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FOOD AND AGRICULTURE
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ALINORM 09/32/30
December 2008

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION

Thirty second Session
Rome, Italy, 29 June - 4 July 2009

REPORT OF THE SEVENTEENTH SESSION OF THE CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS

Cebu, Philippines
24-28 November 2008

NOTE: This report contains Codex Circular Letter CL 2008/38-FICS

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CL 2008/38-FICS
December 2008

To: Codex Contact Points
Interested International Organizations

From: Secretary,
Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme
Viale delle Terme di Caracalla
00153 Rome, Italy

Subject: **Distribution of the Report of the Seventeenth Session of the Codex Committee on Food Import and Export Inspection and Certification Systems (ALINORM 09/32/30)**

The report of the Seventeenth Session of the Codex Committee on Food Import and Export Inspection and Certification Systems will be considered by the 32nd Session of the Codex Alimentarius Commission (Rome, Italy, 29 June - 4 July 2009).

MATTERS FOR ADOPTION BY THE 32ND SESSION OF THE CODEX ALIMENTARIUS COMMISSION

Proposed Draft Generic Model Official Certificate (Annex to the *Guidelines for Design, Production, Issuance and Use of Generic Official Certificates* - CAC/GL 38-2001) (N08-2008) **advanced to Steps 5/8 of the Codex Procedure, with the omission of Steps 6 and 7** (ALINORM 09/32/30, Appendix II). *See* also para. 65 of this report.

Governments and international organizations wishing to submit comments on the above document should do so in writing, ***preferably by e-mail***, to the Secretary, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, FAO, Viale delle Terme di Caracalla, 00153 Rome, Italy (e-mail: codex@fao.org, telefax : +39 06 57054593), **not later than 31 March 2009**.

Content

Summary and Conclusions	page ii
List of Abbreviations	page iii
Report of the 17 th Session of the Codex Committee on Food Import and Export Inspection and Certification Systems	page 1
Summary Status of Work	page 12
<i>Paragraph</i>	
Introduction	1 - 3
Adoption of the Agenda (Agenda Item 1)	4
Matters Referred by the Codex Alimentarius Commission and Other Codex Committees and Task Forces (Agenda Item 2)	5 - 8
Report on activities of FAO, WHO and other international organizations relevant to the work of CCFICS (Agenda Item 3)	9 - 14
Proposed draft Principles and Guidelines for the Conduct of Foreign On-Site Audits and Inspections (N07-2008) (Agenda Item 4)	15 - 37
Proposed draft Generic Model Health Certificate (Annex to the <i>Guidelines for Design, Production, Issuance and Use of Generic Official Certificates</i> - CAC/GL 38-2001) (N08-2008) (Agenda Item 5)	38 - 65
Discussion Paper on the Need for Guidance for National Food Inspection Systems (Agenda Item 6)	66 - 71
Discussion Paper on the Need for further Guidance on Traceability / Product Tracing (Agenda Item 7)	72 - 74
Discussion Paper on the development of Guidance on the Prevention of Intentional Contamination of Food (Agenda Item 8)	75 - 80
Other Business and Future Work (Agenda Item 9)	81
Date and Place of Next Session (Agenda Item 10)	82
<u>Appendices</u>	
Appendix I: List of Participants	page 13
Appendix II: Proposed draft Generic Model Official Certificate (Annex to the <i>Guidelines for Design, Production, Issuance and Use of Generic Official Certificates</i> - CAC/GL 38-2001) (N08-2008) (at Steps 5/8 of the Elaboration Procedure)	page 31
Appendix III: Project Document: Proposal to develop Principles and Guidelines for National Food Control Systems	page 34

SUMMARY AND CONCLUSIONS

The Seventeenth Session of the Codex Committee on Food Import and Export Inspection and Certification Systems reached the following conclusions:

Matters for Adoption / Approval by the 32nd Session of the Commission and for Critical Review by the 62nd Session of the Executive Committee

Proposed draft Standards and Related Texts at Step 8 and 5/8 of the Uniform Procedure

The Committee agreed to forward to the Commission for final adoption:

- the proposed draft Generic Model Official Certificate (Annex to the *Guidelines for Design, Production, Issuance and Use of Generic Official Certificates* - CAC/GL 38-2001) (N08-2008) (*see* para. 65 and Appendix II).

New Work

The Committee agreed to forward to the Commission, through the Executive Committee, for approval as new work:

- a project document on the development of Principles and Guidelines for National Food Control Systems (*see* para. 71 and Appendix III).

Other Matters for action and/or information by the 32nd Session of the Commission and the 62nd Session of the Executive Committee

The Committee agreed:

Strategic Plan 2008-2013 – Activity 3.2

- that there was no need to develop specific decision-making and priority-setting criteria for the CCFICS (*see* para. 8);

Others

- to return the proposed draft principles and guidelines for the Conduct of Foreign On-site Audits and Inspections (N07-2008) to Step 2 for redrafting, circulation for comments at Step 3 and further consideration at Step 4 at the next Session of the CCFICS (*see* para. 37);
- to recommend to the Commission to request the Codex Committees on Fish and Fishery Products and on Milk and Milk Products to consider revising the *Model Certificate for Fish and Fishery Products* (CAC/GL 48-2004) and *Model Export Certificate for Milk and Milk Products* (CAC/GL 67-2008) to ensure consistency with the Generic Model Official Certificate, when adopted (*see* para. 65);
- to recommended to the Commission to request the FAO/WHO Coordinating Committees to discuss whether there was a need for further guidance on traceability/product tracing (*see* para. 74).

Physical Working Groups

- to establish a physical working group to prepare revised proposed draft principles and guidelines for the Conduct of Foreign On-site Audits and Inspections (*see* para. 36);
- to establish a physical working group to prepare proposed draft Principles and Guidelines for National Food Control Systems, subject to the approval of new work by the Commission (*see* para. 71);
- to discontinue consideration of the discussion paper on intentional contamination of foods (*see* para. 80).

