

# **PROCEEDINGS REPORT**

**National Workshop**

## **Increasing use of Standards and Their Implementation in Decision-making Processes**

**27 October, 2005, New Delhi**

**Organised by**

**International Health Division**

**Ministry of Health & Family Welfare**

**Government of India**

**In collaboration with WHO India Country Office**

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## Preface

The **Agreement on the Application of Sanitary and Phytosanitary Measures** (the "SPS Agreement") entered into force with the establishment of the World Trade Organization (WTO) on 1 January 1995. It concerns the application of food safety and animal and plant health regulations.

As per obligations under the WTO's Agreement on the Application of Sanitary and Phytosanitary Measures, the Ministry of Commerce & Industry, Government of India has recently finalised three National Enquiry Points relating to SPS measures in the country. These Enquiry Points are required to handle all queries and comments on SPS notifications/regulations issued within the country and by other member countries of the World Trade Organisation. These three enquiry points are housed in the Ministry of Health for food safety and CODEX related issues; Department of Agriculture and Cooperation, Ministry of Agriculture for plant protection issues; and Department of Animal Husbandry and Dairying, Ministry of Agriculture for animal health issues.

It is also pertinent to note that the SPS Committee has recently completed its second review of the operation of the WTO Sanitary and Phytosanitary Measures Agreement and has adopted a report on special treatment for developing countries. The meeting also included the committee's first ever discussion of how governments should act when standards required by their private sectors are tougher than the government's own requirements.

In this context, it is increasingly felt that to develop clearer understanding on the issues involved with the interplay of health standards and trade, generating awareness for effective implementation of the WTO SPS Agreement among the stakeholders is very essential. It is only through a thorough understanding of the norms, rules and procedures involved in the international standard setting, that various stakeholders can identify and pursue areas to increase their effective participation in the globalisation process.

Recognising this need, the Ministry of Health and Family Welfare, in collaboration with WHO organised under the WHO – Government of India Biennium 2004-05, a one-day National Workshop on **Increasing use of Standards and its implementation in decision-making processes** at New Delhi. The Seminar provided an opportunity to discuss the present stage of discussions and develop a clearer understanding of roles and responsibilities of stakeholders, which in turn would enhance India's participation in international standard setting process.

The immediate objectives of the Workshop were:

- To develop understanding on the influence of standards on the decision-making in the global market.
- To develop understanding on the governance issues involved with the interplay of health standards and trade.
- To formulate a broad plan of action and recommendations for ensuring that interests of stakeholders are supported and promoted both at a national level and within international institutions, such as Codex, ISO, WTO, OIE etc.

The Workshop provided:

- Clearer understanding on the decision-making in the global market and the role as well as scope of standards in shaping these decisions.
- Clearer understanding on the roles and responsibilities of stakeholders and the options available to enhance India's participation in international standard setting process.

## INAUGURAL SESSION

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### **Welcome Address**

Smt. Rita Teotia, Joint Secretary,  
Department of Health, MOHFW, GOI

### **Theme Address**

Dr Paramita Sudharto, Public Health Administrator  
WHO India Country Office

### **Inaugural Address**

Dr S P Agarwal,  
Director General of Health Services

### **Vote of Thanks**

Shri Rajesh Bhushan, Director (IH), Department of Health,  
MOHFW, GOI

**National Workshop**  
**Increasing use of Standards and its implementation in**  
**the decision-making processes**  
**organized by Ministry of Health & Family Welfare**  
**(In collaboration with WHO India Country Office)**

**Held on 27 October 2005, India Habitat Centre, New Delhi**

**Shri Rajesh Bhushan, Director (IH)**, on behalf of the Ministry of Health & Family Welfare (MoH&FW), Government of India, extended a hearty welcome to all the distinguished delegates at the National Workshop on "Increasing use of Standards and its implementation in the decision-making processes". The Chief Guest, Dr. S P Agarwal, Director General of Health Services, Government of India, Dr. Paramita Sudhartho, Public Health Advisor, WHO India Country office and Smt. Rita Teotia, Joint Secretary, Ministry of Health and Family Welfare, Government of India were facilitated.

In her welcome address, **Smt. Rita Teotia, Joint Secretary, MoH&FW** stated that the Global Economy has rapidly transformed itself as a knowledge economy, hence enhanced skills and capacities would determine where we stand in the global knowledge economy. So far in all international forums, developing countries have advocated the need of allowing time to them to adjust to the global standards. However, such concessions to the developing countries are increasingly becoming unacceptable. She referred to the need for an urgent national response to adjust to the needs of globalisation and to the opportunities that are provided by such globalisation. She mentioned that developing countries like India can no longer hide behind lower than globally acceptable standards and time has come to adapt to and harmonise with the global standards. Developing nations can survive and prosper only by quickly adapting to the changing times. She mentioned that the workshop would discuss how to enforce, implement and harmonise national food standards with the global food standards and how to be competitive.

**Dr. Paramita Sudhartho, Public Health Administrator (PHA), WHO India Country Office** in her theme address, stressed on the impact of globalization and pointed out that it has led to shrinking of boundaries. She mentioned that adoption of international standards is becoming very important and countries are quickly adopting them to stay competitive in the sphere of global trade. She pointed out that global standards act as benchmarks for the WTO member countries to develop their own standards. She stressed on WHO's commitment to help the government in building technical capacities in the field of SPS and TBT.

