



JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS

Twenty-Seventh Session

INFORMATION DOCUMENT TO THE DISCUSSION OF THE DRAFT GUIDELINES ON THE PREVENTION AND CONTROL OF FOOD FRAUD

1. During the 26th Session of CCFICS in 2023, the Chairperson advised that she would write to the CAC Chairperson to seek advice about the extent to which Geographical Indication (GIs) could be considered within the mandate of CCFICS and would share the correspondence with CCFICS¹.
2. Attached to this information document, are the correspondences between the Chairperson of CCFICS and the Chairperson of CAC on questions related to GIs.

¹ REP23/FICS paragraph 71.

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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Appendix I
30 August 2024

Attention of Mr Tom Black:

This is to acknowledge receipt of your letter seeking my views as Chairperson of the Codex Alimentarius Commission (CAC) in respect of the ongoing work in the Codex Committee on Food Inspection and Certification Systems (CCFICS) on food fraud, specifically the following footnote 3 on geographical indicators and related labelling restrictions, mentioned in Section 2: Purpose/Scope of the draft guidelines i.e.

“Footnote 3 - Issues of intellectual property (IP), such as geographic indicators (GIs) and related labelling restrictions which do not represent a risk to public health and are beyond the scope of Codex are not addressed within this guideline.”

In preparing this response, I have consulted with the Codex Secretariat on matters related to procedures and if there have ever been any discussions in the Commission on Issues of intellectual property (IP), such as geographic indicators (GIs).

According to the Procedures of the Codex Alimentarius Commission, it is the Commission that decides, taking into account the Criteria for the Establishment of Work Priorities, to elaborate a Codex Standard or related text and also decides which subsidiary body or other body should undertake the work. Under such criteria, when a Codex Committee such as CCFICS proposes to elaborate a standard within its terms of reference, it should first consider the priorities established by the Commission in the strategic plan, any specific relevant outcomes of the critical review conducted by CCEXEC, and the prospect of completing the work within a reasonable period of time. The work on the development of Codex Guidance on the prevention and control of food fraud was approved by CAC44. This included agreement on the main areas to be covered as follows:

“The work will include the development of guidance on food fraud, with a view of improving risk management activities and the exchange of information between competent authorities and other relevant government agencies related to the prevention of food fraud that may impact the health and safety of the consumer and/or disruption of trade. The guidance should also include the following elements: (1) Definitions for key food fraud terms for the purpose of this new work; (2) Roles and responsibilities of competent authorities and food businesses when addressing food fraud; (3) Cooperation and exchange of information between importing and exporting countries in situations where food fraud has been identified; and (4) Guidance on how countries can address food fraud within their national food control systems. The work will include a review of existing CCFICS texts to identify where necessary areas of the National Food Control Systems may need updating or amending.”

The scope of any Codex text should be clearly articulated to facilitate its elaboration and subsequent use and be consistent with Article 1 of the Statutes of the Codex Alimentarius Commission, which provides that the purpose of the Joint FAO/WHO Food Standards Programme is “protecting the health of consumers and ensuring fair practices in the food trade”.

The question as to whether aspects related to intellectual property, such as geographic indicators (GIs), certification marks, trademarks or labelling restrictions, should be taken into account in Codex work has been raised in the past, in the context of elaborating commodity standards, namely cheeses ([CAC27 paragraph 146-120 and appendix X](#); [CAC28 paragraph 167-176](#) and [CAC28/INF16](#)). However, this has not led to an overall conclusion by CAC with regard to whether or not they should be considered when taking a decision on new work in Codex.

In this context, after consultations with the Codex Secretariat and the legal offices of FAO and WHO, it is important to note that any matter related to the scope of new work or Codex standard or related text under elaboration by any Codex Committee ultimately lies with the Commission, as the final determination on these issues is vested in Members. It would further rest with the Members to decide how they would apply the resulting guidance within their respective legal frameworks, taking into account their other existing legal obligations and frameworks, including any international agreements to which they are party.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'S. Wearne', enclosed in a thin black rectangular border.

Steve Wearne
Chairperson

Codex Alimentarius Commission
Joint FAO/WHO Food Standards Programme

Mr Tom Black
The Chairperson of CCFICS
Department of Agriculture, Fisheries and Forestry
Australian Government

Mr Steve Wearne
Chairperson
Codex Alimentarius Commission

Dear ~~Chairperson~~ Steve

I am writing on behalf of the CCFICS Chairperson who, at CCFICS26, advised the committee she would write to the Chairperson of the Commission to seek his views about the extent to which geographical indications could be considered within the mandate of CCFICS.

The proposed draft guidelines on the prevention and control of food fraud were considered at Step 4 by CCFICS26 (CCFICS25 having agreed to undertake new work and CAC45 having approved the new work). The working document ([CX/FICS 23/26/6](#)) for CCFICS26 contained a footnote in square brackets associated with the purpose/scope of the proposed draft guideline. The footnote stated, *“issues of intellectual property, such as geographic indicators and related labelling restrictions which do not represent a risk to public health and are beyond the scope of Codex are not addressed within this guideline”*. The footnote remained in square brackets and CCFICS26 returned the proposed draft guidelines to steps 2/3 to continue drafting discussions in the EWG and prepare a new draft for CCFICS27 to consider at Step 4.

National requirements related to labelling claims will differ from country to country and CCFICS texts do not set out to endorse the merits of one country’s labelling claim requirements over another. CCFICS texts focus on principles and guidelines for systems used by countries to ensure compliance with their national requirements to protect the health of consumers. CCFICS texts should be drafted as far as possible to be applicable in any national context, so as to be most useful in promoting harmonised approaches. With this in mind, I am eager for CCFICS to be cautious about where it might explicitly encourage or exclude the applicability of its principles and guidelines.

I note CCFL has the mandate to study problems associated with the advertisement of food with particular reference to claims and misleading descriptions. It is my understanding this would be the appropriate committee to consider whether international guidance on the use of specific claims is needed.

I am keen to receive your views on the appropriateness of CCFICS texts explicitly encouraging or excluding their applicability to certain labelling claims, such as those related to geographical indications, that are recognised by only some countries.

I look forward to your response, which will be shared with CCFICS Members and Observers ahead of CCFICS27, to assist with the committee's deliberations on the proposed draft guidelines on the prevention and control of food fraud.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tom Black', with a stylized, cursive script.

Tom Black
First Assistant Secretary (A/g), Exports and Veterinary Services Division
On behalf of the CCFICS Chairperson

12 June 2024