LIST OF ABBREVIATIONS USED IN THIS REPORT

ALOP	Appropriate Level of Protection
CAC/GL	Codex Alimentarius Commission / Guidelines
CAC/RCP	Codex Alimentarius Commission / Recommended Code of Practice
CCFICS	Codex Committee on Food Import and Export Inspection and Certification Systems
CCFFP	Codex Committee on Fish and Fishery Products
CCMMP	Codex Committee on Milk and Milk Products
CL	Circular Letter
CRD	Conference Room Document
FAO	Food and Agriculture Organization of the United Nations
IPPC	International Plant Protection Convention
ISO	International Organization for Standardization
OIE	World Organisation for Animal Health
OIML	International Organization of Legal Metrology
SPS	Sanitary and Phytosanitary Measures (WTO Agreement)
TBT	Technical Barrier to Trade (WTO Agreement)
UEMOA	Union Economique et Monétaire Ouest Africaine
UN/CEFACT	United Nations Centre for Trade Facilitation and Electronic Business
WHO	World Health Organization
WTO	World Trade Organization

INTRODUCTION

1. The Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS) held its 17th Session in Cebu, Philippines, from 24 to 28 November 2008, at the kind invitation of the Government of the Philippines, in cooperation with the Government of Australia. Mr Gregory Read, Executive Manager, Australian Quarantine and Inspection Service, Australian Government Department of Agriculture, Fisheries and Forestry, chaired the Session. The Session was attended by 165 delegates from 59 Member countries and 1 Member organization and 7 international governmental and non-governmental organizations. The list of participants, including the Secretariat, is given in Appendix I to this report.

2. Dr Preceles H. Manzo, Assistant Secretary, Department of Agriculture, addressed the Session on behalf of President Gloria Macapagal Arroyo and Attorney Arthur C. Yap, Secretary, Department of Agriculture of the Philippines. He welcomed the participants to Cebu and stressed that participation in Codex had brought tangible benefits to the Philippines by strengthening their capacity to adopt risk-based approaches to food control and by reducing the complexity of complying with food safety requirements of importing countries. He welcomed the opportunity to co-host the CCFICS in the Philippines as this would allow more nationals to witness how Codex works and to share views and issues of common concern with international colleagues.

Division of Competence

3. The Committee noted the division of competence between the European Community and its Member States, according to paragraph 5, Rule II of the Rules of Procedure of the Codex Alimentarius Commission, as presented in CRD 1.

ADOPTION OF THE AGENDA (Agenda Item 1)¹

4. The Committee adopted the Provisional Agenda as its Agenda for the Session and agreed to discuss Item 5 prior to Item 4 and to discuss Item 6 after Items 7 and 8.

MATTERS REFERRED BY THE CODEX ALIMENTARIUS COMMISSION, OTHER CODEX COMMITTEES AND TASK FORCES AND OTHER INTERNATIONAL ORGANIZATIONS (Agenda Item 2)²

5. The Committee noted matters referred by the 31st Session of the Commission concerning the work of the CCFICS, in particular the adoption at Steps 5/8 of the *Appendix to the Guidelines on the Judgement of Equivalence of Sanitary Measures* and the approval of new work for the elaboration of Principles and Guidelines for the Conduct of Foreign On-site Audits and Inspection (N07-2008) and an Annex to the *Guidelines for Design, Production, Issuance and Use of Generic Official Certificates* (CAC/GL 38-2001): Generic Model Health Certificate (N08-2008).

6. The Committee was informed that the 60th Session of the Executive Committee had agreed “Guidelines for the Establishment of Work Priorities applicable to Commodities” as further guidance to the Executive Committee when performing the critical review³ and that the 61st Session of the Executive Committee had made recommendations on the length and content of session reports⁴, which had been endorsed by the 31st Session of the Commission⁵.

Strategic Plan 2008-2013 – Activity 3.3

7. The Committee noted that in the Codex Strategic Plan 2008-2013 the CCFICS was among the committees responsible for the implementation of Activity 3.3 “Develop committee-specific decision-making and priority-setting criteria”.

¹ CX/FICS 08/17/1

² CX/FICS 08/17/2; CRD 2 (Comments of Colombia, European Community and Kenya)

³ ALINORM 08/31/3, paras 4-9 and Appendix II

⁴ ALINORM 08/31/3A, para. 26

⁵ ALINORM 08/31/REP, para. 9

8. The Committee considered that the General Criterion and the “Criteria applicable to general subjects”⁶, adopted by the 28th Session of the Commission, were adequate and allowed the CCFICS to manage its work effectively. The Committee thus agreed to inform the 62nd Session of the Executive Committee that there was no need to develop specific decision-making and priority-setting criteria for the CCFICS.

REPORT ON ACTIVITIES OF FAO, WHO AND OTHER INTERNATIONAL ORGANIZATIONS RELEVANT TO THE WORK OF CCFICS (Agenda Item 3)⁷

9. The Committee noted that this agenda item had been included in the Agenda of the CCFICS in line with Goal 4 “Promoting cooperation between Codex and other relevant organizations” of the Codex Strategic Plan 2008-2013, and in particular Activity 4.1 “Track the activities of other international standard setting bodies”. It noted that document CX/FICS 08/17/3 included information and reports from the Food and Agriculture Organization of the United Nations (FAO), World Health Organization (WHO), World Organisation for Animal Health (OIE), International Plant Protection Convention (IPPC), International Organization of Legal Metrology (OIML), International Standardization Organization (ISO) and the World Trade Organization (WTO).

10. The Committee noted presentations of the following organizations represented at the meeting:

Food and Agriculture Organization of the United Nations (FAO)

11. The Representative of FAO informed the Committee of recent activities to strengthen members’ food inspection systems (import/export and domestic): two recent publications: “Risk based food inspection manual” and “Guidelines for risk based fish inspection”); and projects specifically in Asia and Africa having a strong component on inspection planning and implementation. When targeting countries grouped in regional economic organizations (e.g. UEMOA) these projects also focus on developing common inspection procedures and approaches to facilitate trade while improving consumers’ health protection. FAO provides specific assistance in the context of the current situation regarding melamine to countries having expressed the need for assessing and strengthening of their analytical and emergency preparedness capacities (Lao People’s Democratic Republic and Viet Nam).

World Health Organization (WHO)⁸

12. The Representative of WHO informed the Committee that the International Food Safety Authorities Network (INFOSAN) had been developed by WHO in collaboration with FAO. INFOSAN promotes the exchange of food safety information and improves collaboration among food safety authorities at national and international levels for both normative and emergency food safety issues. A short summary of the current melamine food safety event was provided. The important role of INFOSAN Emergency in sharing information in a timely manner to assist national food safety authorities in their responses to the event was highlighted. More countries were encouraged to participate in INFOSAN. The Committee was also informed of a WHO Expert Meeting to review toxicological aspects of melamine and cyanuric acid in Ottawa, Canada, 1-4 December 2008.

