

GUIDELINES FOR THE EXCHANGE OF INFORMATION BETWEEN COUNTRIES ON REJECTIONS OF IMPORTED FOOD

CAC/GL 25-1997^{1, 2}

PREAMBLE

1. The following guidelines provide the basis for structured information exchange on import rejections. The most important information elements to be considered in such guidelines are shown in the Annex and each category is discussed in more detail below. The guidelines are intended to cover all types of food.
2. These guidelines deal only with import rejections caused by failure to comply with importing country requirements. Information exchange in food control emergency situations is dealt with in the Guidelines for the Exchange of Information in Food Control Emergency Situations (CAC/GL 19-1995).
3. The use of these Guidelines for the Exchange of Information on Rejections of Imported Food is intended to assist countries to conform with the Principles for Food Import and Export Inspection and Certification (CAC/GL 20-1995), in particular the transparency provisions contained in paragraph 14 of the Principles.

GENERAL CONSIDERATIONS

4. When the food control authorities in an importing country reject a consignment of food presented for importation they should always provide information to the importer of the consignment giving the reasons for the rejection. Appropriate information should also be provided to the exporter if the control authorities receive such a request.
5. When the rejection of the consignment arises from:
 - evidence of a serious food safety or public health problem in the exporting country; or
 - evidence of serious misrepresentation or consumer fraud; or
 - evidence of a serious failure in the inspection or control system in the exporting country,

the food control authorities in the importing country should notify the food control authorities in the exporting country forthwith (by telecommunication or other similar rapid means of communication) supplying the details

¹ Governments and organizations interested in receiving a List of Contacts for Food Import Control and Information Exchange in Food Control Emergency Situations should contact the Codex Contact Point for Australia, Australian Quarantine and Inspection Service, GPO Box 858, Canberra, ACT, 2601, AUSTRALIA. Telefax: 61-6-272-3103

² The Codex Guidelines for the Exchange of Information Between Countries on Rejections of Imported Food were adopted by the Codex Alimentarius Commission at its 22nd Session, 1997. They have been sent to all Member Nations and Associate Members of the FAO and WHO as an advisory text, and it is for individual governments to decide what use they wish to make of the Guidelines.

set out in the Annex to these Guidelines.

6. Upon receipt of such a communication, the food control authorities in the exporting country should undertake the necessary investigation to determine the cause of any problem that has led to the rejection of the consignment. The food control authority in the exporting country, if requested, should provide the authorities in the importing country with information on the outcome of the necessary investigation, if available. Bilateral discussions should take place as necessary.

7. In other circumstances, for example:

- where there is evidence of repeated failures of a correctable nature (e.g. labelling errors, mislaying of documents); or
- where there is evidence of systematic failures in handling, storage or transport subsequent to inspection/certification by the authorities in the exporting countries,

the food control authorities in the importing country should also make appropriate notification to the food control authorities in the exporting country, either periodically or upon request.

8. It is also open to an importing country to supply information on rejections to an exporting country even when this is not specified in these guidelines.

9. In some countries information about the results obtained in public food control is freely available, whereas in others legal constraints may prevent or restrict the dissemination to third parties of information on, for example, import rejections. In some cases information cannot be exchanged before a certain time has elapsed. So far as possible countries should minimise restrictions on the disclosure to other countries of information on rejected foods.

10. To enable FAO and WHO to assist exporting countries in their efforts to meet the requirements of importing countries, information on rejections of imported food should be made available to FAO and WHO on request.

DETAILED INFORMATION

Identification of the food concerned

11. A certain amount of basic information is required in order to be able to identify the consignment or lot of food that has been refused entry when presented for importation. The most important information in this respect is a description of the nature and quantity of the food, any lot identification or other identification stamps, marks or numbers and the name and address of the exporter and/or food producer or manufacturer. Information about importers or sellers is also useful. Where a lot has been certified, the certificate number can provide an important method of identification.

