

codex alimentarius commission



FOOD AND AGRICULTURE
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Agenda Item 5

**CONFERENCE ROOM
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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS

Tenth Session

Brisbane, Australia, 25 February – 1 March 2002

PROPOSED DRAFT GUIDELINES ON THE JUDGEMENT OF EQUIVALENCE OF TECHNICAL REGULATIONS ASSOCIATED WITH FOOD INSPECTION AND CERTIFICATION SYSTEMS

MEXICO COMMENTS AT STEP 3

Secretariat Note:

These comments replace those reproduced in CX/FICS 02/5 – Add 1.

Comments on CX/CCFICS 02/5 “Proposed Draft Guidelines on the Judgement of Equivalence of Technical Regulations Associated with Food Import and Export Inspection and Certification Systems”.

General Comments:

For the **Spanish language version**, we suggest the use of “**requisitos técnicos**” (“**technical requirements**”) in the title of the aforementioned document appearing in the front cover page.

We suggest the incorporation of the following considerations throughout the document¹.

- That the technical requirements set down comply with the Codex objectives (protection of human health and fair trading practices) and that they do not become obstacles to trade.
- That the parties establish the process of equivalence determination upon agreement.

¹ Consideration must be given to Mexico’s comments on the “*Appendix III Draft Guidelines on the Judgement of Equivalence of Sanitary Measures associated with Food Inspection and Certification Systems*”.

- That it shall not restrict any trading schemes or mechanisms already in place or that their implementation be agreed upon as soon as equivalence is determined.
- The absence of an equivalence agreement shall not constitute reason to restrict the trading of products.
- That the process of determination of equivalence must be agreed to upon a broad basis for negotiation and must not be the result of a unilateral decision through which the exporting country is a mere provider of information.
- That the negotiation process implies an open dialogue between the importing country and the exporting country, with the presentation of arguments, questions, debate, presentation of evidence, joint evaluation and agreed determination, taking into account throughout the process, where possible and reasonable, the opinion of all interested parties
- That in order to facilitate the process of determination of equivalence of sanitary measures, and to prevent the process from becoming an obstacle which restricts food trade, the decision to evaluate solely those elements within the inspection and certification system associated with the product intended for trade should be considered, elements which enable the determination whether the ALOP being provided through the application of such measures is at least the ALOP established by the importing country.

- That countries define, within the context of the agreement under consideration, those elements of the inspection and certification systems which may be relevant for examination and evaluation in order to determine equivalence.

Furthermore, we suggest an amendment to the procedure for equivalence determination so that the process becomes an act of balanced negotiation amongst the parties.