**DR. S P Agarwal, Director General of Health Services, MoH&FW**, in his inaugural address observed that while standards are important, the impact and implications of standards on trade and industry have to be considered before adopting them. He informed that the mandate for food safety and quality rests with the Ministry of Health and Family Welfare, which administers the same through the Prevention of Food Adulteration Act (PFA) and rules made thereunder. This ACT and rules provide for formulation and enforcement of food standards.

In the scheme of things envisaged in the Prevention of Food Adulteration Act for providing for food safety, Central Committee for Food Safety (CCFS), which is headed by DGHS, is the nodal committee for setting food safety Standards in the country. The CCFS is a statutory body which involves representation from other ministries, research institutes, State governments, industry associations and consumer organisations. The CCFS further has subject-specific sub-Committees, which are also multi stakeholder in their composition. On the recommendation of the CCFS, the ministry of health and family welfare notifies the draft standards on which comments and suggestions are invited and analysed, based on which final standards are eventually made and notified.

He further added that this stakeholders workshop has been organized with two broad objectives - (a) to develop an understanding of the influence of standards on the decision making in the global markets and (b) to develop an understanding of the governance issues involved with the interplay of health standards and trade. He pointed out at the need and importance of having international standards, justification of harmonizing with these standards and options to evolve standards specific to national requirements. He also emphasized the importance of having a very objective and transparent process for setting national standards, which should be science and evidence based.

**Shri Rajesh Bhushan, Director, MOHFW** thanked the Director General of Health Services for his extremely thought provoking address, wherein he highlighted the complexities of the standard setting process and shared the need to adopt a multi- stakeholder approach in addressing it. He also thanked the PHA and the Joint Secretary, as well as all the delegates for having taken out time from their busy schedules to attend the workshop. He also hoped that everyone present would be contributing productively in enriching the deliberations of the workshop.

## **SETTING THE PREMISE**

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### **SPS AGREEMENT and FOOD SAFETY STANDARDS**

#### **BACKGROUND OF ISSUES AND CONCERNS**

Shri Rajendra Mehrotra  
WHO National Consultant, MOHFW

## BACKGROUND OF ISSUES AND CONCERNS

**Shri Rajendra Mehrotra, National Consultant, MoH&FW** presented a background of issues for setting the premise for deliberations at the workshop. He pointed out the role of standards in the decision-making, the benefits of the use of standards and certain issues of concern in implementing standards. He outlined that the thrust of agreement on the application of Sanitary & Phytosanitary Measures (SPS) is to protect human or animal life or health from food-borne risks, humans from animal and plant-carried diseases, plants and animals from pests or diseases and the territory of a country from the spread of a pest or disease from outside. He further pointed out that the SPS agreement recognizes that countries have the right to maintain these measures for protection of the population and the agricultural sector provided the measures are based on transparent scientific principles and are not used as disguised restrictions to trade. He pointed out that while some of the SPS measures may result in trade restrictions, governments generally recognize that some restrictions are necessary, appropriate and justified to protect human and animal life and health.

He informed that role and importance of standards and regulations are to comply with a variety of tasks like minimizing risks, providing information to consumers about the characteristics of products, providing information to producers about market needs, raising efficiencies, serving as benchmarks and enhancing technical capabilities. The SPS agreement narrows down the wide definition of the agreement to limited range of cases -

- Case 1 Protection of human or animal life or health from risks arising from additives, contaminants, toxins or disease-causing organisms in their food.
- Case 2 Protection of human life from plant or animal-carried diseases.
- Case 3 Protection of animal or plant life from the introduction of pests, diseases or disease-causing organisms.
- Case 4 Protection of a country from damage caused by the entry, establishment or spread of pests.

The main features of the SPS agreement viz. harmonization, equivalence, risk assessment, transparency, developing countries concerns and the dispute settlement procedure were highlighted. The SPS Agreement refers to three standard setting international organizations for harmonization of standards -

- FAO/WHO Codex Alimentarius Commission – for food safety
- International Office of Epizootics (OIE) - for animal health
- International and regional organisations operating within the framework of the FAO International Plant Protection Convention (IPPC) – for plant health.

To comply with the transparency requirements under SPS, a national enquiry point has been set up in the Ministry of Health (manned by the ADG(PFA)), to receive and respond to requests for information on country's SPS measures, provide information on the application of food safety, information on the existence of equivalence agreements, information on risk assessment procedures and decisions and texts of the new/modified regulations notified to the WTO, as well as all other relevant documents regarding the SPS measures.

He also informed that the Ministry of Health administers the mandate of food safety and quality in the country through the PFA Act, which incorporates a multi stakeholder approach for formulation of standards. Few issues of concern related to adoption and implementation of standards were highlighted in the presentation. The most important ones such as lack of

participation of developing countries in the standard setting process, lack of scientific skills and capacities within the developing countries for risk assessment & risk monitoring for facilitation of fixation of standards and need for strengthening of the SPS enquiry points at the national level were discussed in detail. It was thereafter hoped that the deliberations at the workshop would provide clearer understanding on the roles and responsibilities of various stakeholders.