International Organization of Legal Metrology (OIML)

13. The Representative of the OIML informed the Committee of the OIML work relevant to the CCFICS. OIML is currently developing a certification system for the quantity of product in prepackages (provisionally named “IQ Mark Scheme”) with the aim to facilitate international trade in prepackaged products. In developing this scheme, the OIML is interested to liaise with the CCFICS to ensure compatibility with relevant CCFICS texts. He also informed the Committee that, under the terms of the WTO/TBT Agreement, OIML Recommendations are considered to be international standards (model regulations).

⁶ Procedural Manual of the Codex Alimentarius Commission

⁷ CX/FICS 08/17/3; CRD 9 (Information of FAO)

⁸ See CRD 11 (WHO Presentation “The Melamine Story”) for more information and <http://www.who.int/foodsafety/en/> and <http://www.fao.org/ag/agn/agns>

Other

14. France, on behalf of the Member States of the European Community, informed the Committee of their recently launched capacity building and training programme on sanitary and phytosanitary measures for African countries.

PROPOSED DRAFT PRINCIPLES AND GUIDELINES FOR THE CONDUCT OF FOREIGN ON-SITE AUDITS AND INSPECTIONS (N07-2008) (Agenda Item 4)⁹

15. Australia briefly introduced the report of the physical working group, which met in Brussels (Belgium) in July 2008 to prepare proposed draft principles and guidelines. The Delegation said that the proposed draft aimed at providing a transparent framework and harmonised approach for the conduct of foreign audit and inspection.

16. The Committee noted that the current structure of the proposed draft principles and guidelines could be appropriate for a stand-alone document. However, as the document was also closely linked to the *Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems* (CAC/GL 26-1997), especially Section 9 “Assessment and Verification of Inspection and Certification Systems”, the Committee agreed that it should replace the current Annex of these guidelines.

Title and Section 1: Introduction

17. Several delegations were of the opinion that the document should focus on guidance for a systems-based audit to assess an exporting country’s inspection and certification system and not on inspections of individual establishments. These delegations noted that this approach was consistent with the existing CCFICS guidelines and the mandate for this work. These delegations recognised that the systems-based approach could also include on-site audits, in addition to a documentary review.

18. Some other delegations, while supporting a systems-based approach, felt that it should be flexible and offer alternatives for the assessment and verification of inspection and certification systems.

19. Several other delegations, while not denying the importance of focussing on an assessment of the effectiveness of the official food inspection and certification systems of the exporting country, stated that the document would not be complete without guidance on inspections, as these were commonly used and even required by legislation in some countries. It was mentioned that sometimes inspections were held without prior notification.

20. Other delegations, which intervened, were of the opinion: that the words “on-site” should remain in the title of the document, because an audit had to include on-site visits but was distinct from inspections as this term was meant for products and not for systems; that the document was not flexible enough; and that it should not be possible to reject imports on the basis of a documentary review only.

21. The Committee considered revising the introduction to reflect the different opinions. The Committee agreed to replace “audits and inspection” with “examination” that was used in the definitions of both terms in the parent document and to replace the introductory paragraphs with the following text:

In the context of a relationship between two countries, an importing country may use tools for examination (i.e. audits and inspections) to assess an exporting country’s official inspection and certification systems. These activities should concentrate primarily on the effectiveness of the official systems. This Annex is not intended to mandate these activities but to provide guidance in the case that they are used.

⁹ CX/FICS 08/17/4; CX/FICS 08/17/4 Add. 1 (Comments of Bolivia, Brazil, Canada, Dominican Republic, Iran, Mexico, New Zealand, United States of America, IACFO, ICBA and ICGMA); CX/FICS 08/17/4 Add. 2 (Comments of Colombia, Ecuador, Japan, Kenya and Mali); CRD 6 (Comments of Costa Rica, European Community Member States, India, Japan and Thailand); CRD 8 (Comments of Indonesia and Norway); CRD 9 (Comments of the Philippines); CRD 10 (Comments of Republic of Korea)

While there are a number of tools available for the assessment of an exporting country's official inspection and certification system, this annex is focussed on providing guidance on the use of audits and inspection for this purpose. The preferable tool is the use of audits. However, in some instances, inspections may be used and guidance is provided for these instances. (See Principle D)

22. The Committee agreed to include the following paragraph to establish a link with the parent document:

This Annex is to be read in conjunction with Section 9 Assessment and Verification of Inspection and Certification Systems of the parent document.

Section 2: Objective

23. The Committee amended the first paragraph to ensure that the use of audits and inspections is transparent as follows:

This Annex provides guidance for use by national governments to ensure a transparent, standardized and consistent approach for the use of audits and inspections when used for assessment of an exporting country's official food inspection and certification system(s), or component parts thereof.

24. To recognize that the text should also apply to documentary reviews a new paragraph was inserted as follows:

This Annex applies equally to assessments carried out on-site or by documentary review alone.

25. The Committee agreed that the issue of appropriate level of protection (ALOP) was adequately dealt with in paragraph 3 of the parent document and deleted the relevant paragraph.

Section 3: Definitions

26. The Committee agreed to delete all definitions contained in the working document that were already included in the parent document and to add a new definition for "Official inspection and certification systems" to clarify that when used in this text it encompasses both "Official inspection systems and official certification systems" and "Officially recognized inspection systems and officially recognized certification systems" which were defined in the parent document.

Section 4: Principles

27. The Committee reviewed the introductory paragraph and the principles and made the following comments/amendments:

Introductory paragraph

28. The Committee considered replacing "audits" with "audits/inspections" throughout Section 4; however, the text was maintained as proposed in the working document in consequence to the decision taken with respect to the revised wording of the introduction.

Principle a)

29. It was agreed to discuss the proposal to include the notion that audits were linked to products or groups of products, when considering the detailed description of this principle.

Principle b)

30. This principle was amended as follows to highlight the need for functional independence of audits and for confidentiality:

Audits should be functionally independent, evidence-based and conducted in a cooperative, ethical and professional manner including respecting confidentiality, where appropriate.

Principle c)

31. The principle was amended as follows to avoid use of the term "dispute resolution" which could cause confusion:

The parties involved should have an agreed process to address any issues that may arise during the audit/inspection process.

Principle g)

32. It was agreed to discuss a proposal that the criteria for the assessment should be consistent with the legislation of the importing country when considering the detailed description of this principle.

Principle i)

33. It was agreed to discuss a proposal that the report may not be published unless agreed by the parties when considering the detailed description of this principle.

