

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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Agenda Item 1, 2, 3, 4 and 5

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS

Twenty-Sixth Session

(Comments of Mauritius)

AGENDA ITEM 1: ADOPTION OF THE AGENDA (CX/FICS 23/26/1)

Mauritius supports adoption of the provisional agenda as proposed.

AGENDA ITEM 2: MATTERS ARISING FROM THE CODEX ALIMENTARIUS COMMISSION AND ITS SUBSIDIARY BODIES (CX/FICS 23/26/2)

Mauritius notes the matters and information arising from the Codex Alimentarius Commission and its subsidiary bodies, including:

Adopted standards and related texts a) Principles and Guidelines for the Assessment and Use of Voluntary Third Party Assurance (vTPA) Programmes (CXG 93-2021)

b) Guidelines on Paperless Use of Electronic Certificates (Revised Guidelines for Design, Production, Issuance and Use of Generic Official Certificates, CXG 38-2001).

Approved new work items and project extensions a) Guidance on the prevention and development of principles b) Guidelines on the use of remote audit and verification in regulatory frameworks c) Extension of the timeline for completion of work on the proposed draft guidelines on recognition and maintenance of equivalence of National Food Control System to CCFICS26

Mauritius further notes and supports, among others:

- the recommendation by CAC44 for continued interpretation of Rule XI (7) and (8) of the Procedural Manual in a manner that includes a virtual setting with respect to sessions of Codex Subsidiary Bodies including CCEXEC and that application of this should take into consideration of the criteria outlined by CCEXEC80. This provides the opportunity for wider participation of Member States and Observers in Codex Committee meetings;
- ongoing work by CCEXEC on the guidance for Chairpersons and Members on the operationalization and consistent application of the Statements of principle (SoP) concerning the role of science in the Codex decision-making process and the extent to which other factors are taken into account;
- celebrations for the 60th Anniversary of the Codex Alimentarius (Codex @60) with the theme "Food standards save lives", a wonderful occasion to raise awareness about food safety and quality; • consideration of New Food Sources and Production Systems (NFPS) as an important topic in the development of international standards aimed at protecting consumer health and ensuring fair practices in the food trade; and
- the monitoring mechanisms for the use and impact of Codex Standards

AGENDA ITEM 3: INFORMATION ON ACTIVITIES OF FAO AND WHO AND OTHER INTERNATIONAL ORGANIZATIONS RELEVANT TO THE WORK OF CCFICS (CX/FICS 23/26/3)

Mauritius notes the information on activities of FAO and WHO and other international organizations relevant to the work of CCFICS. We also acknowledge the ongoing development activities throughout Africa and the world such as: assessment and strengthening of National Food Control Systems (NFCSs); support for development of legal and policy work for food safety; support to risk-based inspection activities; integration and use of the risk analysis paradigm into food control activities; and Codex Trust Fund (CTF) capacity development activities.

AGENDA ITEM 4: PROPOSED DRAFT GUIDELINES ON RECOGNITION AND MAINTENANCE OF EQUIVALENCE OF NATIONAL FOOD CONTROL SYSTEMS (NFCS) (CX/FICS 23/26/4) AT STEP 3

Mauritius thanks the Chair and Co-chairs for taking the lead in developing the draft guidelines on recognition and maintenance of equivalence of National Food Control Systems (NFCS). We further note the extensive work undertaken by the working groups and previous sessions of CCFICS and thus in principle support the accelerated advancement of the draft guideline to steps 5/8 within the step process. Mauritius has also submitted its comment on the document via the OCS system.

AGENDA ITEM 5: PROPOSED DRAFT CONSOLIDATED CODEX GUIDELINES RELATED TO EQUIVALENCE (CX/FICS 23/26/5) AT STEP 3

Mauritius thanks New Zealand (Chair) and the United States of America and Kenya (Co-chairs) for the progress made in advancing the draft consolidated Codex guidelines on equivalence. Cognizant of the improvements made on the draft guideline, Mauritius supports progression of the development of the draft text and its presentation at CCFICS27. To further improve the document, Mauritius recommends consideration of the comments below:

Section 1

Para 1: “between two countries” could be replaced by “two groups of countries” in case trading blocs are negotiating

Para 5: “These guidelines are intended to also be read in conjunction with other existing Codex text” to correct as Codex **texts**

Section 2 (Purpose/Scope) Mauritius proposes splitting the Purpose and Scope into two separate sections with paragraph 6 as the Purpose and paragraph 7 as the Scope.