# TECHNICAL SESSION I

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## Chairperson

Shri V K Arora, Addl. DG, Dte.GHS, MoHFW

## **Brief Overview of SPS and TBT Agreements**

Dr. D Chattopadhyaya, ADG (PFA), Dte.GHS

## **Harmonisation of Indian Standards with CODEX**

### **Standards**

Shri Rajesh Bhushan, Director (I.H.), MOHFW

### **The standard setting process at Codex**

Shri A. K. Shrivastav, DADG (PFA), Dte.GHS

## **Role of Consumer organisations in Standard setting & implementation**

Prof. Shriram Khanna, VOICE

## Technical Session I

**Chairperson – Shri V K Arora, Addl. DG, Dte.GHS, MoHFW**

### **Brief Overview of SPS and TBT Agreements**

**Dr. D Chattopadhyaya, ADG (PFA), Dte. G.H.S.** traced the importance of food trade since time immemorial. He informed that with decrease in tariffs and quantitative restrictions, there were growing concerns about the protection of human, animal & plant life and health, that led to the birth of the SPS measures in the WTO. He stated that the primary objective of both the SPS and TBT agreements are same and in some cases, the distinction is also not very clear and there are areas of overlap between these agreements. Both these agreements are used for the protection of human and animal health and encourage the formulation of international standards.

He highlighted the basic objectives of the SPS measures and informed that countries are free to set their standards at a higher or lower level than those indicated by international standard setting bodies, provided they are for the protection of the population and the agricultural sector, and, based on scientific principles and are not to be used as disguised restrictions to trade. He added that since the process of finalizing notifications of draft standards is both time consuming and extremely complex, hence, while framing notifications for certain products, one should try to include other similar products rather than repeating the whole process of framing a notification all over again.

### **Harmonisation of Indian Standards with CODEX Standards**

**Shri Rajesh Bhushan, Director (I.H.), MOHFW** made a presentation on the subject of harmonization of Indian Standards with CODEX standards. He also touched upon the standard setting process at CODEX and within the Ministry of Health & Family Welfare. He pointed out that the MoH&FW is responsible for ensuring safe food to the consumers in the country. This mandate is translated into action through the PFA Act, which in turn has three fold objectives, i.e. ensure quality food to the consumers, prevent the consumer from fraud/deception, and encourage fair trade practices. The subject of food safety is in the concurrent list of the constitution and is administered through the PFA Act, which is a central Act, states are free to have their own Acts under the broad umbrella of PFA Act. Under this scheme of things, while standards are laid down by the central government, the enforcement is done by state governments.

The Central Committee for Food Standards (CCFS) is a statutory committee under the PFA that advises the central government on matters of food safety, quality and food standards. The CCFS is a multi-stakeholder body consisting of representatives of Ministry of Health, Ministry of Consumer Affairs, Ministry of Commerce and industry, Ministry of Food Processing, Ministry of Agriculture and Department of Animal Husbandry. It has representatives from all States and Union Territories, Trade Organizations and Consumer representatives. ADG(PFA) is the member secretary of CCFS. There are technical sub-committees and expert groups of the

CCFS. These bodies act in a pro-active manner to recommend setting up of food standards and advise on issues related to packaging and labelling of food. The CCFS and its subsidiary bodies also has a reactive role and decides if certain existing quality standards related to existing products, production process, packaging etc. are required to be amended or enhanced in view of changing technology and change in international standards. After analysis within the ADG(PFA)'s office or sub-committee of CCFS, the draft notification is prepared which is then put up on the department's website as an intent for formulation of a specific standard, for information and feedback. When the draft notification is eventually finalized, it is submitted to the Ministry of Commerce, which disseminates it through the WTO Secretariat.

The SPS Agreement provides, both rights and obligations to WTO members. Under the Agreement, each country is required to establish an SPS Enquiry point to provide answers to all reasonable questions from interested members. For implementing transparency provisions under the agreement, each country is required to establish transparent procedure with regard to setting of national standards and regulations. For food safety, the SPS Agreement recognizes the standards guidelines and recommendations relating to food additives, veterinary drugs and pesticides residues, contaminants, methods of analysis and sampling and guidelines of hygienic practices established by CODEX as the international reference. Member countries have the right to apply sanitary measures necessary for protection of human life or health. The sanitary measures, however, must be based on risk assessment, should be non-discriminatory and not more trade restrictive than necessary.

He informed that the process of harmonization with the international standards within the country is not simply a copy of existing Codex standards. These standards are in fact taken as a base or indicative document. The standard setting process is an on-going process through the process of harmonization and on-going in terms of parameters for already harmonized products. He briefly mentioned the process of standards setting in the country and highlighted that human, animal and plant health and food safety are given priority over trade.

### **The standard setting process at Codex**

**Shri A. K. Shrivastav, DADG PFA**, elaborated upon the standard setting process at Codex. The Codex Alimentarius is a collection of standards, codes of practices, guidelines and other recommendations. The Codex Alimentarius Commission, has 170 countries as members and has been the executive organ of the joint WHO-FAO food standard programme. India is one of the executive Committee member of the Codex and is the regional representatives for the Asia Region. The Codex Standards usually relate to product characteristics. The Commission prescribes Codex standards, Codex code of practice and Codex guidelines. The Codex process through which standards, guidelines and the text are adopted and published by the Codex Secretariat was also highlighted. The three partners in the standard setting process are trade, government and consumers. The harmonization of food standards is generally viewed as contributing to the protection of consumer health and to the fullest possible facilitation of international trade. The process of harmonization with the Codex standards is gaining impetus by virtue of the strong international desire to facilitate trade and the desire of consumers across the world to have access to safe and nutritious food. He informed that an increasing number of countries are aligning their national food standards, or parts of them, with those of the Codex Alimentarius Commission.

