

CCFICS 27
CAIRNS 

16-20 SEPTEMBER
2024



Food and Agriculture
Organization of the
United Nations



World Health
Organization

CODEX
ALIMENTARIUS
INTERNATIONAL FOOD STANDARDS

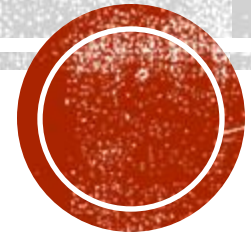
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ANALYSIS OF AGENDA ITEMS



5 September 2024

Prof. Samuel Godefroy, Ph.D. | Food Risk Analysis and Regulatory Policies, Université Laval, Canada

- A** **Agenda Item 2:** Matters arising from the Codex Alimentarius Commission and its subsidiary bodies
- B** **Agenda Item 3:** Information on activities of FAO and WHO and other international organizations relevant to the work of CCFICS
- C** **Agenda Item 4:** Draft Consolidated Codex Guidelines related to Equivalence (Comments at Step 3)
- D** **Agenda Item 5:** Draft Guidelines on the Prevention and Control of Food Fraud (Comments at Step 3)
- E** **Agenda Item 6:** Draft revision and updating of the Principles for Traceability/Product Tracing as a Tool Within a Food Inspection and Certification System (CXG 60-2006) (Comments at Step 3)
- F** **Agenda Item 7:** Discussion paper on guidance on appeals mechanism in the context of rejection of imported food
- G** **Agenda Item 8:** Discussion paper on the standardization of sanitary requirements
- H** **Agenda Item 9.1:** Review and update of Appendix A - the list of emerging global issues
- I** **Agenda Item 9.2:** Proposals for New work related to the emerging global issues - Part 1 - Discussion paper on establishment listing
- J** **Agenda Item 9.21:** Proposals for New work related to the emerging global issues - Part 2: Discussion paper on the digitization of the National Food Control Systems



AGENDA ITEM 5:

DRAFT GUIDELINES ON THE PREVENTION AND CONTROL OF FOOD FRAUD - CX/FICS 24 /275

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BACKGROUND

- CCFICS24 (October 2018) Initiated discussions on food integrity and authenticity and on the role of Codex, and particularly CCFICS, on added guidance to maintain food integrity and Authenticity – with a strong engagement from Codex membership
- CCFICS25 (May-June 2021) reviewed a discussion paper and a project document, making the case for new work: “Guidance on Food Fraud within the mandate of CCFICS” and recommended it to CAC44. CAC44 agreed to start such new work.
- CCFICS26 (May 2023) was the first meeting where the proposed text was discussed.
 - ✓ Issues covered included definitions, the need to ensure that a “risk-based” approach in the way the guidance is developed.
 - ✓ Questions remained on the way to cover issues related to Geographical Indications (GI), whether it was part of the scope – given that GI relate to Intellectual Property (IP)
 - ✓ Questions remained on whether language related to criminal offenses should be included in the guidelines
 - ✓ The Chair of CCFICS was to seek guidance from the Chair of CAC as to whether GI should be part of the Codex mandate / scope



BACKGROUND... Continued



- CCFICS26 returned the draft to Step 2 and agreed to re-establish the EWG to draft the guidelines, considering comments made and items identified in square brackets
- There is no response to date from the Chair of CAC on the GI issue
- CCFICS27 is to examine a revised version of the draft text with emphasis on areas identified with questions by the EWG.
- Specific issues to be discussed include:
 - ✓ Whether GI should be included in the scope
 - ✓ Whether feed for food-producing animals should be included within the scope of the draft guidelines
 - ✓ Whether to include “Criminal Offenses” in the draft guidelines
 - ✓ Definitions and the observance of a “risk-based” approach



- **Question 1: Whether para 6 Bis: “Fundamental to the successful functioning of any food fraud combatting strategy is the establishment and maintenance of anti-food fraud culture acknowledging the importance of human behaviors in protecting the integrity of the food supply chain and presenting food /feed in a manner so as not to deceive consumers.**

It is appreciated to have a mention of the promotion of an anti-food fraud culture, however this para would be further enhanced with the identification of the need to place “PREVENTION” at the heart of food fraud management, including the “anti-food fraud culture”.

A proposed reformulation would be: “Fundamental to the successful functioning of any food fraud combatting strategy is the establishment and maintenance of **Prevention Measures including the propagation of an** anti-food fraud culture acknowledging the importance of human behaviors in protecting the integrity of the food supply chain and presenting food /feed in a manner so as not to deceive consumers.

- **Question 2: Item in square bracket - mentioning the impact of food safety in relation with feed - related activities**

Feed-related interventions are to be considered in Codex, when there is a clear impact on aspects pertaining to food within the mandate of Codex i.e., in relation with Safety and Quality.