The Scope and Purpose serve different functions in a standard/guideline and given that the consolidated guidelines bring together texts from several Codex texts on equivalence that use scope or purpose interchangeably, separation of the two will serve to provide clarity.

Section 3 – Definitions

Definition of sanitary measure Comment: Mauritius proposes revision of the definition for sanitary measure to read as follows: Any measure applied to protect human life or health within the territory of the country from risks arising from additives, contaminants, toxins or disease-causing organisms in food or feedstuffs, or from risks arising from diseases carried by foods obtained from animals and plants or from risks arising from any other hazards in foods (Adapted from CXG 53:2003).

The definition provided in the draft consolidated guidelines is limiting and excludes other key elements of a Food Control System. In addition, inclusion of foods obtained from animal and plants will align the guideline to the One Health Approach that calls for collaborative efforts to ensure optimal health for people, animals and the environment.

Section 4: Principles – Demonstration of equivalence

Mauritius proposes retention of Demonstration of Equivalence as a separate principle. In addition, Mauritius proposes realignment of the principles so that all principles related to equivalence are close together. Therefore, “Demonstration of Equivalence” should be the 2nd principle. In addition, the realignment will improve coherence and sequential flow of related information.

The addition of a principle emphasizing the use of proportionality by the importing country as the 3rd principle is being proposed, to read:

Appropriate Level of Sanitary Protection The importing country is obligated to ensure that measures are only applied to the extent necessary to achieve their level of protection relative to the bilateral risks.

Rationale: To provide a balancing statement/principle in obligations for both the importing and exporting countries.

Section 4: Principles – Technical assistance / Regulatory co-operation

Mauritius proposes deletion of the phrase “less developed” in the text to read: Importing countries should, upon request, consider providing technical assistance to an exporting developing country, to facilitate the assessment and recognition of equivalence.

Rationale: For consistency with the language in Article 9 of the WTO SPS Agreement.

Section 5 - Initial discussions, Experience Knowledge and Confidence (Para 18, 2nd last bullet) Mauritius proposes that reference be made to relevant international standards/guidelines/ recommendations instead of referring to only ISO guidelines, to read: • the alignment with relevant international standards, guidelines, recommendations, and conformity assessment practices; and/or Rationale: This is to ensure consistency with the WTO SPS Agreement and to not limit the applicable “standards/guidelines” to ISO guidelines.

Section 7:

Addition of information relating to maintenance of an equivalence recognition Comment: Mauritius supports the proposal to add a separate section relating to maintenance of an equivalence recognition. CXG 34:1999, Para 23 in addition to the text provided in section 7 can offer guidance Rationale: To provide guidance on how countries can maintain established equivalence agreements.

Appendix 1 on whether a flow diagram is useful Comment:

Mauritius supports the provision of a flow diagram for the stages of the equivalence recognition process.

Rationale: A flow diagram provides an easy to understand overview of the different stages of the equivalence recognition process.

Absence of a text on the course of action when the final decision for establishment of equivalence is negative. Mauritius would like some guidance on the next steps when the final equivalence decision is negative. Recommendation: Alternatively, addition of a text guiding the course of action in the event that the final equivalence decision is negative is being proposed under step 6. The text in Para 35 of CX/FICS 23/26/4 could be considered i.e. In the case where the exporting country's NFCS or the relevant part is assessed as not equivalent, the two countries may, if they wish, agree to a plan and timeframe for the exporting country to provide any additional information or controls for the identified parts of the NFCS that were determined not to be equivalent. Subsequent additional information should be reviewed by the importing country without requiring all aspects of the assessment process to be repeated. The importing country should document the final assessment conclusions and the associated rationale.

Rationale: To guide both the importing and exporting countries on the course of action in the event that the final decision is negative.