would be an annex to an existing guideline or a stand-alone document would be taken at a later stage.

10. The Committee agreed to support the proposal for new work on the development of principles and/or guidelines for the exchange of information, including questionnaires, between countries to support food import and export. The new work was approved by the Codex Alimentarius Commission at its 38th Session (2015).

11. The Committee also agreed to establish an eWG (with the further possibility of convening a physical working group (pWG) in English, French and Spanish), chaired by New Zealand and Co-chaired by Brazil and Mexico, and working in English and Spanish, to prepare the proposed draft standard for circulation for comments at Step 3 and consideration at its next Session.

12. Taking into account the previous discussions and the mandate given by the Committee, New Zealand, Brazil and Mexico developed a draft discussion paper and circulated it to the eWG in April 2014. Comments received on the first draft discussion paper were used to further refine the document and a second draft was circulated to the members of both the electronic and physical⁴ working groups in May 2015. Comments on the second draft document (May 2015) from members of the eWG were considered at the pWG held in London (July 2015).

13. The pWG considered the most appropriate way to establish a balance between a simplified process for information exchange and the information necessary to facilitate and make an informed decision on trade. The pWG agreed that the paper should focus on the context, transparency, rationale and principles for information exchanges rather than on constructed templates. The pWG strongly agreed that information exchanges were not mandatory prerequisites to trade and that the paper should reflect this.

14. The pWG discussed the proposed draft Principles and Guidelines for the Exchange of Information (Including Questionnaires) Between Countries to Support Food Import and Export and agreed to change the title of the document to "Principles and Guidelines for the Exchange of Information (Including Questionnaires) Between Importing and Exporting Countries to Support the Trade in Food". The pWG determined this title to reflect more accurately the situation of the exchange of information.

15. Further discussion focused on separating the relevant sections into those elements viewed as the principles of information exchange and those viewed as considerations to be made by the competent authorities of the importing and exporting countries during the process of information exchange. The pWG also focused on ensuring simple, consistent language was used throughout the paper (for example the use of the term "assessment" and references to relevant components of the national food control system as they relate to the food being exported), removing duplicated concepts, and agreed that a definition of "fair practices" was not warranted.

16. In reviewing the final document, the pWG concluded that several important aspects it had discussed required further consideration by CCFICS at its next session, including:

- a) The scope of information exchange requests and whether this should be narrowed to the national food control system or expanded in order to include other elements such as organics or halal. It was commented that a narrow scope would result in information exchanges taking place outside the scope of the guidelines.
- b) A suitable way to express the wish to avoid requests for detailed food business operators' information unless necessary and to respond to emerging/emergency situations without restricting regulatory tools.
- c) The need for a principle encompassing the appropriate recording and management of information requests.
- d) Consider the potential contribution to reducing information requests and enhancing efficiencies of providing ready access to information, for example, through online country profiles or official websites

Recommendation

17. The Committee is invited to consider the proposed draft *Principles and Guidelines for the Exchange of Information (Including Questionnaires) Between Importing and Exporting Countries to Support the Trade in Food (Appendix 1)* at Step 3, including the outstanding concepts as highlighted above in paragraph 16.

⁴Australia, Belgium, Denmark, European Union, France, Germany, Ghana, India, Ireland, Italy, Japan, Mexico, New Zealand, Norway, Poland, Spain, South Africa, Switzerland, Thailand, the United Kingdom, the United States of America, the World Trade Organization (WTO) and NSF International.

ANNEX

GENERAL GUIDANCE FOR THE PROVISIONS OF COMMENTS

In order to facilitate the compilation of comments and prepare more useful comments' document, Members and Observers, which are not yet doing so, are requested to provide their comments under the following headings:

- (i) General Comments
- (ii) Specific Comments

Specific comments should include a reference to the relevant section and/or paragraph of the document that the comments refer to.

When changes are proposed to specific paragraphs, Members and Observers are requested to provide their proposal for amendments accompanied by the related rationale. New texts should be presented in **underlined/bold font** and deletion in ~~striketrough font~~.

In order to facilitate the work of the Secretariats to compile comments, Members and Observers are requested to refrain from using colour font/shading as documents are printed in black and white and from using track change mode, which might be lost when comments are copied / pasted into a consolidated document.

