**CODEX COMMITTEE ON METHODS OF**

**ANALYSIS AND SAMPLING**

**(Thirty-fourth Session)**

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

**The Republic of Korea’s Comments on**

**Proposed Draft Principles for the Use of Sampling and Testing**

**in International Food Trade**

**(Agenda Item 4)**

Republic of Korea would like to submit the following comments on the Commentary of Proposed Draft Principles:

**(1) Principle 1: Agreements before initiating trade**

The Republic of Korea has a concern over comments made by Hungary, which is about reserve sample in preparation of potential conflicts subsequently following a sampling prior to shipment.

*Specifications regarding the retention of reserve samples by the importing country for the purposes of resolving disputes*

[Hungary: ~~reserve sample(s) should be taken before the shipment and stored by the exporter(supplier). Alternately an A/RL could also be specified and applied at the importer side. Good example for this is the EC regulation specifying 50% uncertainty on the results of pesticide residue analysis (lots are rejected if the residue measured in the sample is larger than times the MRL. Ideally, if the A/RL is properly selected at the producer/exporter side no sample taken from a compliant lot should contain residue above the importers A/RL.~~]

*Rationale* : In many countries including Korea, the government does not conduct sampling or inspection upon every exporting goods. Thus, it is difficult for the exporting country and the importing country to clearly specify or agree upon sample identification, the allocation of the responsibility for sample preservation and/or the method of sampling.

Moreover, in the event where trading nations disagree on sampling or analysis, such disagreement may be resolved in accordance with ‘*Dispute Settlement Guideline*’ of CCMAS.

**(2) Principle 2: Transparency**

The Republic of Korea do not agree with Cuban comments stating that exporting and importing countries shall apply on the identical sampling procedure and portions to the lot, consignment, container, freight and production day.

[CUBA: In order to minimize the inconveniences that can be caused by the application of different ways to identify production lots or consignments in the original country (exporter) with respect to inspected lots or consignments in the destination country (importer), which becomes frequently, a serious problem, ~~the exporter and the importer should apply the same sampling procedures, to the same portions of the commodity (lot, consignment, container, hold of ship, production date, etc.) and identical or equivalent testing methods must be used.~~ These situations should be very well stated and clarified in the previous agreements before initiating trade to make possible the quality results' comparison of commodities produced in origin and inspected in destination.]

*Rationale* : Comments made by Cuba is not relevant to the matter of transparency. Furthermore, it does not conform with *General Guideline on Sampling*(CAC/GL 50-2004), which stipulates that the selection of sampling plan is subject to the responsibility of the importing nation if exporting and importing nations fails to reach an agreement after an agreement between the two countries upon sampling is first recommended.

(3) **Principle 4: Consumers' Risk and Producers' Risk**

The Republic of Korea requests to delete the principle 4.

*Rationale* : This principle must conform to the principles developed by CCFICS, and it should be reviewed in order to prevent repetitious work. In the event where a conflict arises between the producer’s risk in exporting country and the consumer’s risk in importing country, it may be resolved in accordance with ‘*Dispute Settlement Guideline’* of CCMAS.

However, if this principle 4 could not be deleted, the Republic of Korea suggests that presented comment can be changed as following.

*An importing country's overall risk management strategy, of which sampling and testing at the border is one of a number of measures used to manage risk,* ***may*** *take account of the exporting country's risk management strategy*

*Rationale* : Importing country is responsible for protecting consumers by its risk management strategy. Importing country may consider the strategy developed by exporting country when necessary.