34. The Chairperson, concluding the discussion, acknowledged the substantial progress made on the development of a common understanding of audit and inspection of an exporting country's inspection and certification system and on the scope and status of the document (as an Annex to CAC/GL 26-1997) as well as a level of consensus reached on the principles that would guide the further elaboration of the guidelines.

35. However, in view of the time needed to elaborate the guidelines supporting the application of these principles and the time constraints at the present session, he recommended that the Committee continue the consideration of the document at its next session.

36. In order to facilitate the discussion at the next session, the Committee agreed to establish a physical working group, chaired by Australia, open to all members and observers and working in English, French and Spanish and in accordance with the Guidelines on Physical Working Groups¹⁰ to prepare revised proposed draft principles and guidelines. The Delegation of the United States of America offered to host the working group in June/July 2009. The working group should take into account the comments made at this session; discuss the detailed descriptions of the principles; build the new text on the basis of the parent document; and ensure that no useful concepts included in the existing Annex of the parent document be lost.

Status of the proposed draft Principles and Guidelines for the Conduct of Foreign On-site Audits and Inspections (N07-2008)

37. The Committee agreed to return the proposed draft principles and guidelines to Step 2 for redrafting, circulation for comments at Step 3 and further consideration at Step 4 at the next Session of the CCFICS.

PROPOSED DRAFT GENERIC HEALTH CERTIFICATE (ANNEX TO THE GUIDELINES FOR DESIGN, PRODUCTION, ISSUANCE AND USE OF GENERIC OFFICIAL CERTIFICATES (CAC/GL 38-2001) (N08-2008) (Agenda Item 5)¹¹

38. The European Community briefly introduced the report of the physical working group, which met in Brussels (Belgium) in July 2008 to prepare a proposed draft Generic Health Certificate. The Committee noted that the working group had extensive discussion and could reach agreement on several points of the draft certificate. Some issues, for which agreements could not be reached, were left in square brackets for further discussion at the current session.

General Comments

39. The Committee congratulated the working group and generally supported the document. The delegations that intervened observed that a generic certificate was important to reduce the complexity of multiple formats for certificates; to facilitate the transition from paper to electronic certificates; and to streamline certification procedures.

¹⁰ Procedural Manual of the Codex Alimentarius Commission

¹¹ CX/FICS 08/17/5; CX/FICS 08/17/5 Add. 1 (Comments of Canada, Dominican Republic, Mexico, New Zealand, United States of America, OIE, ICBA and ICGMA); CX/FICS 08/17/5 Add. 2 (Comments of Colombia, Ecuador, Iran, Japan, Kenya and Mali); CRD 7 (Comments of Costa Rica, European Community Member States, India and Thailand); CRD 9 (Comments of Philippines)

40. Delegations also commented that the generic certificate should: be flexible in order to cover a broad range of food products and to accommodate multiple products in a single certificate; be harmonised with OIE certificates; take account of common trade practices; be consistent with the provisions contained in the parent document, i.e. *Guidelines for Design, Production, Issuance and Use of Generic Official Certificates* (CAC/GL 38-2001); and contain a minimum number of compulsory data elements. The Committee noted that after finalisation, the text should be considered by the Committees on Fish and Fishery Products and on Milk and Milk Products to harmonise the existing Codex model certificates, i.e. the *Model Certificate for Fish and Fishery Products* (CAC/GL 48-2004); and the *Model Export Certificate for Milk and Milk Products* (CAC/GL 67-2008).

41. In view of the general support, the Committee agreed to consider the document paragraph by paragraph as well as the spatial layout of the certificate. In addition to some minor editorial changes, including amendments to the French and Spanish translations, it agreed to the following:

Specific Comments

Title

42. The Committee agreed to remove “sanitary” from the title of the certificate to make it consistent with its scope, which states that certificates “may also address aspects relating to fair practices in the food trade” as well as the title and the scope of the parent document, which also covers aspects related to attestations ensuring fair practices in the food trade (ref. CAC/GL 38-2001, para. 4).

Scope of the Annex

43. The Committee did not support the proposal of one delegation to include a sentence in the second paragraph intending to clarify that the model certificate should be used to assist countries developing or reviewing the format of certificates and not as a reason to reject certificates issued according to current practice, because the parent document already clarified this (ref. CAC/GL 38-2001, para. 2). The Committee removed the square brackets from the second paragraph and amended the last paragraph to make it clearer.

General

44. The Committee agreed to revise the section by deleting the paragraphs already covered in the parent document: the second paragraph (no portion of the certificate left blank), the fourth paragraph (use of copies of a certificate for multiple consignments) and the second part of the fifth paragraph (replacement certificates), which were covered respectively by the sixth bullet of paragraph 38, paragraphs 14 and 42 of the parent document. The Committee also agreed to move the third paragraph (country code) and the first part of the fifth paragraph (certificate types) to the section “Specific” as they dealt with specific aspects of the certificate.

45. The Committee agreed to remove the explanations referring to changes after the issuance of a certificate in fields #5, #8 (#7)¹² and #10 (#9) and agreed to include a new paragraph in section “General” to address this matter. The new paragraph recognised the importer’s responsibility to inform the competent authority of the importing country of changes of consignee, point of entry or transport details after the issuance of certificate. The paragraph also specified that this information should not result in a request for a replacement certificate from the competent authority of the exporting country.

Specific

46. The Committee agreed to include a new paragraph related to the types of certificate using “ORIGINAL”, “COPY” and “REPLACEMENT”.

47. The Committee discussed at length the use and purpose of certificates. Some delegations were of the opinion that the name of the certificate should specifically refer to its use (e.g. for manufacturing best practices, free sale, product analysis, etc); while others were of the opinion that the name of the certificate should refer only to the products / category of products certified. The Committee agreed to keep the name of the certificate unchanged because this information could be included in the fields #14 (#13) on identification of food products and #17 (#16) on attestations.

¹² When the field number (#) has changed as compared to the text in CX/FICS 08/17/5 Appendix I, the new field number (#) in this report will be indicated in parentheses.

1. Consignor/Exporter

48. The Committee agreed to amend the explanation to read “natural or legal person or entity” to recognise that a consignor or exporter could be either an individual or an entity. It was agreed that this change would apply throughout the document.

3. Certifying Body (new field #4) and 4. Competent Authority (new field #3)

49. The Committee agreed to reverse the order of these two fields to recognise that the Competent Authority (renumbered field #3) could also be the certifying body and that indication of the name of the latter should be provided when different from the competent authority.