In order to reduce the translation work and save paper, Members and Observers are requested not to reproduce the complete document but only those parts of the texts for which any change and/or amendments is proposed.

Example of how comments should be prepared

SECTION 2 OBJECTIVE

Paragraph 4 - At the end of the last sentence add the words "and can be applied as relevant to any inspections of establishments or other facilities that may occur as part of an audit." So the last sentence would read "This annex applies equally to assessments carried out onsite or by documentary review alone **and can be applied as relevant to any inspections of establishments or other facilities that may occur as part of an audit**".

Rationale: To remove duplication of concepts – standardized and consistent. Efficiency is an outcome of following these guidelines and should be included here. To clarify the use of inspection as an associated tool not the prime focus.

APPENDIX

DRAFT PRINCIPLES AND GUIDELINES FOR THE EXCHANGE OF INFORMATION (INCLUDING QUESTIONNAIRES) BETWEEN IMPORTING AND EXPORTING COUNTRIES TO SUPPORT THE TRADE IN FOOD¹**Section 1 – Introduction**

1. Most trade in food occurs without countries requiring an exchange of information on their National Food Control System (NFCS)². However, under some circumstances, importing countries may require an exchange of information for the initiation or maintenance of trade in food.
2. These guidelines are not intended to mandate such exchange of information as a necessary prerequisite for trade occurring between countries.
3. The exchange of information and associated assessments may be required where the risks associated with the traded commodity are high, whether they relate to food safety or fair practices in the food trade and the necessary assurances cannot be gained by other mechanisms.
4. The use of Codex guidance by importing and exporting countries alike should help facilitate any necessary assessment of the relevant component(s) of the NFCS.

Codex texts of particular relevance include:

- CAC/GL 82-2013 Principles and guidelines for national food control systems;
 - CAC/GL 47-2003 Guidelines for Food Import Control Systems;
 - CAC/GL 20-1995 Principles for Food Import and Export Inspection and Certification;
 - CAC/GL 53-2003 Guidelines on the Judgment of Equivalence of Sanitary Measures Associated with Food Inspection and Certification Systems; and
 - General Principles Food Hygiene (CAC/RCP1-1969).
5. These guidelines may also be useful in clarifying the information exchange requirements of CAC/GL 26-1997 Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems – specifically paragraphs 55-57 of Section 9 – Assessment and verification of inspection and certification systems.

Section 2 – Objectives

6. Provide guidance to assist the competent authorities of the importing and exporting countries to identify when the exchange of information may be necessary and what information is essential for the assessment of the relevant component(s) of the NFCS.
7. Provide guidance to simplify and harmonize the information and the process of its exchange between the competent authorities of the importing and exporting countries.

Section 3 – Scope

8. These guidelines address situations where information exchange may be required for the assessment of relevant component(s) of an exporting country's NFCS that may cover a product or group of products prior to the initiation or maintenance of trade.

Section 4 – Exchange of information and assessment

9. Information exchange is justified when the risks posed by the specific food product or group of products to food safety or fair practices in the food trade are such that an assessment of whether the relevant component(s) of the NFCS of the exporting country is appropriately managing the risks, is required and the assurance is not able to be attained by other means.

¹ For the purposes of these guidelines, food shall be taken to include feed for food-producing animals.

² Official inspection and certification systems may be considered a part of a national food control system given today's global market (refer to the last sentence of paragraph 2, CAC/GL 82-2013). The "relevant component(s)" of a NFCS or a country's official inspection and certification system should clearly relate to the food being exported.

10. The competent authorities of the importing and exporting countries, in the process of exchanging information and the associated assessment of the relevant component(s) of a NFCS, should:
- a) not impose an outcome, a standard or a process in excess of what is being applied within the importing country without justification;
 - b) recognize that the relevant component(s) of NFCs may be designed and structured differently while still meeting the same objectives or outcomes;
 - c) recognize the official controls, assessments and approval mechanisms already in place in the exporting country;
 - d) focus on the relevant component(s) of the NFCS in place in the exporting country as they relate to the outcomes; and
 - e) involve only the level of detailed information that is essential to gain the necessary assurances with regard to food safety and fair practices in food trade as opposed to routinely requiring detailed information on specific food business operators.³