## **Role of Consumer organisations in Standard setting & implementation**

**Prof. Shriram Khanna, VOICE**, spoke on the role of consumer organisations in standard setting & implementation process. He stressed on the need of placing utmost priority on public health issues and protection of consumer health. He stated that the time taken in formation of Codex standards is too long and so is the time taken for finalisation of standards under the PFA Act. He emphasized that the objective of the Ministry of Health as well as Codex is primarily to protect health and that trade promotion is not their primary objective. When the trade objectives gain dominance then the consumers' health get adversely effected. This conflict exists at the national level and also internationally. However, it is very important to strike a proper balance between consumer health and trade issues. In his view, the standard setting should be done with consumers' health in mind, and the highest standard that would ensure consumer health protection should be adopted. He also emphasized that transparency of the standards setting procedure would be enhanced if consumer organisations and scientific research institutions play an effective role in the procedure.

## TECHNICAL SESSION II

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### Chairperson

Dr Shiv Kumar, former Director,  
National Institute of Nutrition, Hyderabad

### **Food Safety concerns & WHO - FAO's initiatives esp. for the Asian region**

Shri A K Sengupta, NPO, WHO India Office

### **Food safety concerns – Industry perspective**

Shri Abhiram Seth, Head - Exports  
Pepsi Foods Pvt. Ltd.

### **How can India's participation be enhanced in international standard setting process**

Shri D S Chadha, Confederation of Indian Industry

### **How to gear the scientific and expert community in India to give inputs for standard setting in Codex (focus on commodities of export interest)**

Smt. Shashi Sareen, Director,  
Export Inspection Council of India

## **TECHNICAL SESSION II**

**Chairperson – Dr Shiv Kumar, former Director,  
National Institute of Nutrition, Hyderabad**

### **Food Safety concerns & WHO - FAO's initiatives esp. for the Asian region Shri A K Sengupta, NPO, WHO India Office**

Shri Sengupta presented details of the FAO/WHO initiatives undertaken since 1976 for framing guidelines for developing an effective national food control system. The challenges envisaged for national food control programs included addressing issues like increasing burden of food borne illness, rapidly changing technologies in food industry, international food trade, need for harmonization, and the growing consumer awareness of food safety and quality issues. He further detailed specific concerns about food hazards consisting of microbiological hazards, pesticide residues, (mis)use of food additives, chemical contaminants (including biological toxins), adulterations and GMOs among others.

He touched upon certain issues pertaining to the principles of food control like risk analysis, transparency and provisions related to regulatory impact assessment. He further elaborated on issues related to conditions and challenges prevalent in food systems, street foods, food processing industries, food control infrastructure and use of science based decision-making. He informed of the WHO's technical assistance and support in development of a 10 point Regional Strategy for Food Safety in SEARO Region towards promoting methods to prevent food-borne diseases, including application of HACCP System, enhancing food analysis capability, delivery of hygiene training and education programme and enhancing the safety of street food.

He detailed the parameters of the Global Environmental Monitoring System/Food Contamination Monitoring and Assessment Programme (GEMS/Food Diets) that was initiated by WHO. The GEMS program was initiated to assess the levels and trends of potential hazardous chemicals in food and study the impacts of these hazardous chemicals on human health and trade. He detailed the progress under the GEMS program and requested participants to access the GEMS/Food Web site at [Http://www.who.int/foodsafety/chem/acute\\_data/en](http://www.who.int/foodsafety/chem/acute_data/en) for more information.

In the second part of his presentation he touched upon WHO's recent initiative, the International Food Safety Authorities Network (INFOSAN), that was started in 2004. INFOSAN had been developed by WHO in cooperation with FAO to promote food safety information and collaboration among food safety authorities at both, national and international levels. He informed that it had been emphasized in various meetings of WHO the need for improved communication amongst member states on food safety matters. This felt need eventually led to the creation of this network, in March 2004.

Under this network each member state was requested to designate at least one INFOSAN Focal Point and one INFOSAN Emergency Point for dissemination of important information about global food safety issues. The INFOSAN Focal Points are located in health, commerce, agriculture and trade sectors. For INFOSAN Emergency Points, One Contact Point per Country was developed to facilitate rapid and reliable communication with governments. INFOSAN

Emergency Contact Points are created to accept responsibility to facilitate communication of food emergencies. However, these will be activated only during major international incidents.

He detailed the functioning of the WHO INFOSAN Emergency Network that coordinates with the National INFOSAN Emergency Contact Points for national outbreak alert and response system. He informed the progress of the network wherein, till July 2005, 144 countries had designated INFOSAN Focal Points and INFOSAN Emergency Contact Points. External advisory system and a guide for INFOSAN Emergency Contact Points is under development. The development of a secure website for INFOSAN Emergency Contact Points is completed and further information on the network could be obtained from the WHO Website - **[Http://www.who.int/foodsafety/fs\\_management /infosan](http://www.who.int/foodsafety/fs_management/infosan)**

Shri Sengupta concluded his presentation by touching upon the issue of water quality standards and water quality surveillance program, which he hoped, would help the quality of food to improve. He also informed that WHO is working on a water quality laboratory directory for use of the industry and of all stake holders.