5. Consignee / Importer

The Committee considered the text that was put in square brackets by the working group. Some delegations were of the opinion that it was important for an importing country and transit country to have information on the person responsible for the consignment in transit in case of problems. One delegation remarked that omitting this information would limit the usefulness of the document. Other delegations supported deleting the text in square brackets because: information on the person responsible for consignment in transit was not always available in the exporting country; the information was of commercial nature; this requirement was inconsistent with the provision in the fifth bullet of paragraph 28 of the parent document, which stated that certifying officers should only attest matters that are within their knowledge; and it was not possible to have two consignees in the same certificate. The Committee also noted that products in transit did not include products that were re-exported after transformation. The Committee agreed to delete the text in square brackets and to reconsider this provision when discussing field #13 “For transit” (see para 56).

6. Expected border post (new field #10)

50. After some discussion, the Committee agreed to revise the text to better clarify the shifting of responsibility to the importer; the term “border post” was changed to “point of entry” for consistency with the parent document (ref. first bullet of paragraph 21); the field’s title was also amended to refer to “declared point of entry”. The Committee agreed to replace “border post” with “point of entry” throughout the document and also added the words “if required and available”.

7. Country of origin (new field #6)

51. The Committee agreed to delete the term “finished” because it narrowed the application of the provision. The Committee agreed to include information related to the use of ISO country codes in a footnote to emphasise that their use was optional.

8. Country of destination (new field #7)

52. The Committee considered that the only information necessary was that the country of destination is the country which receives the product. The Committee added a footnote consistent with field #7.

10. Means of transport (new field #9)

53. The Committee recognised that details and information on the means of transport were not always available at the time certificates were prepared and agreed to make the requirement more flexible. The paragraph was amended to clarify that the provision of relevant documentary references was an alternative to identification details and optional additional information. The Committee also agreed that “information” and “documentary references” would be deleted in the corresponding field of the certificate.

11. Identification of container(s) / Seal number(s) (new field #13)

54. The Committee agreed to make the requirement more flexible by replacing “required” with “applicable or if known”. The Committee noted that this information was not always available to the certifying officer.

12. Condition of transport (new field #11)

55. The Committee amended the field to refer to both condition of transport and storage to recognise that temperature and other requirements should be observed also during storage and for consistency with the OIE Model Veterinary Certificate.

13. For transit

56. The Committee agreed to delete this field because, although this information was important, it was not a certification issue and could in many instances not be verified at the time of inspection and certification, and the parent document did not provide precise information on this matter.

14. Identification of food products (new field #15)

57. The Committee clarified the first sentence, deleted the second sentence that was not necessary and added “per type of products” at the end of the second paragraph for clarity.

- Nature of the food (or description of goods)

58. Some delegations suggested deleting the paragraph on Commodity Code (HS Code) because in their view it was not very precise and difficult to use. Other delegations considered the HS Code important because it was used all around the world to identify products. As a reference to the World Customs Organization (WCO) classification was included in the parent document (ref. footnote #5), the Committee agreed to add a sentence at the end of the first paragraph to clarify that the HS Code could be used, where appropriate, and to delete the other paragraph.

16. Total quantity (new field #12)

59. The Committee amended the paragraph to clarify that total quantity could be expressed in appropriate units of weight or volume.

17. Sanitary information (new field #16)

60. This field was renamed “Attestations” because the explanatory text included reference to attestations relating to both food safety and fair practices in the food trade.

18. Certifying Officer responsible for signature information (new field #17)

61. The Committee amended the name of this field to “Certifying Officer” as more appropriate and agreed that the use of official stamps should be optional.

62. To improve the consistency of the document, the Committee agreed to replace, as appropriate: “good” and similar terms with “product”; “document” and similar terms with “certificate”; and “load” and similar terms with “consignment”.

Official Certificate

63. The Committee revised the title and the field’s names of the certificate to reflect the above decisions. In field #14 (#15) the Committee added text to indicate that multiple lines could be used for the identification of multiple products. The Committee also agreed to add a note below the certificate stating that it should be read in conjunction with the explanatory notes, as some elements may not apply to all consignments or be known at the time of certification; an asterisk (*) was added to those fields that did not have an explanatory note and needed to be filled “if required”.

Spatial Layout of the Generic Model Official Certificate

64. The Committee agreed to a proposal, presented in CRD 12, which aligned the spatial layout of the certificate with that of the OIE Model Veterinary Certificate.

Status of the proposed draft Generic Health Certificate (Annex to the Guidelines for Design, Production, Issuance and Use of Generic Official Certificate (CAC/GL 38-2001) (N08-2008)

65. The Committee agreed to forward the renamed proposed draft Generic Model Official Certificate to the Commission for adoption at Steps 5/8, with the recommendation to omit Steps 6 and 7 (*see* Appendix II). The Committee agreed to recommend to the Commission to request the Codex Committees on Fish and Fishery Products and on Milk and Milk Products to consider revising the *Model Certificate for Fish and Fishery Products* (CAC/GL 48-2004) and *Model Export Certificate for Milk and Milk Products* (CAC/GL 67-2008) to ensure consistency with the Generic Model Official Certificate, when adopted.

DISCUSSION PAPER ON THE NEED FOR GUIDANCE FOR NATIONAL FOOD INSPECTION SYSTEMS (Agenda Item 6)¹³

66. Australia briefly introduced the revised discussion paper which highlighted that new work on the development of principles and guidelines on national food control systems would complement existing Codex texts and provide countries with a useful framework based on recognised principles and consistent with international obligations for the benefit of both exporting and importing countries and international trade.

67. The Committee expressed general support for developing the document and considered that the CCFICS was the appropriate committee for this new work. It was noted that principles and guidelines for national food control systems were very useful for countries, in particular for those that were in the process of developing such systems; that it was necessary to evaluate the capacity of the national food control system to identify the specific needs; that the new work should promote the harmonisation and integration of the domestic (including import) and export food control system; and that the new work should consider the fundamental food safety principles, e.g. use of a risk based approach, coverage of the entire food chain, the primary responsibility of producers in ensuring the safety of their products.

68. The Codex Secretariat clarified that the new work could be covered by point g) of the Terms of Reference of the CCFICS and that the proposal for new work would be considered by the Executive Committee for critical review.

69. The FAO Representative informed the Committee of recent work of FAO and WHO to assist countries in strengthening their food control systems thus achieving an adequate level of protection.

