**Codex Committee on Methods of Analysis and Sampling**

**(34th Session)**

**Budapest, Hungary (4-8 March 2013)**

**European Union comments on the**

**Proposed Draft Principles for the Use of Sampling and Testing in International Food Trade**

**(Agenda item 4, CL 2012/33-MAS)**

***Mixed Competence***

***Member States Vote***

The European Union and its Member States (EUMS) fully support the development of Principles for the Use of Sampling and Testing in International Food Trade.

**General comments:**

The purpose of the document is to set out principles and guidance on the determination, by sampling and testing, of the conformity of consignments of food in trade to official specifications, and provide guidance for governments on procedures to resolve disputes which may arise between food control authorities about the implications of product test results on the status of a food consignment.The EUMS are convinced that these principles can be useful to Codex members as well as to food business operators, with the objective of improving the safety of food products and avoid trade disruption as a consequence of inappropriate application of sampling and testing procedures. Delays or disputes over sampling and testing often result in spoilage and waste of safe and healthy food products at significant cost to exporters.

**Specific comments:**

**SECTION 1 – INTRODUCTION**

The EUMS suggest the following changes to paragraph 1:

1. Sampling and testing ~~procedures~~ are **–among others- procedures** utilized to determine if foods in trade are compliant with particular specifications. ~~These procedures establish the level of protection afforded to exporters and producers, and importers and consumers.~~ ~~The procedures used should be such as to ensure that Consumers’ Risk and Producers’ Risk are both considered.~~ The absence of defined, scientifically valid procedures could lead to ad hoc practices being used, resulting in inconsistent decisions and an increased occurrence of disputes.

*Rationale*: This would be in line with what is stated later in paragraph 5. Indeed, sampling and testing are only one of the means that can be used to see whether imported foods comply with the specifications of the importing country. The deletion of the second and third sentence improve clarity.

The EUMS suggest the following change to paragraph 4:

4. Risk management decisions should be commensurate to the assessed risk, and should take into account **risk assessment and other factors relevant for the health protection of consumers and for the promotion of fair trade practices, and, if needed, selecting appropriate prevention and control options** ~~the economic consequences and feasibility of risk management options. Risks due to conditions during storage and transport should be considered by all business operators in the food distribution chain. In order to achieve this there should be an understanding of the impacts of sampling and testing options on all affected parties. Risk management itself should be a continuing process that takes into account all new information, including scientific information, in the evaluation and review of risk management decisions based on sampling and testing~~.

*Rationale:* The process of risk management is already well defined in existing Codex texts and in the Codex Procedural Manual. As a matter of consistency and as there is no need to re-define the process, the same terminology should be used in this text.

The EUMS suggest the following change to paragraph 6:

6. This document does not affect existing ~~Codex limits or the current way of setting those limits. These~~ responsibilities set out in **Codex C**ommittees’ terms of reference.

*Rationale*: The changes improve clarity.

**SECTION 2 – SCOPE**

The EUMS suggest the deletion of paragraph 8:

~~8. These principles do not:~~

~~a) address other uses of sampling and testing;~~

~~b) address other means of establishing that foods in trade meet specifications;~~

~~c) give guidance on choosing appropriate levels of Consumers’ Risk and Producers’ Risk.~~

*Rationale:* The scope should refer to what the document is about, not to what it does not cover.

**SECTION 3 – DEFINITIONS**

The EUMS suggest deletion of Consumers' Risk and Producers' Risk.

*Rationale*: As this terminology would not appear in the text, there is no need to refer to its definition.

**SECTION 4 - PRINCIPLES**

**Principle 4: Consumers’ Risk and Producers’ Risk**

The EUMS suggest deleting principle 4.

**~~Principle 4: Consumers’ Risk and Producers’ Risk~~**

~~Whenever food is sampled and tested, the probability of wrongly accepting or wrongly rejecting a lot or consignment affects both exporters and importers and can never be entirely eliminated. The Consumers’ Risk and Producers’ Risk should be evaluated and controlled, preferably using methodology described in internationally recognized standards.~~

*Rationale:* This principle is already covered by the Codex Guidelines for Food Import Control Systems (CAC/GL 47-2003).