### **Food safety concerns – Industry perspective**

**Shri Abhiram Seth, Head-Exports, Pepsi Foods Pvt. Ltd.**

Shri Seth began his presentation by describing the increasing influence of International market supply and demand in the liberalized trade regime on the complex & changing consumer demand patterns. He informed that there was an urgent need for the domestic industry to build competitiveness to face imports and to increase its share in exports in the liberalized trade regime. This leads to a situation that requires benchmarking domestic standards with the global standards. However, he urged that the process of adopting International standards should strictly be based on health and risk assessment in the national context.

He challenged some domain beliefs like potable water sources are fouled in the country, European Union standards for packaged drinking water are believed to be the only benchmark for good “quality”, our food chain is contaminated, since residues in basic foods exceed safe levels, there is a need for “zero residues” in non-essential foods.

He opined for formulation of standards, the fixation of limits should be protective of public health and based on sound scientific principles. It should also be consistent with the widely accepted approaches of setting standards, i.e., limits should be fixed on raw agricultural commodities (RAC) and not on finished products. He pointed out that the process for setting pesticide standards for RAC and that for establishing drinking water limits were substantively different, and should not be interchanged. He suggested that in the case of water, fixing of limits should be based on health risk analysis, as per the WHO guidelines. In conclusion he emphasized that ideal solution for food quality and consumer safety issues could only be achieved through better coordination among all the stakeholders and through sustained capacity building of the industry in respect of setting standards.

## **How can India's participation be enhanced in the international standard setting process**

**Shri D S Chadha, Confederation of Indian Industry**

Shri Chadha outlined a number of measures both at the national level as well as at the International level for enhancing India's participation in international standard setting process. He suggested that India's delegation to the CODEX meetings and other similar meetings should always include relevant technical experts as per the requirement of agenda. A tentative calendar for one year for the shadow committee meetings/commission meetings should be drawn in advance and strictly adhered too. Appropriate budgeting of departments for such Codex meetings/ subsidiary meetings, ensuring continuity, taking stakeholders in delegations and pooling of national resources should be done. There should also be effective lobbying with like-minded Codex member countries, specially with SAARC countries. There should also be information sharing by the regulators with the industry, specially of the problems arising out of WTO and Codex forums in order to develop counterstrategies.

He suggested that all developments on standard setting at International level /Codex should be discussed in CCFS and there should be inter-linkage of subcommittees of CCFS with Codex Shadow committees. He stressed on the need for mandatory participation of all stake holders in finalizing India's position in the international forum. He added that need-based task forces, wherever required, should be constituted with respect to items of Indian concern with mandated time bound results. India should initiate new work of setting standards of ethnic foods in the interest of country. It was suggested that the legislative system should move with the changing scenario and lay more emphasis on horizontal standards in respect of food additives, contaminants etc. He also referred to the problems which arise due to non availability of science based analytical data to support standard setting work, especially in relation to risk elements and categorization of food based on Codex classification. Identification of labs / institutes (Research Institutes, Agriculture Universities, Food Science Institutes) for providing information/ data for Standards setting process was identified as another major hurdle. Lastly, greater coordination between the related government departments was emphasised.

## **Gearing The Scientific & Expert Community In India To Give Inputs For Standard Setting In Codex**

**Smt. Shashi Sareen, Director, Export Inspection Council**

Smt. Sareen touched upon the recent WTO developments that have resulted in dismantling of barriers for free flow of trade & creation of a global market with equal access to all countries. She informed that quality, health & safety issues are getting more & more complex & extending beyond national boundaries. Countries are imposing mandatory requirements to protect health & safety of populations. All these factors have led to the formation of the SPS & TBT agreements. The SPS Agreement refers to Codex standards, which are by and large relied upon in international trade.

She elaborated on the importance of the role of the scientific community in standard setting process and mentioned that scientific community in the country is not involved in the process to the extent required and felt that the scientific community was at times not focusing on issues of current concerns in standards formulation. She detailed some areas such as Cadmium in marine products, lead and aflatoxins in milk, sudan red in spices, wax coating on

fruits, GMOs etc., where involvement of scientific institutions was very important in the standard setting process.

She presented a few suggestions for gearing up the scientific & expert community, to be able to give inputs for Standard Setting in Codex. It was suggested that developing countries like India should address the need to sensitize scientists & experts and get them into the Standards setting process; conduct brainstorming sessions and integrated discussion platforms, both permanent and issue based; carry discussions through electronic forum, open to all interested parties and identify products & type of data required for standards.

It was suggested that to facilitate greater involvement of Scientific Community in the Codex Shadow Committees, the Co chair should be from scientific/expert community and not a bureaucrat, as is otherwise. Dissemination of Indian delegation to Codex report with full details should be widely shared. A specific portal could be created with updated information on each basic issue available for the public. She suggested that more representation of technical experts be provided on policy-making bodies of scientific institutions. Networking between different organizations/ research institutions through MoUs/partnership activities should be encouraged. In conclusion, it was stressed that there was an urgent need to increase meaningful participation and involvement in the international standard setting.

## **Discussion**

During discussion, there was a lengthy debate on domestic industry's perceived lack of transparency exhibited by the government regarding sharing the outcomes at the various SPS committee meetings with the industry. There was a suggestion that relevant ministries should take recourse to preparation of *amicus curie* briefs for such international meetings. Harmonisation of the domestic standards with Codex standards should be an ongoing process both in terms of the number of commodities, as well as increasing the parameters of already harmonised commodities. The absence of any comprehensive database on consumption of any processed/raw foods or a food basket study at the national level was pointed out, which makes the task of doing risk assessment studies difficult. It was suggested that there should be an effort to assess how effective have been the domestic capacity building initiatives being implemented in the country with the help of the various UN and multilateral agencies and the World Bank. It was also suggested that there should be regular feedback on utilization of the financial and for capacity building programs and that must be kept transparent for all stakeholders. Lack of effective coordination of Central Food labs with state labs was also discussed.

