

# CODEX ALIMENTARIUS COMMISSION



Food and Agriculture  
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Agenda item 6

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## JOINT FAO/WHO FOOD STANDARDS PROGRAMME CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS

Twenty-third Session

### DISCUSSION PAPER ON THE USE OF SYSTEM EQUIVALENCE

Comments of El Salvador, European Union, Kenya, Nicaragua, Philippines and Thailand

#### El Salvador

El Salvador apoya la propuesta que del GTe y apoya que se continúe el documento de trabajo.

#### European Union

The European Union and its Member States (EUMS) would like to thank New Zealand, the United States and Chile for leading the work on revising the discussion paper and the project document on systems equivalence.

The revised paper addresses the comments made at the last session of the Committee. The EUMS consider the proposed new guidance would be mutually useful for importing and exporting countries as it could reduce unnecessary trade restrictions and save resources of competent authorities. Therefore, while acknowledging challenges in developing the proposed guidance, the EUMS support the new work as proposed in the project document.

#### Kenya

Kenya would like to thank the EWG led by New Zealand, USA and Chile for preparing this discussion paper. We do support this discussion paper on – “possible development of guidance on the use of systems equivalence” and support Codex to undertake this new work. This will facilitate trade and to free up resources in both importing and exporting countries alike. Such resources could then potentially be targeted to manage more pressing areas of risk.

#### Nicaragua

Tema de Agenda 6: “Documento de trabajo referente a la posible elaboración de orientación sobre el Uso de Equivalencia de sistemas”

#### **Comentarios generales**

CODEX Nicaragua agradece a los participantes del Grupo de Trabajo Electrónico por la elaboración del documento y por brindarnos la oportunidad de presentar comentarios respecto a la propuesta.

#### **Comentarios específicos**

Nicaragua apoya el desarrollo de la orientación sobre el uso de equivalencias de sistemas, como complemento de los textos actuales desarrollados a través del CCFICS respecto al tema (CAC/GL 26-1997 y CAC/GL 39-1999).

Se considera que la complejidad del tema, principalmente para Sistemas Nacionales de Control de Alimentos en proceso de consolidación, justifica la necesidad del desarrollo de una orientación que sirva de referencia para las autoridades competentes.

De igual manera se apoya el establecimiento de un Grupo de Trabajo Electrónico (Gte), en el que participen países desarrollados y en vías de desarrollo.

## Philippines

The Philippines expresses its support in developing a supplementary guidance document for the conduct of systems equivalence. As there are several Codex documents on this issue, the new document should be consistent with existing texts and provide practical guidance on its implementation.

## Thailand

Thailand would like to express our appreciation for efforts of an electronic working group led by New Zealand, the United States of America and Chile for preparing a discussion paper on the Possible Development of Guidance on the Use of Systems Equivalence (CX/FICS 17/23/6).

Our comments on the mentioned document are as follows:

### **General Comments**

1) As our comments presented through the discussion of this matter, the “Guidelines for the Development of Equivalence Agreements Regarding Food Import and Export Inspection and Certification Systems (CAC/GL 34-1999)” provides sufficient principles for the development of equivalence that can be used as a framework for the development of guidance on the use of systems equivalence. Therefore, we believe that the development of new guidance should be intended and able to facilitate the use of existing CAC/GL 34-1999.

2) In order to assist further facilitation of international food trade, and to be within the ToR of CCFICS which is focusing of food import and export inspection and certification systems, the scope of proposed guidance should consider and focus in the area of system equivalence development for food import and export.

The new guidance should not be a stand-alone document; however it should be further guidance to CAC/GL 34-1999 intended to provide more explicit recommendations and understanding for development of system equivalence.

### **Specific Comments**

#### • Introduction

##### - paragraph 8

1) An exporting country, under its national food control system, and by the conducting of a system equivalence should be able to ensure that its exported products deliver the some safety level as for importing country. However, the scope and principles of system equivalence should be clear that the application is only to imported and exported products. Taking into account our previous comments, therefore, we would like to propose recommendations to revise paragraph 8 to read:

“8. The concept of equivalence can be applied when evaluating whether any measure or set of measures applied by an exporting country achieve the same level of effect as the corresponding measures applied by the importing country (measure by measure equivalence). **Alternatively it can be applied at the system level when evaluating whether the overall design and functioning of a food control system, in whole or in part of an exporting country for exported product(s) is likely to deliver a comparable overarching level of consumer protection (systems equivalence).**”

2) Moreover, the text should clearly describe that 8a) is an example of equivalence of sanitary measures relating to food safety in SPS agreement; meanwhile 8b) is an example of equivalence of technical regulations in TBT agreement. Or, to be consistent, if SPS is not inserted in 8a), the word “TBT” should be removed from 8b).

#### • **Considerations of requests for system equivalence associated with whole or parts of NFCS**

##### - Paragraph 44

“Sub paragraph g” that is additionally inserted is considered not a main aspect, but a step of a process of consideration of system equivalence, so it should be moved to be added to “sub paragraph f”.

#### • **Project Document**

##### - Section 1: Purpose and scope of the proposed standard

1) According to our previous comments, this section should be revised to be consistent with paragraph 8.

2) Clarification is requested for the word “technical outcomes”.

3) To be clear, additional text should be added to provide more explanation that the new guidance will be an appendix to **one of the** related **existing** CCFICS texts such as CAC/GL 34-1999.

Therefore, this section should be revised to read:

“The purpose of the work is to provide guidance to competent authorities of importing and exporting countries on the use of systems equivalence **to develop equivalence agreement regarding food import and export to recognition** as a means to further facilitate **protection of the health of consumers and ensuring fair practices in** the food trade. It is intended to cover situations where it can be reasonably expected that the **national** food control system (**NFCS**) of the exporting country will, on an ongoing basis, likely reliably deliver food that meet **similar** over all human health, food suitability and technical outcomes as achieved within the importing country. The scope of the guidance is.....for the recognition of the equivalence of the whole or part of its NFCS.

**This guidance could be an appendix to one of the related existing CCFICS text (e.g. CAC/GL 34-1999).”**