70. The Committee revised the project document (Attachment 1 to CX/FICS 08/17/6): to specifically refer to the dual mandate of Codex (i.e. protecting the health of consumers and ensuring fair practices in the food trade); to include the fundamental food safety principles among the aspects to be considered by the new work; to add an assessment against the General Criterion for the Establishment of Work Priorities¹⁴; to amend the assessment against the criteria on diversification of national legislation; to add references of relevant work undertaken by FAO and WHO; and to clarify that the proposed work addressing the development and implementation of food control systems could also lead to the revision of existing Codex texts.

71. The Committee agreed to forward the project document as amended (*see* Appendix III) to the 62nd session of the Executive Committee for critical review and to the 32nd Session of the Commission for approval as new work. It further agreed to establish a physical working group, chaired by Australia, open to all Members and Observers and working in English, French and Spanish and in accordance with the Guidelines on Physical Working Groups¹⁵, to prepare proposed draft Principles and Guidelines for National Food Control Systems for circulation for comments at Step 3 and consideration at Step 4 at the next session of the CCFICS, subject to the approval of new work by the Commission. The Delegation of the United States of America offered to host the working group in June/July 2009, back-to-back with the meeting of the working group on the proposed draft Principles and Guidelines for the Conduct of Foreign Audits and Inspection (*see* para. 36); and that there would be some preliminary electronic consultation among Codex members and observers (in English only) to facilitate the work.

¹³ CX/FICS 08/17/6; CRD 3 (Comments of Ecuador, European Community, India, Japan, Kenya, Mali, Mexico, Thailand and FAO); CRD 9 (Comments of Philippines)

¹⁴ Procedural Manual of the Codex Alimentarius Commission "Criteria for the Establishment of Work Priorities"

¹⁵ Procedural Manual of the Codex Alimentarius Commission

DISCUSSION PAPER ON DEVELOPMENT OF GUIDELINES FOR TRACEABILITY/PRODUCT TRACING IN THE CONTEXT OF FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS (Agenda Item 7)¹⁶

72. Norway briefly introduced the discussion paper, which analysed the information gathered by the electronic working group on countries' views and experiences regarding the use of traceability/product tracing. The information was not sufficient to clearly identify gaps and specific needs in relation to the implementation of traceability/product tracing. The working group had therefore recommended to defer consideration of this subject and suggested that the need for further guidance could be discussed in FAO/WHO Coordinating Committees.

73. Delegations which intervened noted, among other things: that guidance on traceability/product tracing was very important, especially in the light of the recent events related to melamine contamination; that the outcomes of the OIE International Conference on Animal Identification and Traceability (Buenos Aires, Argentina, 25-29 March 2009) could provide Codex with useful information ; that implementation aspects of traceability/product tracing could be considered in the context of guidance for national food control system (see Agenda Item 6). One delegation questioned the need for further discussion when no clear need for additional guidance had yet been identified.

74. In view of the above discussion, the Committee endorsed the recommendation of the working group to recommend to the Commission to request the FAO/WHO Coordinating Committees to discuss whether there was a need for further guidance on traceability/product tracing.

DISCUSSION PAPER ON THE DEVELOPMENT OF GUIDANCE ON THE PREVENTION OF INTENTIONAL CONTAMINATION OF FOOD (Agenda Item 8)¹⁷

75. The United States of America briefly introduced the discussion paper, which differentiated between intentional contamination of food for economic gain in which harm is caused and intentional contamination for the specific purpose of causing harm. The delegation noted that these areas could be mitigated by developing awareness programmes and training in the food industry. Governments and international organizations had developed guidance to prevent and mitigate the effect of intentional contamination of food that would affect public health or cause economic losses. While existing Codex texts did not deal directly with this topic they also provided many elements that could be applied to intentional contamination.

76. The Committee acknowledged that intentional contamination of food was an important issue, which had received more visibility recently due to the melamine food safety events (*see* para. 12).

77. The Committee discussed the proposal that the CCFICS start new work on developing specific guidance to strengthen the governments' capabilities to prevent intentional contamination of food. Delegations which intervened noted that: the nature of the proposed new work needed to be clarified as it seemed to cover aspects beyond the prevention of intentional contamination of food (such as response, communication, etc); that rapid responses might be needed to limit damage caused by intentional contamination of food; that the nature of the work would require the CCFICS to consult with other Codex committees to avoid duplication of work; that the implementation of measures to prevent intentional contamination of food was not only within the responsibility of food safety authorities; that the issue of how to control criminal/terrorist activities was beyond the mandate of Codex.

78. The Committee was informed of ongoing FAO and WHO work on guidance to National Authorities on Food Safety Emergency Response, consistent with CAC/GL 19-1995 and focussing on (i) response planning, and (ii) risk assessment and risk management of food safety incidents and emergencies.

79. Overall the Committee was of the opinion that it was not clear how the proposed new work could address the challenges mentioned and whether Codex and the CCFICS were the right venue and the appropriate Committee to discuss it.

¹⁶ CX/FICS 08/17/7; CRD 4 (Comments of Ecuador, European Community, India, Mali and Mexico) ; CRD 9 (Comments of Philippines)

¹⁷ CX/FICS 08/17/8; CRD 5 (Comments of India, Japan, Mexico and FAO)

80. The Committee agreed to discontinue consideration of this matter as a separate agenda item, notwithstanding the possibility that some aspects of control of intentional contamination could be considered in the context of guidance for national food control systems (see Agenda Item 6).

OTHER BUSINESS AND FUTURE WORK (Agenda Item 9)

81. The Committee noted that no other business had been put forward.

DATE AND PLACE OF NEXT SESSION (Agenda Item 10)

82. The Committee noted that its 18th Session was tentatively scheduled to be held in Australia, from 9-13 November 2009, subject to further discussion between the Codex and Australian Secretariats.