## **Presentation Of Summary Of The Workshop - The way forward**

Based on the various suggestions put forward by the speakers and discussion a set of following recommendations emerged from the workshop. The Director, MOHFW after summing up the deliberations of the workshop presented them to the Joint Secretary, MOHFW who assured that the draft recommendations would be considered by the MOHFW and would be taken up further.

1. Need for increased participation / informed participation by various stakeholders in the international standard setting process.
2. Need to conduct countrywide comprehensive study of consumption of food, including processed food, which would facilitate health risk assessment and fixation of standards (scientific data).
3. Need to build capacities among regulators, industry and consumers to understand and implement standards, as well as have a regular and effective feedback mechanism.
4. Need to strengthen National Enquiry Points for SPS to enhance their ability to maintain and analyse data / information and respond quickly.
5. Touchstone for standard should be protection of consumer health (Appropriate Level of Protection to be fixed) and fair trade practices (as distinct from trade promotion).
6. Need for regulation of food products coming through OGL (Proprietary Foods) policy
7. Standards to take into account national needs and regional variations within the country.
8. Lack of transparency in the functioning of SPS Committee (country briefs are not part of proceedings); participation reports of Ministry of Commerce and Ministry of Health in SPS Committee and Codex respectively be shared with stakeholders. The forum of CCFS and other such forums can be utilized for this purpose.
9. Compromise in quality does not lead to sustained profits for industry, hence industry should strive to benchmark its products with Global standards of safety and quality (but at the same time guard against tendency of approximating to all European standards)
10. Residue limits should be prescribed for raw agriculture commodities rather than on finished products
11. Need to focus on the appropriate methodology and its validity for calculating ADIs and MRLs.
12. Indian delegation to international standard setting bodies should formulate their stand based on the views of all stakeholders, need to have adequate budget in all departments, lobbying with like minded members (coordination with SAARC and

ASEAN countries), preparation should be in advance (1 year calendar of Shadow Committee meeting); Codex India Secretariat to be strengthened; CCFS sub-committees be linked to Codex Shadow Committees.

13. Scientific Community should focus on issues of current concerns in standards formulation, particularly in commodities, which are of export interest to us (cadmium in marine products, lead and aflatoxins in milk, Sudan Red in chillies, shelf life studies, wax coating on fruits etc.)
14. CCFS should identify products and data required for undertaking assessment studies and regular discussion should be facilitated through electronic forum.
15. Co-Chair of Codex Shadow Committees should be from specialists/technical experts category.
16. Government should strengthen identified scientific institutions for carrying out Codex work on a regular basis.

### **Summing up and vote of thanks**

**Smt. Rita Teotia, Joint Secretary, Department of Health, MOHFW, GOI**

Smt. Teotia, while summing up and concluding the workshop, observed that the workshop had been able to provide a clearer understanding on the roles and responsibilities of stakeholders and the options available to enhance India's participation in international standard setting process. In doing this, it has to be ensured that the standards should be India centric and acceptable to the masses, while still remain in line with the best global practices. She informed that capacity building for the Codex standards is the fundamental focus within the ministry of health and family welfare and it was heartening to note that India has begun submitting subject specific papers in Codex. She stated that integration of CCFS with Codex should be done and informed that the ministry of health and family welfare would analyse the mechanism for doing so. She also informed that the Codex Shadow Committees and the CCFS composition would be reviewed and if required, they would be made more representative and compact. She stressed on the need for greater coordination between the states with the Centre in order to enhance food safety and quality. With these words she thanked all the speakers and the participants and concluded the workshop.

**National Workshop**  
**Increasing use of Standards and its implementation in**  
**the decision-making processes**

**Ministry of Health & Family Welfare**  
**(In collaboration with WHO India Country Office)**

**27 October 2005, India Habitat Centre (Casuarina Hall), New Delhi**

**AGENDA**

<b>09.00 – 09.30 hrs</b>	<b>Registration</b>	
<b>09.30 – 10.10 hrs</b>	<b><u>INAUGURAL</u></b>	
	Welcome Address	Shri B P Sharma, Joint Secretary, Department of Health, MOHFW, GOI
	Welcome Address	Smt. Rita Teotia, Joint Secretary, Department of Health, MOHFW, GOI
	Theme Address	Dr Paramita Sudharto, Public Health Advisor, WHO India Country Office
	Inaugural Address	Dr S P Agarwal, Director General of Health Services
	Vote of Thanks	Shri Rajesh Bhushan, Director (IH), Department of Health, MOHFW, GOI
<b>10.10 – 10.30 hrs</b>	<b><u>SETTING THE PREMISE</u></b>	
	<b>BACKGROUND OF ISSUES AND CONCERNS</b>	
		Shri Rajendra Mehrotra WHO National Consultant, MOHFW
<b>10.30 – 11.00 hrs</b>	<b>Tea Break</b>	
<b>11.00 – 13.00 hrs</b>	<b><u>TECHNICAL SESSION I</u></b>	
	<b>Chairperson</b> – Shri V K Arora, Addl. DG, Dte.GHS	
	Harmonisation of Indian standards with CODEX Standards	Shri Rajesh Bhushan, Director (IH), Department of Health, MOHFW
	Brief Overview of SPS and TBT Agreements	Dr. D Chattopadhyaya ADG(PFA), MoHFW
	The standard setting process at Codex	Shri A. K. Shrivastav, DADG (PFA)
	Role of Consumer organisations in	Prof. Sri Ram Khanna, VOICE

