

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD
HEALTH
ORGANIZATION



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Agenda Item 4

CX/GP 02/5- Add.....

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON GENERAL PRINCIPLE

Seventeenth Session
Paris, France, 15-19 April 2002

PROPOSED DRAFT CODE OF ETHICS FOR INTERNATIONAL TRADE IN FOODS

COMMENTS AT STEPS 3 -CX/GP/02/5

INDIA

AND CONCERNING THAT:

Clause (d) should be amended to read as under:

(d) due consideration should be given to the particular needs of the developing countries.

ARTICLE 4- GENERAL PRINCIPLES

Clause 4.2:

This Code must reflect the need to prevent export of any food near their expiry dates or best before dates. This was discussed in the 16th Session of the CCGP and was supported by many countries. The following clause is proposed to be added after the existing clause (e), namely:

(f) *has a date of expiry close to expiry date mentioned on the package and the remaining shelf life of which is less than 60% of the shelf life, on its arrival on the port of entry in the importing country.*

ARTICLE 5- SPECIFIC REQUIREMENTS

Food Standards

Clause 5.1

In the 3rd line-

- (i) The square bracket and the words “ through harmonisation with” in the square brackets should be removed.
- (ii) The 2nd square bracket should be removed.

Nutritional Aspects concerning in particular Vulnerable Groups and regions where malnutrition exists

As far as the Code of Ethics is concerned, it is not feasible to make any distinction between the countries where malnutrition exist or does not exist. Hence, India proposes that this sub-heading may be amended to read as under:

Nutritional Aspects concerning in particular Vulnerable Groups

Clause 5.3:

- (i) The square brackets [] should be removed

ARTICLE 6- IMPLEMENTATION

Clause 6.1:

It is unethical to allow export of any food which does not conform to the national standards of the exporting country to any country. The underlined text refers to export of food even if it does not comply with the national legislation of the exporting country. This reflects the existing situation and does not need to be rationalized by a mention in the code. This will justify dumping of food of lower quality in other markets. It will also mean supply of goods, which are not upto Codex Standards if the importing country has not harmonised its

standards. What India had proposed earlier, and which is partly incorporated in 7.1(b) (i), is that the exporting country should not export food products which are inferior in quality than the products allowed for domestic consumption in that country. When developed countries raise standards for domestic consumption the argument made is that these are essential for protection of consumer health. Then how can it be considered that these are appropriate for the health of consumers in importing countries. If the standards and the regulations are safe for the later then logically the higher standards are unnecessary even in exporting countries. Therefore, the Code of ethics must reflect this dichotomy. This is only another aspect of the concept of national treatment. Therefore, India proposes that the underlined clause should be deleted and replaced by 6.1(e).

(e) to the national standards of the exporting country and in any case its quality should not be lower than the quality for such foods applicable under the national standards of the exporting country for that food.

Provided further that the exporting country may export the food which does not conform to the national standards of the exporting country to any country only if it is in accordance to the standards of the importing country and the prior concurrence to such export has been obtained by the importing country to this effect.

Clause 6.3:

Food exported and subsequently found to be not complying with the legislative requirements of the importing country, should be allowed to be withdrawn, in case the exporter wishes to do so, to allow him to re-export to other countries, in case the products comply with the standards of any other import market, or bring it back to his own country. The consignment in any case should not be destroyed without prior concurrence of the competent authority of the exporting country or the exporter.

In view of the above India proposes that the para should be modified as follows:

Food that has been exported and subsequently found to be not conforming to the requirements of the importing country should be allowed to be re-exported to the exporting country.

ARTICLE 11- DEVELOPING COUNTRIES

- (i) The existing Article-11 should be renumbered as Article 10.
- (ii) The Article 10, so renumbered shall read as under:

ARTICLE 10- DEVELOPING COUNTRIES (delete within brackets)

In the preparation and application of food regulations, *developed* (Addition) countries should *recognise the limitations of* (Addition) ~~take into account the special needs and situation of~~ developing countries, *to produce, import and export safe and wholesome food*(Addition) to ensure that the food they produce, import and export meets international standards and should take into account the special needs and situation of developing countries. ~~in conformity with the provisions of the SPS and TBT Agreements.~~ Importing *developed* (Addition) countries should ensure that their national regulations do not create unnecessary obstacles *and trade barriers*(Addition) to exports from developing countries. ~~While not lowering the level of consumer health protection, developed countries should recognize the limitations of developing countries to ensure that the food they produce, import and export meets international standards.~~ Developing countries should be encouraged to ensure the safety and quality of the food they produce on the basis of international standards.

Developed countries should facilitate programmes, including those of FAO and WHO, to enhance the capability of developing countries *in conformity to the Article 9 and 10 of the SPS Agreement and Articles 11 and 12 of the TBT Agreement. This would be specially needed in cases where substantial investments are required for meeting the standards of the exporting country by a developing country to fulfil the SPS requirements of any particular developed country.* (Addition)~~to produce, import and export safe and wholesome food.~~