Section 5 – Principles

11. The following principles should apply to the exchange of information and/or the associated assessment process:
- a) Be between the relevant competent authorities of the exporting and importing countries. Where multiple authorities are involved a designated coordinating contact point should be appointed.
 - b) Be appropriately transparent, structured, focused, interactive and timely.
 - c) Be in either the importing country's language, English or a third language as mutually agreed.
 - d) Allow for electronic transmission, including the ability to appropriately reference information already supplied or that may be readily available online.
 - e) Recognize existing experience, knowledge and confidence⁴ already gained or possible to extrapolate from assessments by other countries or international organizations.
 - f) Not require the submission of commercially sensitive information unless essential to assess the public health objective, in which cases, it should be protected from inappropriate use or disclosure to other parties.

Section 6 – Process

12. Where the necessity of exchanges of information and assessments has been established, in accordance with paragraph 9 above, and are required to trade in food, the following processes should be observed by the competent authorities of the importing and exporting countries.
13. The importing country should:
- a) Clearly outline the information required, why it is required, and the process and methodology to be followed, including anticipated timelines.
 - b) On request make itself available to discuss what information may already be available from previous exchanges, publications or existing knowledge, confidence or experience and what further information may be necessary from the exporting country to fill information gaps.
 - c) Provide in writing a clear description, with appropriate references, the objectives, core elements and key operational performance characteristics of the relevant component(s) of its own NFCS which will form the basis for any assessment.
 - d) As far as practical, and especially where consistent with the relevant Codex guidance, allow exporting countries to describe the relevant component(s) of the NFCS that is in place in their country and how it meets the objectives and outcomes required by the importing country.

³ For the purposes of this document, food business operators include producers, processors, wholesalers, distributors, importers, exporters and retailers.

⁴ [Footnote 11 from CAC/GL 26-1997] *Experience, knowledge and confidence in an exporting country's food inspection and certification system by an importing country includes the history of food trade between two countries and the history of compliance of foods with the importing country's requirements, particularly the food products involved.* Further examples that may inform the importing country's experience, knowledge and confidence are listed in paragraph 10 points (a) to (n) in the annex to CAC/GL 53-2003.

- e) Focus its information exchange request and assessment on whether the relevant component(s) of the exporting country's NFCS achieve(s) the objectives and outcomes as required and achieved by the importing country's system, avoiding the application of standards in excess of that within the importing country.
 - f) Provide appropriate resources and interactively engage with the exporting country where additional information or clarity is needed so as to ensure any assessment process can be concluded in a timely manner.
 - g) Establish a deadline for review of responses and for feedback to the exporting country.
 - h) Focus any requests for information for the purpose of updating assessments relating to existing trade on only those importing country requirements or the relevant component(s) of the exporting country's NFCS which have changed.
14. The exporting country should:
- a) Describe the relevant component(s) of its NFCS that meet(s) the objectives and outcomes required by the importing country.
 - b) As far as practical, describe the relevant component(s) of its NFCS consistently with existing Codex guidance.
 - c) Engage with the importing country where additional information or clarity is needed to ensure any assessment process can be concluded in a timely manner.
 - d) Ensure the importing country is notified of any relevant changes to the relevant component(s) of its NFCS.

Section 7 – Information exchange content

15. To facilitate a level of harmonization of content, information exchanged may include broad overviews under the following headings, as appropriate:
- a) Legislative or administrative framework;
 - b) Competent authority capability, resourcing and organizational design;
 - c) Roles and responsibilities of all relevant parties;
 - d) Maintenance of the independence and credibility of the competent authority responsible for certification;
 - e) Relevant administrative policies and procedures;
 - f) Official controls and standards;
 - g) Verification programmes;
 - h) Enforcement and compliance programmes;
 - i) Laboratory capacity and capability;
 - j) Emergency preparedness and response and recall systems;
 - k) Foodborne disease surveillance and investigation systems;
 - l) Training and competency assessment requirements;
 - m) Monitoring, self-auditing and system review;
 - n) Evidence supporting the achievement of specified outcomes and key performance characteristics; and
 - o) Criteria for registering and approving specific food business operators, including where such lists may be available.