Standard setting & implementation

**Discussion**

**13.00 – 14.00 hrs Lunch Break**

**14.00 – 15.30 hrs TECHNICAL SESSION II**

**Chairperson** – Dr Shiv Kumar, former Director, National Institute of Nutrition, Hyderabad

Food Safety concerns & WHO - FAO's initiatives esp. for the Asian region

Shri A K Sengupta, NPO,  
WHO India Office

Food safety concerns – Industry perspective

Shri Abhiram Seth, Head Exports  
Pepsi Foods Pvt. Ltd.

How can India's participation be enhanced in international standard setting process

Shri D S Chadha,  
Confederation of Indian Industry

How to gear the scientific and expert community in India to give inputs for standard setting in Codex (focus on commodities of export interest)

Smt. Shashi Sareen, Director,  
Export Inspection Council of India

**Discussion**

**15.30 – 16.00 hrs Tea Break**

**16.00 – 15.00 hrs CONCLUDING SESSION**

Discussion

Presentation Of Summary Of The Workshop - The way forward

Summing up & Vote of Thanks by Joint Secretary

## Annexure 2.

### **Text of the speech of Dr S P Agarwal, Director General of Health Services, MoH&FW**

It gives me immense pleasure to be part of this deliberation today since the subject of Standards and their implementation in decision-making processes is of crucial importance. Standards and their implementation have a major bearing on the health sector, covering areas of disease centre, food safety and technical regulations and standards of pharmaceutical & biological products.

The number of standards and regulations is constantly increasing in most countries because of the expansion in volume, variety and technical sophistication of products manufactured and traded. Nowadays, standards and regulations, particularly in the food products and drugs aim at complying with a variety of aims and tasks, viz.,

- Minimizing risks
- Providing information to consumers about the characteristics of products
- Providing information to producers about market needs and expectations facilitating market transactions
- Raising efficiency and contributing to economies of scale
- Serving as benchmarks for technological capability etc.

Standards and regulations respond also to growing public demand, often voiced by consumer associations and environmental groups, to have in the market products which have minimum detrimental effect on the environment, display clear information regarding their possible impact on health and respond to high quality requirements. Because the tasks that standards and regulations aim to achieve have expanded and deepened, the number of interested parties involved in setting-up standards and regulations is also increasing, with the participation of groups such as consumer organisations and environmental organizations, which were not previously involved in these activities.

The Agreement on the Application of Sanitary and Phytosanitary Measures, the SPS agreement, sets out the basic rules for food safety and animal and plant health standards. It allows countries to set their own standards. Member countries are also encouraged to use international standards, guidelines and recommendations where they exist. However,

members may use set higher standards or different standards from those set by international bodies such as CODEX, if there is sufficient scientific justification. They can also set higher standards based on appropriate assessment of risks so long as the approach is consistent, not arbitrary.

The SPS Agreement encourages countries to use international standards as a basis for their regulations. The Agreement explicitly refers to three standard-setting international organisations:

- FAO/WHO Codex Alimentarius Commission – for food safety;
- International Office of Epizootics (OIE) – for animal health; and
- International and regional organisations operating within the framework of the FAO International Plant Protection Convention (IPPC) – for plant health.

The main goal of the SPS Agreement is to prevent domestic SPS measures having unnecessary negative effects on international trade and their being misused for protectionist purposes. However, the Agreement fully recognizes the legitimate interest of countries in setting up rules to protect food safety and animal and plant health.

A major purpose of this Agreement is also to reduce the possible arbitrariness of governments' decisions in the field of sanitary and phytosanitary measures by clarifying which factors should be taken into account when imposing health protection measures. In particular, measures taken to ensure food safety and animal and plant health should be based on the analysis and assessment of objective and accurate scientific data. At the same time, the SPS Agreement encourages consistent and transparent decision-making in determining an appropriate level of health protection. It requires that potentially trade-restrictive measures be applied for no other purpose than that of ensuring food safety and animal and plant health, and do not result in unjustified barriers to trade.

As per India's mandate for food safety, Ministry of Health administers the same through the Prevention of Food Adulteration Act (PFA). In Constitution, although this is a concurrent list subject, the PFA visualizes the setting up of policy in this area.

In this context, all stakeholders perform Standard setting process achieved by the Central Committee for Food Safety (CCFS), which is headed by me. The CCFS involves representation from other ministries, research institutes, State governments, and industry and consumer organisations. The CCFS further has subject-specific sub-Committees, which are also multi stakeholder in their composition.

On the recommendation of the CCFS, the ministry notifies the draft standards on which comments and suggestions are invited and analysed, based on which Standards are made.