It is therefore advised to retain a clarification related to how feed would be considered in the scope – and this would be in instances where there is an impact on food safety and quality (proposed phrasing : **“that may impact food safety and quality”**)

▪ Question 3: What if Anything should be stated with respect to Geographical Indications (GI)



It is important to note that issues related to Geographical Indications (GI) are part **Intellectual Property** considerations.

- ✓ These issues, like other IP related issues are governed by the relevant treaties, agreements managed by the corresponding organizations such as the World Intellectual Property Organization (WIPO) which covers intellectual property within the UN system or the agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), which is an international agreement in the WTO.
- ✓ As a result, these issues are not within the Codex mandate, given that they refer to private interests, not deemed to be of global relevance.
- ✓ It is important therefore that the scope of the guidelines on food fraud exclude GI and other similar IP related issued pertaining to foods.
- ✓ Interfering in this matter equates an intervention in the mandate of another international organization

Proposal to remove the footnote – and to include a mention in the body of the text to exclude matters related to IP.

Issues related to Intellectual Property (IP) are excluded from this guideline

- **Question 4: Should aspects related to the Investigation and Prosecution be included & 7bis: “The investigation and prosecution of food fraud offenses are outside of the scope of this guideline and need to be handled by countries under their respective laws”**



Prosecution of food related offenses **are always** within the mandate of national governments and is generally not mentioned as such in other codex texts – We Suggest to not retain this mention.

Insisting that matters ought to be dealt with, using a risk-based approach (mentioned elsewhere in the document) is more important.

Sections 3-4 : No concern with the definition (subject to several discussions).

A proposal to mention that a food a food fraud incident can be a combination of the examples listed.

This sentence could be added after the definitions of addition, substitution, dilution, counterfeiting, misrepresentation and concealment.

“A Food Fraud incident can involve one or a combination of these actions.”

Section 5 : Principles

These principles are good and offer a general direction on interventions by FBOs and regulators to manage food fraud.



There is one notion that seems to be missing and that should be at the heart of any intervention – in line with Codex direction in CXG82-2013 (**Principle 8**: Focus on Prevention)

It is recommended to add a principle that could offer further direction of work on the development of practical guidance on food fraud management through prevention approaches either by CCFH or CCFICS.

Principle 1:

Lacks emphasis on Prevention at the heart of Food Fraud management – (this could further lead the way for action by Codex to develop dedicated guidance e.g. through CCFH leadership).

Moreover, this area is covered by various texts of guidance of international partners: governments, private standards owners and it would be appreciated to have Codex develop a proposal in this area.

A discussion paper could be further developed by an Arab delegation on this matter and be introduced for consideration at an upcoming session of CCFICS.

Principle 3:

Prevention of food fraud incidents should be at the Heart of interventions to manage food fraud by all stakeholders.



- **Question 5: which phrasing in square brackets should be retained:**
“integrity of fair trade or “fair practices trade practices”

We would suggest to have the same phrasing related to the Codex mandate:
“and to promote fair food trade practices”

Section 6 : Roles and Responsibilities

No comments on para 9

Para 10 – propose the mention of **Vulnerability Assessment** as part of preventive control tools to be applied by FBOs –

b – Analyse and understand the vulnerabilities in their supply chain and products/ingredients/packaging that may be susceptible to food fraud, “as part of the development of their preventive control strategies”

- **Question 6: redundancies between para “b” bis and “e”**

There may be redundancies and we could take the latter part of the e and include it in b bis (“including having processes in place for rapid removal of affected product from the market”).

Section 7 : Relevant Activities for Competent Authorities



No major changes proposed to this section

Emphasis should be made to promote the “preventive approach” and guidance in this regard as well as enabling tools.

Proposed strengthening of point e.

Providing practical guidance to FBOs and other stakeholders on how to address food fraud. Such guidance **should include the development of preventive controls, including the reliance on vulnerability assessment of their supply chain**, as well as all various resources and tools to support prevention, detection, mitigation and control of food fraud.



Section 8 : Cooperation, Collaboration and Exchange of Information between Competent Authorities

▪ Question 7 : Inclusion of 15 ter. On AI

We suggest maintaining this para – but perhaps with a better positioning of what AI and machine learning would do – which is a better prediction of these incidents for better prevention.

A proposed wording would be :

“Enhance collaboration to better integrate neutral technologies and use of data mining, including Artificial Intelligence, to support the development of predictive methodologies which can aid in more effectively preventing food fraud incidents.”

Conclusion

- Overall, a good progress in the development of this text.
- There is a need to better position PREVENTION at the heart of food fraud management strategies
- There is a need to position this text as a possible starting point to develop more practical guidance on food fraud prevention - and preventive controls - this would be in response to the multiple guidance available elsewhere by private and public partners and where Codex would offer a more harmonized approach.