SUMMARY STATUS OF WORK

Subject Matter	Step	Action by:	Document Reference (ALINORM 09/32/30)
Proposed draft Generic Model Official Certificate (Annex to <i>Guidelines for Design, Production, Issuance and Use of Generic Official Certificate</i> (CAC/GL 38-2001) (N08-2008)	5/8	32 nd CAC	Para. 65 and Appendix II
Proposed draft Principles and Guidelines for the Conduct of Foreign On-site Audits and Inspections (N07-2008)	2/3	Physical WG Comments 18 th CCFICS	Paras 36-37
Proposed draft Principles and Guidelines for National Food Control Systems	1/2/3	Physical WG 62 nd CCEXEC, 32 nd CAC Comments 18 th CCFICS	Para. 71 and Appendix III
Discussion Paper on the Development of Guidelines for Traceability/Product Tracing in the Context of Food Import and Export Inspection and Certification Systems	discontinued		Para. 74
Discussion Paper on the development of Guidance on the Prevention of Intentional Contamination of Food	discontinued	-	Para. 80

Appendix I

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Appendix II**Proposed Draft Generic Model Official Certificate****(N08-2008)****(at Step 5/8)**

The following is intended to be an Annex to the Codex *Guidelines for Design, Production, Issuance and Use of Generic Official Certificates* (CAC/GL 38-2001).

Scope of the Annex

This Annex is intended to provide additional guidance to competent authorities based on the principles set out in Section 4 and elaborating on the information provided in Sections 8 and 9. When model official certificates for specific purposes are otherwise established by Codex Alimentarius, countries should refer to such guidelines.

Although certificates are primarily focused on sanitary aspects, they may also address aspects relating to fair practices in the food trade where these matters are certified by the certifying bodies.

This model certificate could cover multiple products in a single certificate.

Explanatory notes on the generic model for an official certificate**General:**

The certificate should be completed in a legible manner.

If the consignee, point of entry, or transport details change after the certificate has been issued, it is the responsibility of the importer to advise the competent authority of the importing country. Such a change should not result in a request for a replacement certificate to be issued.

The model certificate as it appears includes numbers designed to facilitate establishing a link between a particular section and the corresponding explanatory note. It is not intended that these numbers appear in the actual certificates issued by the certifying body.

Specific:

Certificate type: the certificate should be marked with “ORIGINAL”, “COPY” or “REPLACEMENT” as appropriate.

Country: name of the country that issues the certificate possibly accompanied by a logo or a letter head. The objective is to clearly identify the country having the responsibility of issuing the certificate.

1. **Consignor/Exporter:** name and address (street, town and region/province/state, as applicable) of the natural or legal person or entity who sends the consignment.
2. **Certificate number:** this identification number should be unique for each certificate and authorised by the competent authority of the exporting country. For multiple page certificates, see paragraph 38 of document CAC/GL 38-2001.
3. **Competent Authority:** name of the Competent Authority of the country responsible for certification.
4. **Certifying Body:** name of the Certifying Body when it is different from the Competent Authority .
5. **Consignee/Importer:** name and address of the natural or legal person or entity to whom the consignment is shipped in the country of destination, at the time the certificate is issued.
6. **Country of origin**¹: name of the country in which the products were produced, manufactured or packaged.

¹ **ISO Code:** the two letter country codes, in compliance with the international standard (ISO 3166 alpha-2), could be used.

7. **Country of destination**¹: name of the country of destination of the products.
8. **Place of loading**: name of a seaport, airport, freight terminal, rail station or other place at which goods are loaded onto the means of transport being used for their carriage.
9. **Means of transport**: air/ship/rail/road/other, as appropriate and the identification (name or number) of these if available, or relevant documentary references.
10. **Declared point of entry**: if required and available the name of the point of entry authorised by the competent authority of the importing country and, its UN/LOCODE (refer to the United Nations Code for Trade and Transport Locations).
11. **Conditions for transport/storage**: appropriate temperature category (ambient, chilled, frozen) or other requirements (e.g. humidity) for transport/storage of the product.
12. **Total quantity**: in appropriate units of weight or volume for the whole consignment.
13. **Identification of container(s)/Seal number(s)**: identify the containers and seal numbers where applicable or if known.
14. **Total number of packages**: total number of packages for all products in the consignment.
15. **Identification of food product(s)**: give the descriptive information specific to the product or products to be certified.

Where appropriate: nature of the food (or description of the commodity), commodity code (HS code), species, intended purpose, producer/manufacturer, approval number of establishments (slaughterhouse, production plant, store (cold store or not)), region or compartment of origin, name of the product, lot identifier, type of packaging, number of packages, net weight per type of product.

- **Nature of the food (or description of product)**: description of the product(s) precise enough to allow the product(s) to be classified in the World Customs Organisation's Harmonised System, including the commodity code (HS code) where appropriate
- **Intended purpose (or Food products certified for)**: the end use of the product should be specified in the certificate (e.g. direct human consumption, further processing, and trade samples).

Where a certificate for trade samples is required, a consignment consisting of a food sample intended for evaluation, testing or research, in the importing country may be described using a term such as "trade samples". It should be clearly indicated on the certificate or the package that the sample is not intended for retail sale and has no commercial value.

- **Region or compartment of origin**: if applicable: This is only for products affected by regionalisation measures or by the setting up of approved zones or compartments.
- **Type of packaging**: identify the type of packaging of products as defined in Recommendation No. 21 of UN/CEFACT (United Nation Centre for Trade Facilitation and Electronic Business).

16. **Attestations**: information indicating compliance with the relevant regulation(s) of the importing or exporting countries in accordance with the recommendations, as appropriate, of the Codex Alimentarius Commission.

Attestations should be the minimum required for the products certified to ensure food safety and fair practices in the food trade. Attestations should be applicable to the food products certified.

Non-applicable attestations should be excluded or deleted.

There may be other attestations covering different issues (cf. paragraph 7 of document CAC/GL 38-2001).

17. **Certifying officer** : name, official position, official stamp (optional), date of signature and signature.

Certificates should be issued in accordance with section 9 of document CAC/GL 38-2001.

LOGO/LETTERHEAD
GENERIC MODEL OFFICIAL CERTIFICATE

COUNTRY:**CERTIFICATE TYPE**

1. Consignor/Exporter:		2. Certificate number:			
		3. Competent authority:			
		4. Certifying body:			
5. Consignee/Importer:					
6. Country of origin:			ISO Code:		
7. Country of destination :			ISO Code:		
8. Place of loading:					
9. Means of transport:		10. Declared point of entry:			
11. Conditions for transport/storage:		12. Total quantity*			
13. Identification of container(s)/Seal number(s):		14. Total number of packages			
15. Identification of food products as described below (multiple lines may be used for multiple products)					
No.	Nature of the food, commodity code (HS code) where appropriate	Species*	Intended purpose		
No.	Producer/Manufacturer	Approval number of establishments*	Region or compartment of origin		
No.	Name of the product	Lot Identifier*	Type of packaging	Number of packages	Net weight
16. Attestations:					
17. Certifying officer:					
Name:			Official position:		
Date:			Signature:		
Official Stamp:					

The Generic Model Official Certificate should be read in conjunction with the explanatory notes.