As per the obligations under the WTO's Agreement on the Application of Sanitary and Phytosanitary Measures, all WTO Member governments must maintain an Enquiry Point, with an office designated to receive and respond to any requests for information regarding that country's sanitary and phytosanitary measures. Such requests may be for copies of new or existing regulations, information on relevant agreements between two countries, or information about risk assessment decisions. Governments must also set up offices, called "enquiry points", whose task is to provide to their trading partners any information requested on the application of food safety and animal and plant health regulations, the existence of equivalence agreements, or information on risk assessment procedures and decisions. The Ministry of Health is the national enquiry point for food safety and CODEX related issues.

As I note from the programme details, many important issues are going to be discussed. I hope that the discussions would be extremely fruitful and lead to a better understanding of the course to be adopted for improving health outcomes.

Thank you.

## **POWER POINT PRESENTATIONS**

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### **Setting the premise**

#### **BACKGROUND OF ISSUES AND CONCERNS**

Shri Rajendra Mehrotra, WHO National Consultant, MOH&FW

### **Technical Session I**

#### **Brief Overview of SPS and TBT Agreements**

Dr. D Chattopadhyaya, ADG(PFA)

#### **Harmonisation of Indian standards with CODEX Standards**

Shri Rajesh Bhushan, Director (IH), MOHFW

#### **The standard setting process at Codex**

Shri A. K. Shrivastav, DADG (PFA)

### **Technical Session II**

#### **Food Safety concerns & WHO - FAO's initiatives esp. for the Asian region**

Shri A K Sengupta, NPO, WHO India Office

#### **Food safety concerns – Industry perspective**

Shri Abhiram Seth, Head - Exports, Pepsi Foods Pvt. Ltd.

#### **How can India's participation be enhanced in international standard setting process**

Shri D S Chadha, Confederation of Indian Industry

#### **How to gear the scientific and expert community in India to give inputs for standard setting in Codex (focus on commodities of export interest)**

Smt. Shashi Sareen, Director, Export Inspection Council of India

**Acronyms and abbreviations used**

MOHFW	Ministry of Health & Family Welfare
DGHS	Director General of Health Services
Dte. GHS	Directorate General of Health Services
WHO	World Health Organisation
SPS	Agreement on the Application of Sanitary and Phytosanitary Measures
TBT	Agreement on Technical Barriers to Trade
CAC	Codex Alimentarius Commission
WTO	World Trade Organisation
OIE	International Office of Epizootics
IPPC	International and regional organisations operating within the framework of the FAO International Plant Protection Convention
PFA Act	Prevention of Food Adulteration Act
INFOSAN	International Food Safety Authorities Network
GEMS	Global Environmental Monitoring System
CCFS	The Central Committee for Food Standards
VOICE	Voluntary Organisation in Interest of Consumer Education
RAC	Raw Agricultural Commodities
MRL	Maximum Residual Level

**LIST OF PARTICIPANTS**

<b>S. No.</b>	<b>Name of the participant</b>	<b>Organisation</b>
1.	Dr. S P Agarwal	Directorate General of Health Services, MOHFW
2.	Smt. Rita Teotia	Ministry of Health & Family Welfare
3.	Mr. Rajesh Bhushan	Ministry of Health & Family Welfare
4.	Dr. Paramita Sudhartop	WHO India Country Office, New Delhi
5.	Mr. Rajendra Mehrotra	Ministry of Health & Family Welfare
6.	Dr. D. Chattopadhyay	Directorate General of Health Services, MOHFW
7.	Mr. A. K. Shrivastava	Directorate General of Health Services, MOHFW
8.	Dr. Sri Ram Khanna	VOICE, New Delhi
9.	Mr. A K Sengupta	WHO India Country Office, New Delhi
10.	Mr. Abhiram Seth	Pepsi Foods Pvt. Ltd., Gurgaon
11.	Dr. D. S. Chaddha	CII, New Delhi
12.	Smt. Shashi Sareen	Export Inspection of India, New Delhi
13.	Mr. Ujjwal Kumar	Ministry of Health & Family Welfare, New Delhi
14.	Mr. A Kumar	UNESCO Chronicle, New Delhi
15.	Mr. S Singh	UNESCO Chronicle, New Delhi
16.	Ms. Anagha Khot	WHO India Country Office, New Delhi
17.	Mr. S. Dave	APEDA, New Delhi
18.	Mr. Vijay Sardana	CITA, New Delhi
19.	Mr. Piyush Mohapatra	Gene Campaign, New Delhi
20.	Mr. K. L. Radhakrishnan	All India Food Processors' Association, New Delhi
21.	Ms. Renuka Taimini	FAO, New Delhi
22.	Dr. Sachin Chaturvedi	RIS, New Delhi
23.	Mr. Bijaya Kumar Sahu	RIS, New Delhi
24.	Dr. Shyama Nagrajan	ICRA Ltd., New Delhi
25.	Dr. Harendranath Dwibedi	Tea Board, Kolkata

26.	Ms. Lopa Guha Mazumdar	Dabur Research Foundation
27.	Dr. A. K. Popli	BIS, New Delhi
28.	Mr. J. N. Raj	Coffee Board, Bangalore
29.	Dr. Surabhi Mittal	ICRIER, New Delhi
30.	Dr. Garima Malik	ICRIER, New Delhi
31.	Dr. Arpita Mukherjee	ICRIER, New Delhi
32.	Dr. Prathapatim Pal	ICRIER, New Delhi
33.	Mr. S. K. Mohapatra	MOHFW, New Delhi
34.	Mr. Prabhat Kumar	MOHFW, New Delhi
35.	Mr. R. Mohan Kumar	MOHFW, New Delhi