

Reply of the European Union and its Member States to

CL 2020/41/OCS-FICS: Request for Comments on the Recommendations included in the Discussion Paper on the Role of CCFICS with Respect to Tackling Food Fraud in the Context of Food Safety and Fair Practices in Food and Appendix 1 (Draft Project Document for the Development of Guidance on Food Fraud)

*Mixed Competence
European Union Vote*

The European Union and its Member States (EUMS) would like to thank the electronic working group led United States, the European Union, Islamic Republic of Iran and China for the discussion paper and a proposal for new work for the development of guidance on food fraud.

Food chains both at national and international level are becoming increasingly complex and therefore more vulnerable to fraud. Consequently, initiatives are under way by many governments, international organisations and within the industry to combat food fraud. It is therefore very timely for Codex to start new work to develop guidance on how to tackle fraudulent practices in food trade.

The EUMS support the proposal for new work as presented in Appendix 1 of CX/FICS 20/25/8 with the following comments:

- a) The term “intentional adulteration” is used in the project document together with food fraud. This is confusing as intentional adulteration is commonly recognised as a form of food fraud. Therefore, the EUMS suggest deleting the term “intentional adulteration” from the project document.
- b) In paragraph 27(a) of the discussion paper and in section 3 of the project document, it is suggested to develop guidance, which provides a summary of existing guidance in current Codex texts relevant for food fraud. In the view of the EUMS, developing such a summary would be an overly complicated task as it would be very difficult to determine in an exhaustive manner which provisions in different Codex texts are applicable for mitigation of food fraud. It would also be a cumbersome task to keep such a summary up to date. Therefore, the EUMS suggest taking out this element from the new work proposal by deleting the 1st sentence of section 3 of the draft project document.
- c) Under Point 3 (3) “Guidance on how countries can modernize their national food control systems to address food fraud, e.g. extension of HACCP and good manufacturing practices”, it is important to underline that such guidance should be aimed at describing measures proportionate to the risk of food fraud to protect

consumers' health and ensure fair practices in the food trade. The goal should be that national food control systems focus action where it is most efficient preventing fraud. In particular, the use of sanitary certificates should not necessarily be considered as appropriate for products presenting a low-risk for consumers' health.

- d) Under Point 3 (4) "Identification of technology and tools, countermeasures and controls that can be used by competent authorities and industry to detect acts of fraud and to reduce vulnerabilities when designing control programs to prevent food fraud and/or intentional adulteration" it needs to be added that such technology and tools, countermeasures and controls should be designed to allow timely and efficient verification of the authenticity in a case of concrete suspicion and to avoid putting disproportionate and unjustified burdens on all producers, traders and authorities.
- e) As definitions for food fraud, food integrity and food authenticity are of importance for the work of several Codex committees, it would be appropriate to adopt them eventually as formal Codex definitions and include them in the Procedural Manual in the section "Definitions for the purposes of the Codex Alimentarius".