* If required

Appendix III**Project Document****Proposal for New Work to Develop Principles and Guidelines for National Food Control Systems****Prepared by: CCFICS****1. Purpose and scope of the proposed standard**

The purpose and scope of the work is to develop principles and guidelines which provide a framework that may assist governments in the development and operation of a national food control system to ensure that foods, and their production systems, meet requirements for achieving the appropriate level of protection in order to protect the health of consumers and ensuring fair practices in the food trade, consistent with existing Codex documents.

2. Relevance and timeliness

While Codex (including CCFICS) has produced several guidelines, standards and related texts for import and export control and certification systems and food production and hygiene, there is limited guidance which has been developed specifically for the competent authority on the development and implementation of a national food control system that protects the health of consumers and ensures fair practices in the food trade.

The existing CCFICS guidelines are focused on import and export control and certification systems, and:

- Food is primarily prepared for the purposes of domestic consumption;
- Many countries directly adopt Codex documents into their national food control systems;
- There is a substantial amount of information within existing Codex guidelines that is not applicable to national food control systems;
- There is no cohesive presentation of what principles or provisions of these documents could/should apply to national food control; and
- There is little reference or guidance on how sections of existing guidelines that may be applicable to national food control systems could be implemented.

3. The main aspects to be covered

The development of principles and guidelines for national food control systems would complement existing texts produced by Codex and other international organisations and may provide countries with a framework to establish a national food control system that is based on recognised principles and be consistent with international obligations, to the benefit of both exporting and importing countries and international trade.

Areas that may be covered by the proposed principles and guidelines for national food control systems include objectivity, harmonization, consistency, and transparency. General features such as legislation, food safety control programs, enforcement activities and infrastructure requirements would also be included.

Moreover, the fundamental food safety principles would need to be considered, such as the use of a risk based approach, the coverage of the entire food chain, i.e. 'farm to table' policy, and the primary responsibility of food business operators in ensuring the safety of their products.

4. Assessment against the *Criteria for the Establishment of Work Priorities*

The proposal is consistent with the criteria as follows:

General Criterion:

A framework providing guidance for the development and implementation of national food control systems that may assist competent authorities in protecting the health of consumers and ensuring fair practices in the food trade.

Diversification of national legislations and apparent resultant or potential impediments to international trade:

The proposed principles and guidelines may assist competent authorities in implementing a national food control system that is based on recognised principles and consistent with international obligations, to the benefit of both exporting and importing countries and international trade.

Scope of work and establishment of priorities between the various sections of work:

The scope of the work is to develop principles and guidelines which provide a framework that may assist governments in the development and operation of a national food control system to ensure that foods, and their production systems, deliver the appropriate level of protection in order to protect the health of consumers and ensure fair practices in the food trade, consistent with existing Codex documents.

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

The Food and Agricultural Organisation and World Health Organisation have developed documents such as: *Assuring Food Safety and Quality: Guidelines for Strengthening National Food Control Systems* (FAO Food and Nutrition Paper 76); *Food Safety Risk Analysis: A Guide for National Food Safety Authorities* (FAO Food and Nutrition Paper 87); *Strengthening national food control systems- guidelines to assess capacity building needs* " (<ftp://ftp.fao.org/docrep/fao/009/a0601e/a0601e00.pdf>); *Risk based food inspection manual*" (<ftp://ftp.fao.org/docrep/fao/009/a0822e/a0822e00.pdf>); *Perspectives and guidelines on food legislation with a new "model food law" (FAO legislative study)"* (<http://www.fao.org/legal/legstud/ls87/ls87e.pdf>; and *"Biosecurity toolkit"* (<ftp://ftp.fao.org/docrep/fao/010/a1140e/a1140e.pdf>). The World Organisation for Animal Health (OIE) and International Plant Protection Convention (IPPC) are also engaged in activities to strengthen national systems through programs such as *Performance of Veterinary Services* (PVS) and *Phytosanitary Capacity Evaluation* (PCE).

These standards and programs will be taken into consideration when developing the proposed principles and guidelines to prevent any duplication.

5. Relevance to Codex Strategic Objectives

The proposal is consistent with Goal 1 Promoting Sound Regulatory Frameworks (Codex Strategic Plan 2008-2013):

- International harmonization based on Codex standards, guidelines and recommendations is essential to promoting a global approach to consumer health protection, including systems for the reduction of food-borne risks, and minimizing the negative effects of technical regulations on international trade.
- In strengthening the strategic focus of Codex in the development of standards and related texts based on risk and performance for broad application across a range of commodities, the CAC must give priority to establishing a coherent and integrated set of food standards covering the entire food chain. Such an approach can serve as a model for the members of the CAC to pursue food regulatory systems that provide consumers with safe food and ensure fair practices in the food trade.
- The Codex Strategic Plan also recognises that in many countries, effective food control is undermined by the existence of fragmented legislation, multiple jurisdictions and weaknesses in surveillance, monitoring and enforcements. The development of these principles and guidelines will benefit developing countries by providing them with the necessary tools to ensure their national systems are robust and consistent with international standards.

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

While Codex has developed many guidelines, standards and codes of hygienic practice that may contain components applicable to national food control systems, there are few texts that have been developed specifically to provide guidance to the competent authority on the implementation of a national food control system.

The scope and objectives of CCFICS texts such as *Guidelines for Food Import Control Systems* (CAC/GL 47-2003) and *Principles for Food Import and Export Inspection and Certification* (CAC/GL 20-1995) which operate in conjunction with *Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems* (CAC/GL 26-1997) is import and export inspection and as a consequence there is a substantial amount of information within these documents that is not applicable to national food control systems.

The proposed principles and guidelines will complement, and may result in the revision of existing texts and specifically address the development and implementation of national food control systems.

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

None required

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

None required

9. Proposed timeline for completion of the new work, including the start date, the proposed date for adoption at Step 5, and the proposed date for adoption by the Commission; the time frame for developing a standard should not normally exceed five years

Subject to Commission approval at its 32nd session in 2009, it is expected that the work can be completed in two to three years with:

- consideration at Step 3 by CCFICS 18 in 2009;
- consideration at Step 5 by CCFICS 19 in 2010;
- adoption of the proposed Principles and Guidelines by the Commission in 2011.