Importation details

12. Information about importation or presentation for importation is necessary. The most important

elements here are: place and date of entry, and the identity and contact details of the importer.

Rejection decision

13. It is important to obtain information about the decision to refuse importation, especially the name of the food control authority which made the decision, when the decision was made and whether the whole or only part of the consignment was refused entry.

Reasons for rejection

14. The reason(s) why a consignment of food has been refused entry should be clearly stated and reference should be made to the regulations or standards which have been contravened.

15. Foods may be rejected because they are found to be unacceptable when subjected to an organoleptic examination or because they have technical/physical defects, e.g. leaking cans, broken seals and damaged boxes. In circumstances where physical examination has led to rejection, a clear description of the criteria used should be provided.

16. When the level of a contaminant in a food has been found to be above the maximum permitted level, the contaminant should be specified, together with the level found and the maximum permitted level. In the case of biological contamination or contamination by biological toxins, where no maximum level has been fixed, the identity of the organism or toxin concerned should be given as specifically as possible, and as appropriate, the level of contamination found. Similarly, contraventions of regulations on food additive or compositional standards should be specified. Some countries accept certain foods (e.g. fresh meat) only from specifically approved establishments in the exporting country. If such foods are refused entry because evidence that they come from such an establishment is lacking or incomplete, this should be stated.

17. Where consignments of imported food are rejected on the basis of analysis performed in the importing country, the importing country authority should make available upon request details of the sampling and analytical methods employed and the results obtained.

Action taken

18. Information should be supplied about the action taken following the rejection or retention of a consignment of food. This should include information about the fate of the consignment, such as whether it was destroyed or detained for reconditioning.

19. If the rejected food is re-exported, the conditions attached to such re-export should be stated. For example, some countries permit re-export only to the country of origin or to countries which have stated in advance that they are prepared to accept the consignment knowing that it has been refused entry elsewhere.

20. In addition to the exchange of information between the food control authorities of exporting and importing countries it may also be valuable to inform the embassy or other representative body of the exporting country of the situation so that the country concerned can take action to rectify the deficiencies found and thus avoid rejection of future shipments.

ANNEX**STANDARD FORMAT FOR EXCHANGE OF INFORMATION BETWEEN COUNTRIES ON REJECTIONS OF IMPORTED FOOD**

The following information should be provided by countries in relation to rejections of imported food as available and appropriate to the circumstances.

Identification of the food concerned

- Description and quantity of product
- Type and size of package
- Lot identification (number, production date, etc.)
- Container number, bill of lading or similar transportation details
- Other identification stamps, marks or numbers
- Certificate number
- Name and address of manufacturer, producer, seller and/or exporter, establishment number, as appropriate

Importation details

- Port or other point of entry
- Name and address of importer
- Date presented for entry

Details of rejection decision

- Whole/part of (specify) consignment rejected
- Name and address of food control authority making decision to reject
- Date of decision
- Name and address of food control authority which can provide more information on reason for rejection

Reason(s) for rejection

- Biological/microbiological contamination
- Chemical contamination (pesticide or veterinary drug residues, heavy metals, etc.)
- Radionuclide contamination

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- Incorrect or misleading labelling
 - Compositional defect
 - Non-conformity with food additive requirements
 - Organoleptic quality unacceptable
 - Technical or physical defects (e.g., packaging damage)
 - Incomplete or incorrect certification
 - Does not come from an approved country, region or establishment
 - Other reasons

Note: Where imported food has been rejected on the basis of sampling and/or analysis in the importing country, details should be made available on request as to sampling and analytical methods and test results and the identity of the testing laboratory.

Action taken

- Food destroyed
- Food held pending reconditioning/rectification of deficiencies in documentation
- Food held pending final judgement
- Place where food is held
- Import granted for use other than human consumption
- Re-export granted under certain conditions, e.g. to specified informed countries
- Importer notified
- Embassy/food control authorities of exporting country notified
- Authorities in other likely destination countries notified
- Other